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

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Title 3—The President

PROCLAMATION 4401

Drug Abuse Prevention Week, 1975

By the President of the United States of America

A Proclamation

The spread of drug abuse across the country continues to threaten the quality of our national life by destroying individual lives, dividing families and disrupting the social structures of our cities and communities.

The economic cost alone, in terms of lost productivity, narcotics-related crime and drug abuse prevention programs, is estimated to be in excess of $10 billion a year. The toll of human suffering is beyond measure.

The Federal Government, with the cooperation of States, municipalities and concerned community groups, has made marked progress in the last six years. Together, we have reduced both the supply and demand for drugs through vigilant law enforcement and humane treatment and rehabilitation programs. But, unfortunately, the prevalence and incidence of drug abuse remains high. Cities which only two years ago were reporting a decline in heroin use are now reporting an increase, and the demand for treatment continues to rise. These signs must be read realistically as clear signals of danger ahead. This danger is of such national significance that we must dedicate ourselves anew to the task of safeguarding the country against the consequences of drug abuse.

An important focus for our effort must be on developing the self-esteem which is the key to preventing drug abuse and other forms of destructive behavior. Prevention programs which address the broad developmental needs of children and youth and which respond to all the favorable social factors that affect young people offer the best promise of helping solve a range of youth problems, including drug abuse.

Successful prevention programs, however, cannot function in isolation. Experience has taught us that in all programs where prevention efforts have been successful, the local community has been a vital part of program planning, management and financial support.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate and proclaim the week beginning October 19, 1975, as Drug Abuse Prevention Week, 1975.

I call upon officials of every level of government, upon educators, medical professionals, communicators, upon business communities, our civic groups, the churches and their clergy, and upon all who bear the

trust of community leadership to rededicate themselves during this designated week to the prevention of drug abuse in America.

I ask for a coordinated community response in the conduct of drug prevention programs. Where that coordinated response exists, let us reaffirm it, and where it is absent, let us build it.

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

Gerald R. Ford

[FR Doc.75-28524 Filed 10-20-75;10:37 am]

Executive Order 11886 • October 17, 1975

Abolishing the Culebra Island Naval Defensive Sea Area Established by Executive Order No. 8684 [1]

By virtue of the authority vested in me by section 2152 of Title 18 of the United States Code, and as President of the United States of America, and as Commander-in-Chief of the Armed Forces, in order to abolish the Culebra Island Naval Defensive Sea Area, since the United States Navy ceased using targets on the island of Culebra, Puerto Rico on July 1, 1975, and terminated all weapons training activities in the vicinity of Culebra on September 30, 1975, and since the Culebra Island Naval Airspace Reservation has, at the request of the United States Navy, been revoked by the Federal Aviation Administration (14 CFR Part 73.71; 40 FR 45804), Executive Order No. 8684 of February 14, 1941, as amended, is hereby revoked.

Gerald R. Ford

THE WHITE HOUSE,
October 17, 1975.

[FR Doc.75-28546 Filed 10-20-75;11:08 am]

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[1] 6 FR 1016; 3 CFR, 1938-1943 Comp., p. 895.

Memorandum of October 10, 1975

Military Sales to the Government of Turkey

[Presidential Determination No. 76-4]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, October 10, 1975.

Pursuant to the authority vested in me by section 2(b)(1)(A) of the Act of October 6, 1975 to authorize appropriations for the Board of International Broadcasting for fiscal year 1976; and to promote improved relations between the United States, Greece, and Turkey, to assist in the solution of the refugee program on Cyprus, and to otherwise strengthen the North Atlantic Alliance, I hereby determine and certify that

a) The furnishing to the Government of Turkey of those defense articles and defense services with respect to which contracts of sale were signed under section 21 or section 22 of the Foreign Military Sales Act on or before February 5, 1975; and

b) The issuance of licenses for the transportation to the Government of Turkey of arms, ammunition, and implements of war (including technical data relating thereto),

are important to the national security interests of the United States.

You are requested on my behalf to report this determination and certification to the Congress as required by law.

This determination and certification shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75-28419 Filed 10-17-75;2:38 pm]

rules and regulations

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

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

Title 7—Agriculture

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

[Valencia Orange Reg. 519, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 10–16, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have take place in the marketing situation since the issuance of Valencia Orange Regulation 519 (40 FR 47476). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), and (ii) of § 908.819 (Valencia Orange Regulation 519 (40 FR 47476) are hereby amended to read as follows:

§ 908.819 Valencia Orange Regulation.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 163,000 cartons;

(ii) District 2: 362,000 cartons.

* * * * *

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

Dated: October 15, 1975.

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

[FR Doc.75-28278 Filed 10-20-75;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 714—ADMINISTRATION CLAIMS UNDER FEDERAL TORT CLAIMS ACT

OCTOBER 14, 1975.

The Energy Research and Development Administration (ERDA) has affirmed and continued in effect the pertinent rules and regulations of the Atomic Energy Commission, Title 10 CFR, Chapter I, Parts 0 through 170, as a result of the Energy Reorganization Act of 1974, Pub. L. 93-438 (40 FR 3242, January 20, 1975). Such rules and regulations have been redesignated as Parts 700 through 870 respectively of Chapter III of Title 10. (40 FR 8794, March 3, 1975) Under the redesignation, Part 14 of 10 CFR, "Administrative Claims Under Federal Tort Claims Act," became Part 714 of Title 10 Chapter III.

Part 714 is now revised and is presented in full text. It implements the Federal Tort Claims Act, 28 U.S.C. 2672, et seq., and contains the ERDA regulations applying to claims under the Federal Tort Claims Act for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of ERDA while acting within the scope of his office or employment. It also assigns responsibilities to ERDA officers with respect to certain of these matters.

Because this revised Part 714 is a statement of ERDA procedures, the provisions of 5 U.S.C. 553 requiring advance notice of proposed rulemaking and opportunity for public participation do not apply.

While these regulations are effective on the date of publication, interested persons who desire to submit written comments or suggestions for consideration in connection with such regulation should send them on or before January 19, 1976 to the General Counsel, Energy Research and Development Administration, Washington, D.C. 20545.

Effective date: October 21, 1975.

R. TENNEY JOHNSON,
General Counsel.

Subpart A—General

Sec.
714.1 Scope of regulations.

Subpart B—Procedures

714.2 Administrative claim; when presented; appropriate office.
714.3 Administrative claim; who may file.
714.4 Investigation.
714.5 Administrative claims; evidence and information to be submitted.
714.6 Authority to adjust, determine, compromise, and settle.
714.7 Limitation on authority.
714.8 Referral to Department of Justice.
714.10 Final denial of claim.
714.11 Action on approved claims.

AUTHORITY: Sec. 1(a), 80 Stat. 306, 28 U.S.C. 2672; 28 CFR Part 14.

Subpart A—General

§ 714.1 Scope of regulations.

(a) These regulations shall apply only to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury of death caused by the negligent or wrongful act or omission of any employee of the Energy Research and Development Administration while acting within the scope of his office or employment.

(b) The terms "Energy Research and Development Administration," "ERDA," and "Administration" as used in this part mean the agency established by Title I of the Energy Reorganization Act of 1974, but do not include any contractor of the Energy Research and Development Administration.

(c) The regulations in this part supplement the Attorney General's regulations in Part 14 of Chapter 1 of Title 28, Code of Federal Regulations, as amended. Those regulations, including subsequent amendments thereto, and the regulations

in this part apply to the consideration by the ERDA of administrative claims under the Federal Tort Claims Act.

Subpart B—Procedures

§ 714.2 Administrative claim; when presented; appropriate office.

(a) For purposes of these regulations, a claim shall be deemed to have been presented when ERDA receives, at a place designated in paragraph (b) of this section, an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to ERDA, but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to be presented to ERDA as of the date that the claim is received by ERDA. A claim mistakenly addressed to or filed with ERDA shall forthwith be transferred to the appropriate Federal agency, if ascertainable, or returned to the claimant.

(b) Claims shall be mailed or delivered to the Claims Officer at the ERDA Headquarters or field organization office employing the person or persons whose negligent or wrongful act or omission is alleged to have caused the loss, damage, or injury, unless such location of employment or address is either unknown to claimant or is otherwise inconvenient, in which case claims may be mailed or delivered to:

The General Counsel, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

(c) A claim presented in compliance with this section may be amended by the claimant at any time prior to final ERDA action or prior to the exercise of the claimant's option under 28 U.S.C. 2675 (a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the ERDA shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of an amendment.

§ 714.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 714.4 Investigation.

The ERDA may investigate, or may request any other Federal agency to investigate, a claim filed hereunder.

§ 714.5 Administrative claims; evidence and information to be submitted.

(a) Death. In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the amount of damages claimed.

(b) Personal injury. In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the ERDA or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request, provided that he has, upon request, furnished the report referred to in the first sentence of his subparagraph and has made or agrees to make available to the ERDA any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) Property damage. In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership of the property interest which is the subject of the claim.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 714.6 Authority to adjust, determine, compromise, and settle.

The authority to consider, ascertain, adjust, determine, compromise, and settle claims under the provisions of 28 U.S.C. 2672, as provided herein, is delegated to the General Counsel, and under his delegation and without power of redelegation, to the field organization Chief Counsels for their respective organization.

§ 714.7 Limitation on authority.

(a) An award, compromise, or settlement of a claim hereunder in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For the purposes

of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled hereunder only after consultation with the Department of Justice when, in the opinion of the General Counsel or designee:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the ERDA is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled hereunder only after consultation with the Department of Justice when the ERDA is informed or is otherwise aware that the United States or an employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

(d) Authority of field organization Chief Counsels for award, compromise or settlement of over $10,000 is subject to the prior approval of the General Counsel.

§ 714.8 Referral to Department of Justice.

(a) When Department of Justice approval or consultation is required under § 714.7, the referral or request shall be transmitted to the Department of Justice by the General Counsel or his designee.

(b) When an ERDA field Organization Chief Counsel is processing a claim hereunder requiring ERDA General Counsel or Department of Justice approval or consultation, the referral or request shall be transmitted by the Chief Counsel to the General Counsel in writing and shall contain (1) a short and concise statement of the facts and of the reasons for the referral or request, (2) copies of relevant portions of the claim file, and (3) a statement of the recommendations or views of the field organization Chief Counsel.

§ 714.9 Final denial of claim.

(a) Final denial of an administrative claim hereunder shall be in writing and delivered to the claimant, his attorney, or legal representative, or sent by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with ERDA action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period provided in 28 U.S.C. 2401 (b), a claimant, his duly authorized agent, or legal representative, may file a written request with the ERDA General Counsel for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration the ERDA shall have 6 months from the date of filing in which to make a final disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of a request for reconsideration. Final ERDA action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a).

§ 714.10 Action on approved claims.

(a) Payment of any claim approved hereunder, shall be contingent upon claimant's execution of (1) a Standard Form 1145, or (2) a claims settlement agreement or (3) a Standard Form 95, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent, or legal representative, of any award, compromise, or settlement made pursuant to the provisions of section 2672 or 2677 of Title 28, United States Code, shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Effective date. This Part 714 shall become effective October 21, 1975.

[FR Doc.75-28201 Filed 10-20-75;8:45 am]

Title 12—Banks and Banking

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

PART 7—INTERPRETIVE RULINGS

Customer-Bank Communication Terminals; Suspension of Ruling

On October 10, 1975, the Comptroller of the Currency published the following statement in connection with his suspension of 12 CFR 7.7491:

The Comptroller's Office has received many inquiries concerning the status of Interpretive Ruling 7.7491, Customer-Bank Communication Terminals ("CBCTs"), 40 FR 21700 (May 9, 1975), in view of recent litigation relating to this ruling. This statement is being issued in response to those inquiries.

Eight different lawsuits have been filed challenging I.R. 7.7491. The Comptroller is a party to five of these lawsuits. In two of these lawsuits federal district courts have entered final decisions and orders. *State of Colorado* v. *First National Bank of Fort Collins* and *Smith*, D. Colo., Civil No. 75 M 397 (May 28, 1975), *appeal pending;* and *IBAA, et al.* v. *Smith*, D. D.C., Civil No. 75-0089 (July 31, 1975), *appeal pending.*

The *Colorado* opinion upheld the Comptroller's ruling except to the extent that the CBCT in that case was permitted to receive cash or other items for subsequent deposit. In the *IBAA* case, the district court found the Comptroller's entire ruling to be "without merit". The Court entered an order reading in part as follows:

> FURTHER ORDERED that Defendant and all persons acting under his direction and authority or in active concert or participation with him be and hereby are, permanently enjoined from further implementation of the ruling, and any authority heretofore given to national banks by the ruling is hereby rescinded.

No national bank was a party to the *IBAA* case. A stay of the District Court's order pending appeal was sought by the Comptroller and denied. The Court of Appeals, however, has granted an expedited hearing on the merits of the appeal.

Inasmuch as the Comptroller's implementation of the interpretive ruling has been enjoined, the Comptroller has suspended it pending further appellate proceedings. Accordingly, the 30-day notice requirement and all other provisions contained in the ruling are no longer in effect. National banks seeking to establish CBCTs must rely upon the advice of their own legal counsel.

The Comptroller intends both to pursue the appeal of the *IBAA* case and to defend the other lawsuits involving CBCTs to which he is a party. Consistent with the Comptroller's position before the courts, the Comptroller will not accept or process branch applications for the installation of CBCTs. However, national banks are cautioned that the Comptroller will not hesitate to use his supervisory powers to eliminate any unsafe, unsound, or anti-competitive practices among national banks which might come to the Comptroller's attention.

§ 7.7491 [Removed]

Accordingly, 12 CFR 7.7491 has been suspended.

Dated: October 15, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-28218 Filed 10-20-75;8:45 am]

CHAPTER VI—FARM CREDIT ADMINISTRATION

LOAN POLICIES AND INVESTMENTS

Miscellaneous Amendments

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on an amendment to its regulations concerning the investment policy of each Farm Credit bank and authorized its issuance effective October 7, 1975. By a notice published in the FEDERAL REGISTER on August 12, 1975, interested persons were afforded the opportunity to file written comments or suggestions on the proposed regulation not later than September 12, 1975. No comments were received. Therefore, the regulation as published on August 12 has been adopted without change.

The Farm Credit Administration also amends its regulations by deleting a provision dealing with formal approval by the Farm Credit Administration of participation agreements between production credit associations and commercial banks, the deletion of which has been approved by the Federal Farm Credit Board, and to correct a printing error.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by deleting § 614.4333(e), adding § 615.5135, and correcting § 619.9330 as follows:

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4333 [Amended]

1. In § 614.4333, paragraph (e) is deleted.

PART 615—FUNDING AND FISCAL AFFAIRS

2. Section 615.5135 is added to read as follows:

§ 615.5135 **Investment policy.**

Each bank's board of directors shall adopt a policy, subject to approval by the Farm Credit Administration, regarding the management of surplus funds.

PART 619—DEFINITIONS

3. Section 619.9330 is revised to read as follows:

§ 619.9330 **Speculative purposes.**

To buy or sell with the expectation of profiting by fluctuations in price.

(Sec. 5.9, 5.18, 85 Stat. 619, 621)

GENE L. SWACKHAMER,
Acting Governor,
Farm Credit Administration.

[FR Doc.75-28202 Filed 10-20-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 307—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Grant and Loan Program; Miscellaneous Amendments

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends Parts 307 and 309 of 13 CFR Chapter III.

The Public Works and Economic Development Act of 1965, as amended provides for two types of assistance under section 302. Pursuant to the Act, a variety of entities are eligible to apply for § 302 (a) assistance, whereas only designated economic development districts are eligible for assistance under § 302(b). Because the existing regulation covering eligible applicants under section 302 of the Act fails to make this distinction, it is necessary to amend 13 CFR 307.52 in order to accurately implement the Act. Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest. Moreover, this amendment is both an interpretative rule and a matter relating to the grant program of this agency. Thus, it is not subject to the Administrative Procedure Act (5 U.S.C. 553).

Section 711 of the Act obligates business enterprises, as a prerequisite for assistance, to certify the names of expediters and to agree to refrain from employing persons who previously held EDA position involving discretion. In 13 CFR 309.7 this requirement was broadly construed to apply to all applicants including States and other public entities. This regulation is amended pursuant to an opinion received from the General Services Administration which states that the EDA interpretation of section 711 of the Act is at variance with the standards of Federal Management Circular 74-7. Accordingly, 13 CFR 309.11, as amended, will apply only to business enterprises. Paragraph (b) of this regulation is also amended by adding the position of Regional Office Deputy Director to the list of positions involving discretion. Because this regulation is an interpretative rule and concerns agency organization, it is exempt from the public notice provisions of the Administrative Procedure Act. Furthermore, as these amendments pertain to the grant and loan program of EDA and are intended to relieve a restriction, they shall become effective immediately.

In consideration of the foregoing Parts 307 and 309 of Chapter III of Title 13 of the Code of Federal Regulations are hereby amended.

1. Title 13, § 307.52 is revised to read as follows:

§ 307.52 **Eligible applicants.**

(a) Eligible applicants under § 302(a) of the Act are:

(1) The Governor of a State or an agency designated by him, and the Chief Executive Officer of the District of Columbia, Puerto Rico, Virgin Islands, Guam and American Samoa.

(2) Chief Officer of governing bodies of sub-State planning units, economic development districts, and redevelopment areas.

(3) Chief Executive of cities and counties meeting EDA eligibility criteria and not located wholly within larger multi-county planning and development organizations receiving planning funds under section 301 of the Act.

(4) Chief Executives of cities, counties, and redevelopment areas in multi-county organizations receiving funds under section 301 of the Act whose applications are endorsed by the Boards of the multi-county organizations, and who demonstrate exceptional need for planning assistance, beyond that provided through the multi-county organizations, for planning activities other than on-going administrative support, the preparation of original OEDP documents, updated OEDP documents or OEDP reports, and other activities usually funded under § 301(b) of the Act.

(5) Eligible applicants cited under this subpart, if the Secretary determines that planning assistance is necessary and other funds are not available to develop a plan required by Title IX of the Act.

(b) The eligible applicant under § 302 (b) of the Act is the Chief Officer of a designated economic development district.

(1) An economic development district must also be designated by the State or, where necessary, by the State and OMB, in order to qualify for assistance as an authorized A-95 reviewing agency.

2. Title 13, §309.7 is amended by revising introductory paragraph (a) and the entire paragraph (b) to read as follows:

§ 309.7 **Employment of expediters of administrative employees, compensation of persons engaged by or on behalf of applicants.**

(a) No application or plan for financial assistance for any business enterprise shall be approved by EDA under sections 101, 201, 202 or 403 of the Act unless the applicant:

* * * * *

(b) Definitions as used in this section: "Positions involving discretion" means the Assistant Secretary, Deputy Assistant Secretaries for Economic Development, Economic Development Planning, and Economic Development Operations; Office Directors, Deputy Office Directors, and Division Chiefs in the Office of Public Works, Business Development, and Technical Assistance; and Director and Deputy Director of the Offices of Economic Research, Planning and Program Support, and Development Organizations. This term also includes Regional Office Directors and Regional Office Deputy Directors with respect to projects located in their region. Clerical employees do not occupy positions involving discretion with respect to the granting of assistance under the Act. The discretionary nature of the positions and activities of other employees shall be determined by the Assistant Secretary at such time as the employee terminates his employment.

* * * * *

(Sec. 701, Pub. L. 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12532))

Effective date: This amendment becomes effective on October 21, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated October 10, 1975.

D. J. CAHILL,
Acting Assistant Secretary
for Economic Development.

[FR Doc.75-28297 Filed 10-20-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2728]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Checkmate Inquiry Service, Inc. and Samuel Berke

Subpart—Collecting, assembling, furnishing or utilizing consumer reports: § 13.382 Collecting, assembling, furnishing or utilizing consumer reports; § 13.382-1 Confidentiality, accuracy, relevancy, and proper utilization; § 13.382-1(a) Fair Credit Reporting Act; § 13.382-quirements; § 13.382-5(a) Fair Credit Reporting Act. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(m) Records, sales.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 84 Stat. 1127-36; 15 U.S.C. 1601, et seq.)

In the Matter of Checkmate Inquiry Service, Inc., a corporation, and Samuel Berke, individually and as an officer of said corporation.

Consent order requiring a New York City consumer credit reporting agency, among other things to cease failing to comply with the requirements of the Fair Credit Reporting Act pertaining to the reporting of information disputed by the consumer. Respondents are further required to retain evidence of compliance for a period of two years.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Checkmate Inquiry Service, Inc., a corporation, its successors and assigns, and its officer Samuel Berke, 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 the collecting, assembling or furnishing of consumer reports, as "consumer report" is defined in section 603(d) of the Fair Credit Reporting Act (Pub. L. No. 91-508, 15 U.S.C. 1601, et seq.), shall forthwith cease and desist from:

1. Failing to explicitly disclose in writing to the consumer his or her right to request that a consumer statement with respect to disputed information be sent by respondents to persons designated by the consumer who have received the deleted or disputed information within two years for employment purposes or within six months for any other purpose. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

2. Failing to furnish any consumer statement, codification or summary thereof to any person designated by the consumer and qualified under section 611(d) of the Fair Credit Reporting Act to receive such information. Such notification shall take place within five business days after the deletion or receipt of the consumer's request that the statement, codification or summary be sent.

3. Failing, whenever a statement of dispute has been filed, unless there are reasonable grounds to believe that the statement of dispute is frivolous or irrelevant, to clearly note in any subsequent consumer report containing the information in question that it is disputed by the consumer, and to provide either the consumer's statement or a clear and accurate codification or summary thereof.

It is further ordered, That respondents shall, at all times subsequent to the effective date of this order, maintain complete business records relative to the manner and form of their compliance with this order during the immediately preceding two-year period. Such records shall include all correspondence with consumers and consumer report applicants, policy directives, completely filled out interview reports, complaints from consumers and consumer report applicants, and other pertinent documents. Such records shall be kept in chronological order separate from the consumer files and shall be made available for inspection and photocopying by any authorized representative of the Federal Trade Commission upon reasonable notice at respondents' place of business or other properly designated location.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all employees now or thereafter engaged in the collecting, assembling, evaluating or furnishing of consumer information to third parties and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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 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 or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That 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 September 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28275 Filed 10-20-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket No. C-2729]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Pay 'N Save Corp. and Donald Thoreson

Subpart—Coercing and intimidating: § 13.356 Delinquent debtors. 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; § 13.533-70 Vacate court action(s). Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1985 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)

In the Matter of Pay 'N Save Corporation, a corporation, and Donald Thoreson, an individual.

Consent order requiring a Seattle, Wash., retailer of drugs and toiletries, wearing apparel, hardware, garden supplies and sporting goods, in connection with its debt collection activities, among other things to cease failing to honor agreements it has made to refrain from further legal action in collecting debts from allegedly delinquent debtors. Where debtor violates the agreement, respondent still must give the debtor notice before taking further legal action. Further, respondent is required to inform the court of the existence of any such agreements or any other response to the summons made by debtor.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Pay 'N Save Corporation (hereinafter Pay 'N Save), a corporation, its successors, assigns, officers, agents, representatives and employees, and Donald Thoreson, an individual, directly or through any other device, in connection with the collection of consumer credit obligations in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Filing any motion for default judgment against an alleged debtor with whom they have entered an agreement, either written or oral, regarding the payment of a consumer credit obligation, subsequent to service of summons and complaint upon the alleged debtor, unless the alleged debtor is given at least 10 days notice prior to entry of the default judgment.

2. Taking a default judgment in any lawsuit instituted to collect a consumer credit obligation when subsequent to service of summons and complaint upon the alleged debtor; a. The respondents have agreed, either orally or in writing, to a method of payment, and b. the al-

[1] Copies of the Complaint, Decision and Order, filed with the original document.

leged debtor is complying with the terms of such agreement.

3. Failing to inform the court of any timely appearance or response to the summons, formal or informal, written or oral, made by the alleged debtor subsequent to service of summons and complaint, prior to obtaining a default judgment.

It is further ordered, That where respondents learn subsequent to the filing of a motion for default judgment that the preceding paragraph has not been complied, with they shall forthwith terminate the lawsuit and vacate any default judgment entered therein.

It is further ordered, That Pay 'N Save prepare and maintain records of suits instituted by Pay 'N Save or any of its divisions or subsidiaries, agents or assignees for the collection of consumer credit obligations in which default judgments have been granted which shall include copies of all legal papers relating to the default judgment, copies of all written communication, and summaries of all oral communication between respondents and defendants in such suits during the period of time between service of summons and complaint and the granting of default judgment. Such records shall be maintained for a period of one year after the granting of default judgment and shall be made available to representatives of the Federal Trade Commission for inspection and copying at all times upon reasonable request therefor.

It is further ordered, That Pay 'N Save shall forthwith deliver a copy of this order to each of its subsidiaries, operating divisions and employees engaged in the collection of consumer credit obligations or enforcement of judgments based on consumer credit obligations.

It is further ordered, That Pay 'N Save notify the Commission at least thirty 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 individual respondent promptly notify the Commission of the discontinuance of his present business affiliation with Pay 'N Save and/or of any new affiliation with, or representation of, a business, where such new affiliation or representation involves substantial collections of consumer credit obligations. Such notice shall include respondent's current business address and a statement as to the nature of the new business with which he is affiliated or which he is representing.

It is further ordered, That the respondents herein shall within sixty 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 September 23, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28276 Filed 10-20-75;8:45 am]

[Docket No. 88480]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Budd Co.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

In the Matter of The Budd Company, a corporation.

Order dismissing complaint issued against a Philadelphia, Pa., automotive parts supplier for alleged violation of section 7 of the Clayton Act. The Commission vacated the initial decision of the Administrative Law Judge, finding respondent's acquisition of Gindy Manufacturing Corporation to be procompetitive rather than anticompetitive as alleged in the complaint.

The final order, is as follows:[1]

FINAL ORDER

This matter having been heard by the Commission upon briefs and oral argument in support of and in opposition to the appeal of respondent from the Administrative Law Judge's initial decision herein, and the Commission, for the reasons stated in the accompanying opinion, having concluded that the appeal should be granted:

It is ordered, That the Administrative Law Judge's initial decision be, and it hereby is, vacated and the attached opinion be, and it hereby is, adopted as the decision of the Commission, and

It is further ordered, That the complaint in this matter be, and it hereby is, dismissed.

Opinion of the Commission by Commissioner Engman.

Dissenting Statement of Commissioner Dixon and Dissenting Statement of Commissioner Hanford.

The Final Order was issued by the Commission August 29, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28274 Filed 10-20-75;8:45 am]

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[1] Copies of the Complaint, Initial Decision, Final Order, Opinion of the Commission by Commissioner Engman, Dissenting Statement of Commissioner Dixon and Dissenting Statement of Commissioner Hanford, filed with the original document.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8959]

PART 271—INTERPRETIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guidelines for Filing of Application for Order Permitting Registration of Foreign Investment Companies

Correction

In FR Doc. 75-26371 appearing at page 45424 in the issue of Thursday, October 2, 1975 the twelfth and thirteenth lines of the second paragraph in footnote on page 45426 reading "company, and to other persons in their company as though such were a reg-" should read "company, and to other persons in their transactions and relations with such company, as though such company were a reg-".

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75G-0174]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Citric Acid

The Commissioner of Food and Drugs is adding a new section to the food additive regulations (21 CFR Part 121, Subpart D) to permit a new solvent extraction process for citric acid, effective October 21, 1975.

The Food and Drug Administration (FDA) is conducting a study of the safety of ingredients added directly to human food that have been previously classified as generally recognized as safe (GRAS) or sanctioned by FDA or the U.S. Department of Agriculture before enactment of the Food Additives Amendment of 1958. The Commissioner has issued various rules, proposals, and notices, notably those published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20036-20057) and September 23, 1974 (39 FR 34172-34219), implementing this review.

Under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), a food manufacturer need not consult with or obtain approval from FDA before using a food ingredient on the ground that it is GRAS for the use involved. Moreover, FDA previously concluded in § 121.101(a) (21 CFR 121.101(a)) that it was impractical to attempt to list all food ingredients that are GRAS for their intended use. Thus a number of ingredients are used in foods on the determination and responsibility of food manufacturers that an ingredient is GRAS for the purpose used, without review or approval by FDA.

Use of food ingredients as GRAS without the review and approval of FDA often does not afford opportunity for participation of qualified scientists and other interested members of the public. In addition, the law requires FDA to monitor the use of all food ingredients and to make certain that no ingredients are used that are not in fact GRAS, unless a food additive regulation is promulgated. Accordingly, the Commissioner has determined that it is in the public interest to have the safety of ingredients used in food on the basis of GRAS status reviewed through public procedures. The Commissioner has promulgated criteria by which a substance may be eligible for GRAS status (21 CFR 121.3), and procedures for submitting petitions requesting FDA affirmation of GRAS status (21 CFR 121.40) or determination of food additive status (21 CFR 121.41).

Substances affirmed as GRAS are being identified in §§ 121.104 and 121.105 (21 CFR 121.104, 121.105). Because of the wide scope of sections 201(s) and 409 of the act, which encompass all ingredients in any processed or fabricated food, including raw agricultural commodities and substances migrating from food-contact articles, an all-inclusive list of affirmed GRAS food ingredients will not be attained for some time.

In accordance with the procedures established in § 121.40, Miles Laboratories, Inc., Marschall Division, 1127 Myrtle St., Elkhart, IN 46514, submitted a petition (GRASP 4G0035) requesting affirmation that citric acid produced by a conventional fermentation process, which is modified by using a new solvent extraction system, is GRAS for use in food.

A notice of the filing of this petition was published in the FEDERAL REGISTER of December 19, 1973 (38 FR 34829), and interested persons were notified therein of their opportunity to review the petition and to submit comments to the Hearing Clerk, Food and Drug Administration. No comments were received in response to this notice.

Citric acid has been a commercial article of considerable volume since the turn of the century. Commercial production is reported to have begun in 1860. It was originally produced by concentration of citrus fruit juice, principally lime and lemon. Increasing production demands led to the discovery and introduction, about 1923, of a production process using enzyme fermentation of carbohydrates. By the end of World War II, production in the United States was about 26 million pounds. In 1970 the reported use in foods alone reached nearly 36 million pounds.

The scientific literature indicates that most of the citric acid for commerce is presently produced by fermentation processes using the enzyme systems of selected strains of *Aspergillus niger* (a fungus) in the conversion into citric acid of carbohydrates such as dextrose, sucrose, and by-products of sugar production.

These fungal fermentations generally produce other organic compounds in appreciable quantities under certain conditions. However, the physical parameters of the fermentation processes can be adjusted to minimize production of undesirable metabolites. Consideration of these enzyme systems (petition GRASP 3G0016 submitted by the Ad Hoc Enzyme Committee) is included in the review now being undertaken by FDA.

The petitioner has present adequate data to demonstrate the feasibility of recovering food-grade citric acid by extraction from the fermentation liquor with a solvent system consisting of *n*-octyl alcohol, synthetic isoparaffinic petroleum hydrocarbons, and tridodecyl amine. The petition was filed as provided for in § 121.40 and carefully evaluated in accordance with the criteria established for GRAS substances.

The citric acid that is the subject of this GRAS petition is produced by a fermentation process. The petitioner describes this process as being the basic commercial fermentation process initiated with an inoculum of *Aspergillus niger* spores, but with a modified recovery process for citric acid. The extraction method described in this petition represents a new development in recovery of citric acid from the fermentation liquor. The proposed solvent extraction process will substitute for that portion of the conventional process wherein lime is added to the filtered liquor to form calcium citrate, which is then removed from the liquor by filtration and subsequently converted to citric acid by the use of sulfuric acid. The petitioner proposes the new solvent extraction process as a substitute recovery step using a three-component solvent system, which extracts citric acid from an aqueous mixture and subsequently, following temperature changes, releases the citric acid to water. The three solvents used are *n*-octyl alcohol, regulated by § 121.1238 (21 CFR 121.1238); synthetic isoparaffinic petroleum hydrocarbons, regulated by § 121.1154 (21 CFR 121.1154); and tridodecyl amine.

The Commissioner affirms his responses to the comments on a previous petition, GRASP 3G0014 filed by Pfizer, to affirm the GRAS status of citric acid produced with a different substrate. Notice of the filing of that petition was published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19852), and the process is regulated by § 121.1259 (21 CFR 121.-1259), which was published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34188). The Commissioner concluded that if a product manufactured by a new process is identical with an existing GRAS substance, as far as adequate specifications can assure, the end product may be considered GRAS. If the new process suggests the need for additional specifications to maintain a food grade, these should be applied to such GRAS substances produced by the process. If the new process suggests the need for regulation of the process to assure that significant alteration of the product does not occur when the process is used by other manufacturers, a regulation covering the process will be promulgated.

The Miles Laboratories Inc. petition (GRASP 4G0035) requests GRAS affirmation of citric acid derived from the conventional commercial fermentation process using a modified recovery system. The three-solvent extraction system is a change sufficient to warrant regulation of the new process for the production of citric acid to avoid excessive solvent residues. There is no reason to consider the new citric acid different from food-grade citric acid prepared by other processes, if the existing Food Chemicals Codex specifications are supplemented to include a specification assuring the absence of polynuclear aromatic hydrocarbons (PNA's).

The GRAS status of food-grade citric acid is the subject of review and evaluation by the FDA in the current GRAS review program as published in the FEDERAL REGISTER of October 23, 1971 (36 FR 20546). Therefore, in accordance with the provisions of § 121.40(c)(1), citric acid is not eligible for GRAS affirmation by public petition, and that request in this petition is denied. Pending the evaluation of the GRAS status of food-grade citric acid, FDA will consider citric acid extracted from the conventional fermentation process by the new solvent extraction process, which meets the specifications of the Food Chemicals Codex and is free from PNA's when tested by the prescribed method, published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34190), to be in the same category as other food-grade citric acid.

The petition requires consideration of the status and conditions of safe use of the new solvent extraction process. The Commissioner finds that:

1. No evidence was presented that there are published studies on the safety of this solvent extraction system for producing citric acid that are available to scientists generally, or that there is common knowledge about the safety of the production method by persons in the scientific community who are knowledgeable about the safety of food ingredients. The petitioner presents unpublished data to establish the safety of the proposed use of the solvent system of this process for the production of citric acid.

2. The solvent system was not commonly used in food production in the United States prior to January 1, 1958.

3. The use requested is effective.

4. The use requested is safe.

5. Information is not presented to permit an adequate evaluation of the safety of the fermentation residue as a by-product for animal feed use.

Accordingly, the Commissioner concludes in accordance with § 121.40(c)(5) that there is a lack of convincing evidence that the solvent extraction process is GRAS. The solvent extraction process and the solvent components are therefore food additives subject to section 409 of the act.

The Commissioner further advises that the petition submitted for GRAS affirmation has been evaluated as a food additive petition in accordance with §§ 121.4(c) and 121.51 (21 CFR 121.41(c), 121.51). The Commissioner finds that the data provided are sufficient to establish the conditions of safe use for this solvent

recovery system for the production of food-grade citric acid.

The petition also requires consideration of the conditions of safe use of tridodecyl amine in the solvent recovery system for citric acid. The Commissioner finds that the evidence presented has shown that residues of 100 parts per billion (ppb) of tridodecyl amine may be present in the citric acid extracted by this process. The Commissioner concludes that he has sufficient data to provide for the conditions of safe use of tridodecyl amine as a food additive for such use with a limit of 100 ppb in the citric acid.

The Commissioner has considered the potential for environmental and inflationary impact and concludes that this is not a major action that significantly affects either the quality of the human environment or inflation. Consequently, neither, an environmental nor an inflationary impact statement is necessary.

Therefore, under the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner concludes that the request for GRAS affirmation of citric acid (solvent extracted) be denied and that Part 121 be amended by adding a new section to Subpart D to read as follows:

§ 121.1267 Solvent extraction process for citric acid.

A solvent extraction process for recovery of citric acid from conventional *Aspergillus niger* fermentation liquor may be safely used to produce food-grade citric acid in accordance with the following conditions:

(a) The solvent used in the process consists of a mixture of *n*-octyl alcohol meeting the requirements of § 121.1238, synthetic isoparaffinic petroleum hydrocarbons meeting the requirements of § 121.1154, and tridodecyl amine.

(b) The component substances are used solely as a solvent mixture and in a manner that does not result in formation of products not present in conventionally produced citric acid.

(c) The citric acid so produced meets the specifications of the Food Chemicals Codex, 2d Ed. (1972)[1] and supplements thereto, and the polynuclear aromatic hydrocarbon specifications of § 121.1259.

(d) Residues of *n*-octyl alcohol and synthetic isoparaffinic petroleum hydrocarbons are removed in accordance with good manufacturing practice. Current good manufacturing practice results in residues not exceeding 16 parts per million (ppm) *n*-octyl alcohol and 0.47 ppm synthetic isoparaffinic petroleum hydrocarbons in citric acid.

(e) Tridodecyl amine may be present as a residue in citric acid at a level not to exceed 100 parts per billion.

Any person who will be adversely affected by § 121.1267 in the foregoing order may at any time on or before November 20, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 21, 1975.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: October 15, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

NOTE: Incorporation by reference materials approved by the Director, Office of the Federal Register July 10, 1973.

[FR Doc.75-28224 Filed 10-20-75;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

[Docket No. 75F-0214]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food; Antioxidants and/or Stabilizers for Polymers

The Commissioner of Food and Drugs is amending § 121.2566 Antioxidants and/or stabilizers for polymers (21 CFR 121.2566) to provide for safe use of octadecyl 3,5,-di-tert-butyl-4-hydroxyhydrocinnamate in olefin basic copolymers complying with § 121.2501(c) (21 CFR 121.2501(c)), item 3.4 of the food additive regulations, when used in contact with nonfatty foods.

Notice was given by publication in the FEDERAL REGISTER of March 12, 1975 (40 FR 11627) that a food additive petition (FAP 4B2983) had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 121.2566 be amended to provide for safe use of the subject additive as described above.

The Commissioner, having evaluated the data in the food additive petition and other relevant material, concludes that § 121.2566 should be amended as set forth below to provide for safe use of the petitioned additive in basic olefin copolymers complying with § 121.2501(c), item 3.4.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by adding to the item "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" a new limitation, to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) List of substances:		
		Limitations.
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.		For use only:
		5. At levels not exceeding 0.25 percent by weight of olefin copolymers complying with § 121.2501(c), item 3.4: *Provided*, That the finished polymer contacts nonfatty foods only of the types identified in § 121.2526(c), Table 1 under categories, I, II, IV-B, VI, VII-B and VIII.

Any person who will be adversely affected by the foregoing order may at any time on or before November 20, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 21, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: October 14, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28223 Filed 10-20-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0266]

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Ampicillin Trihydrate-Probenecid for Oral Suspension

A regulation providing for certification of ampicillin trihydrate-probenecid for oral suspension, § 440.107d (21 CFR 440.107d), was published in the FEDERAL REGISTER of September 14, 1973 (38 FR 25674). Inadvertently, the word "crystallinity" was omitted from § 440.107d(a)(3)(i)(*a*). This amendment corrects that omission.

Since the regulation for the bulk drug ampicillin trihydrate, § 440.7 (21 CFR 440.7), contains a requirement for crystallinity, and since the ampicillin used in ampicillin trihydrate-probenecid for oral suspension must conform to all the standards prescribed for the bulk drug, this correction is merely editorial and imposes no new standards or requirements.

In addition, the Commissioner of Food and Drugs finds that reference to a specific revision of the United States Pharmacopeia (U.S.P.) is not necessary, since reference to an official compendium implies the latest edition of that compendium currently available, unless otherwise stated. Accordingly, this amendment deletes from § 440.107d any reference to a specific U.S.P. revision.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 440 is amended in § 440.170d: (1) In paragraph (a)(1) and (a)(3)(i)(*b*), by deleting the numeral "XVIII" after "U.S.P.," and (2) by adding the word "crystallinity" to paragraph (a)(3)(i)(*a*). As revised, § 440.107d(a)(3)(i)(*a*) reads as follows:

§ 440.107d Ampicillin trihydrate-probenecid for oral suspension.

(a) * * *

(3) * * *

(i) * * *

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

* * * * *

Since this amendment merely corrects an omission, notice and public procedure are not prerequisites to this promulgation.

Effective date. This amendment shall be effective October 21, 1975.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: October 13, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-28222 Filed 10-20-75;8:45 am]

PART 442—CEPHA ANTIBIOTIC DRUGS

Cephalexin Monohydrate Tablets

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to providing for the certification of a 1,000-milligram cephalexin monohydrate tablet.

The Commissioner has concluded that the data supplied by the manufacturer concerning the subject antibiotic drug product is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug product, effective October 21, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), § 442.127a is amended by revising paragraph (a)(1) to read as follows:

§ 442.127a Cephalexin monohydrate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate tablets are composed of cephalexin monohydrate and one or more suitable and harmless diluents, binders, lubricants, colorings, and coating substances. Each tablet contains cephalexin monohydrate equivalent to either 500 milligrams or 1,000 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephalexin that it is represented to contain. Its moisture content is not more than 9 percent. The tablets disintegrate within 30 minutes. The cephalexin monohydrate used conforms to the standards prescribed by § 442.27(a)(1).

* * * * *

As the conditions prerequisite to providing for certification of this drug have been complied with and as the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This regulation shall be effective October 21, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: October 15, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-28225 Filed 10-20-75;8:45 am]

PART 452—MACROLIDE ANTIBIOTIC DRUGS

Erythromycin Stearate for Oral Suspension

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, regarding approval of the antibiotic drug erythromycin stearate for oral suspension.

The Commissioner concludes that data supplied by the manufacturer about this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling, and that the regulations should be amended to provide for its certification, effective October 21, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 452 is amended in Subpart B by adding § 452.135c to read as follows:

§ 452.135c Erythromycin stearate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin stearate for oral suspension is a dry mixture of erythromycin stearate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 25 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2 percent. When reconstituted as directed in the labeling, its pH is not less than 6.0 and not more than 9.0. The erythromycin stearate used conforms to the standards prescribed by § 452.35(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin stearate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The erythromycin stearate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Place an accurately measured representative portion of the suspension into a high-speed glass blender jar with sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Blend for 3 to 5 minutes. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 micro-

gram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension obtained when the drug is reconstituted as directed in the labeling.

Since the conditions prerequisite for providing the certification of the subject antibiotic have been complied with, and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This regulation shall be effective October 21, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: October 15, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-28221 Filed 10-20-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 633—REQUIRED CONTRACT PROVISIONS

Federal-Aid Contracts (Appalachian Contracts)

• Purpose. The purpose of this document is to amend the Federal-aid to highway rules for Appalachian contracts to reflect new requirements of the U.S. Environmental Protection Agency pursuant to the Clean Air Act and the Federal Water Pollution Control Act and of the U.S. Department of Labor regarding employment of apprentices and trainees, also to change the title "Division Engineer" to "Division Administrator". •

The regulations, originally published in the FEDERAL REGISTER on Monday, September 30, 1974 (39 FR 35146-35152), are hereby amended as follows:

1. TABLE OF SECTIONS

The title of § 633.211 is changed to read as follows:

633.211 Implementation of the Clean Air Act and the Federal Water Pollution Control Act.

§ 633.202 [Amended]

2. The term "division engineer" in the first line of § 633-202(b) is changed to "division administrator".

§ 633.204 [Amended]

3. The term "division engineer's" in the first line of § 633.204(b) is changed to "division administrator's".

§ 633.207 [Amended]

4. Section 633.207(b) is changed by insertion of the words "23 U.S.C. 324 and of" between the words "the provisions of" and the words "Title VI" now appearing in the first line thereof.

5. The last sentence of § 633.207(e) is revised to read as follows:

(e) * * * The provisions of § 635.116 of this chapter shall not apply to projects under the Act to the extent such provisions are inconsistent with section 201(d) and (e) of the Act.

6. Section 633.211 is revised to read as follows:

§ 633.211 Implementation of the Clean Air Act and the Federal Water Pollution Control Act.

Pursuant to regulations of the Environmental Protection Agency (40 CFR Part 15) implementing requirements with respect to the Clean Air Act and the Federal Water Pollution Control Act are included in Appendix B to this part.

7. Appendix A is revised to read as follows:

APPENDIX A

TYPES OF CONTRACTS TO WHICH THE CIVIL RIGHTS ACT OF 1964 IS APPLICABLE

Section 324 of Title 23, U.S.C., the Civil Rights Act of 1964, and the implementing regulations of the Department of Transportation (49 CFR Part 21), including the provisions of subparagraphs (2)(iii) and (2)(v) of Appendix C thereof relative to employment practices, are applicable to the following types of contracts awarded by State highway departments, contractors, and first tier subcontractors, including those who supply materials and lease equipment:

1. Construction.
2. Planning.
3. Research.
4. Highway Safety.
5. Engineering.
6. Property Management.
7. Fee contracts and other commitments with persons for services incidental to the acquisition of right-of-way including, but not limited to:
   a. Advertising contracts.
   b. Agreements for economic studies.
   c. Contracts for surveys and plats.
   d. Contracts for abstracts of title certificates and title insurance.
   e. Contracts for appraisal services and expert witness fees.
   f. Contracts to negotiate for the acquisition of right-of-way.
   g. Contracts for disposal of improvements and property management services.
   h. Contracts for employment of fee attorneys for right-of-way procurement, or preparation and trial of condemnation cases.
   i. Contracts for escrow and closing services.

8. Appendix B is revised to read as follows:

APPENDIX B

REQUIRED CONTRACT PROVISIONS APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM AND LOCAL ACCESS ROADS CONSTRUCTION CONTRACTS

I. Application.
II. Employment Preference.
III. Equal Opportunity: Employment Practices.
IV. Equal Opportunity: Selection of Subcontractors, Procurement of Materials, and Leasing of Equipment.
V. Nonsegregated Facilities.
VI. Payment of Predetermined Minimum Wages.
VII. Statements and Payrolls.
VIII. Record of Materials, Supplies and Labor.
IX. Subletting or Assigning the Contract.
X. Safety: Accident Prevention.
XI. False Statements Concerning Highway Projects.
XII. Implementation of Clean Air Act and Federal Water Polution Control Act.

I. *Application.* 1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

2. Except as otherwise providde in sections II, III, and IV hereof, the contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Contract Provisions and also a clause requiring his subcontractors to include these Required Contract Provisions in any lower tier subcontracts which they may enter into, together with a clause requiring the inclusion of these provisions in any further subcontracts that may in turn be made. The Required Contract Provisions shall in no instance be incorporated by reference.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be grounds for termination of the contract.

4. A breach of the following clauses may also be grounds for debarment as provided in 29 CFR 5. 6(b):

Section 1, paragraph 2.
Section VI, paragraphs 1, 2, 3, 5 and 8a.
Section VII, paragraphs 1, 5a, 5b and 5d.

II. *Employment preference.* 1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the United States Department of Labor wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph 1c shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph 4 below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of laborers, mechanics and other employees he anticipates will be required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which he estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, he shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill the positions covered by the certificate, notwithstanding the provisions of subparagraph 1c above.

5. The contractor shall include the provisions of Section II–1 through II–4 in every subcontract for work which is, or reasonably may be, done as on-site work.

III. *Equal opportunity: employment practices.* During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the State highway department setting forth the provisions of this nondiscrimination clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State highway department advising the said labor union or workers' representative of the contractor's commitments under this section III and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor or pursuant thereto, and will permit access to his books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

g. The contractor will include the provisions of this Section III in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, That in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Federal Highway Administration, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

IV. *Equal opportunity selection of subcontractors, procurement of materials, and leasing of equipment.*—During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. *Compliance with regulations.*—The contractor shall comply with the provisions of 23 U.S.C. 324 and with the regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. *Nondiscrimination.* The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipments. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices.

3. *Solicitations for subcontracts including procurement of materials and equipment.* In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier, shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.

4. *Information and reports.* The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway department, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. *Sanctions for noncompliance.* In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

a. Withholding of payments to the contractor under the contract until the contractor complies, and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

6. *Incorporation of provisions.* The contractor will include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement, as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, That, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier, as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

V. *Nonsegregated facilities.* (Applicable to Federal-aid construction contracts and related subcontracts exceeding $10,000 which are not exempt from the Equal Opportunity clause.)

By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, or material supplier, as appropriate, certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He agrees that (except where he has obtained identical certifications from proposed subcontractors and material suppliers for specific time periods), he will obtain identical certifications from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certification in his files.

VI. *Payment of predetermined minimum wages.*—1. *General.* All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less than once a week, and without subsequent deduction or rebate on any account, except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amounts due at time

of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part thereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section VI, paragraph 3b, hereof. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

2. *Classifications.* a. The State highway department contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State highway department contracting officer to the Secretary of Labor.

b. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the State highway department contracting officer shall be referred to the Secretary for final determination.

3. *Payment of fringe benefits.* a. The State highway department contracting officer shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for determination.

b. If the contractor does not make payments to a trustee or other third person, he may consider as part of the wage of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is part of this contract: *Provided, however,* The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. *Payment of excess wages.* While the wage rates shown are the minimum rates required by the contract to be paid during its life, this is not a representation that labor can be obtained at these rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

5. *Apprentices and trainees (Programs of Department of Labor).* a. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in 29 CFR 5.2(c)(2) or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the State highway department or to a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

b. Trainees, except as provided in 29 CFR 5.15, will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification, by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish the State highway department or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. The utilization of apprentices, trainees and journeymen shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

6. *Apprentices and trainees (Programs of Department of Transportation).* Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal opportunity in connection with Federal-aid highway construction programs are not subject to the requirements of section VI, paragraph 5 above. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs.

7. *Withholding for unpaid wages.* The State highway department contracting officer may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers, mechanics, (including apprentices and trainees) watchmen, or guards employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer, mechanic, (including apprentices and trainees) watchman or guard employed or working on the site of the work, all or part of the wages required by the contract, the State highway department contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

8. *Overtime requirements.* a. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen or guards (including apprentices and trainees described in paragraphs 5 and 6 above) shall require or permit any laborer, mechanic, watchman or guard in any workweek in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer, mechanic, watchman or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

b. In the event of any violation of paragraph 8a, the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman or guard employed in violation of paragraph 8a, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph 8a.

c. The State highway department contracting officer may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for liquidated damages as provided in paragraph 8b.

VII. *Statements and payrolls*—1. *Compliance with Copeland Regulations (29 CFR Part 3).* The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

2. *Weekly Statement.* Each contractor or subcontractor shall furnish each week a statement to the State highway department resident engineer with respect to the wages paid each of its employees, including apprentices and trainees described in section VI, paragraphs 5 and 6, and watchmen and guards on work covered by the Copeland Regulations during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. Contractors and subcontractors must use the certification set forth on U.S. Department of Labor Form WH-348, or the same certification appearing on the reverse of Optional U.S. Department of Labor Form WH-347, or on any form with identical wording.

3. *Final labor summary.* The contractor and each subcontractor shall furnish, upon the completion of the contract, a summary of all employment, indicating for the completed project the total hours worked and the total amount earned. This data shall be submitted to the State highway department resident engineer on Form PR–47 together with the data required in section VIII, hereof, relative to materials and supplies.

4. *Final certificate.* Upon completion of the contract, the contractor shall submit to the State highway department contracting officer, for transmission to the Federal Highway Administration with the voucher for final payment for any work performed under the contract, a certificate concerning wages and classifications for laborers, mechanics, watchmen and guards employed on the project, in the following form:

* * * * *

The undersigned, contractor on

(Project No.)

hereby certifies that all laborers, mechanics, apprentices, trainees, watchmen and guards employed by him or by any subcontractor performing work under the contract on the project have been paid wages at rates not less than those required by the contract provisions, and that the work performed by each such laborer, mechanic, apprentice or trainee conformed to the classifications set forth in the contract or training program provisions applicable to the wage rate paid.

Signature and title

* * * * *

5. *Payrolls and payroll records.* a. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers, mechanics, apprentices, trainees, watchmen and guards working at the site of the work.

b. The payroll records shall contain the name, social security number and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor, pursuant to Section VI, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section I(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

c. The payrolls shall contain the following information:

1. The employee's full name, address and social security number and a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Section II, paragraph 1a. (The employee's full name and social security number need only appear on the first payroll on which his name appears. The employee's address need only be shown on the first submitted payroll on which the employee's name appears, unless a change of address necessitates a submittal to reflect the new address.)

2. The employee's classification.

3. Entries indicating the employee's basic hourly wage rate and, where applicable, the overtime hourly wage rate. The payroll should indicate separately the amounts of employee and employer contributions to fringe benefit funds and/or programs. Any fringe benefits paid to the employee in cash must be indicated. There is no prescribed or mandatory form for showing the above information on payrolls.

4. The employee's daily and weekly hours worked in each classification, including actual overtime hours worked (not adjusted).

5. The itemized deductions made and

6. The net wages paid.

d. The contractor will submit weekly a copy of all payrolls to the State highway department resident engineer. The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and the classifications set forth for each laborer or mechanic conform with the work he performed. Submission of a weekly statement which is required under this contract by Section VII, paragraph 2, and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor pursuant to Section VI, paragraph 3b, shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the State highway department, the Federal Highway Administration and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

e. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payment, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

f. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

g. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

h. Every employee on the work covered by this contract shall be permitted to lodge, board and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall, directly or indirectly, require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

i. No charge shall be made for any transportation furnished by the contractor, or his agents, to any person employed on the work.

j. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks, or other equipment from individuals.

VIII. *Record of materials, supplies and labor.* 1. The contractor shall maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form PR–47 and in the units shown. Upon completion of the contract, this record, together with the final labor summary required in Section VII, paragraph 3, hereof, shall be transmitted to the State highway department resident engineer for the project on Form PR–47 in accordance with instructions attached thereto, which will be furnished for this purpose upon request. The quantities for the listed items shall be reported separately for roadway and for structures over 20 feet long as measured along the centerline of the roadway.

2. The contractor shall become familiar with the list of specific materials and supplies contained in Form PR–47 prior to the commencement of work under this contract. Any additional materials information required will be solicited through revisions of Form PR–47 with attendant explanations.

3. Where subcontracts are involved the contractor shall submit either a single report covering work both by himself and all his subcontractors, or he may submit separate reports for himself and for each of his subcontractors.

IX. *Subletting or assigning the contract.* 1. The contractor shall perform with his own organization contract work amounting to not less than 50 percent of the original total contract price, except that any items designated by the State as "Specialty Items" may be performed by subcontract and the amount of any such "Specialty Items" so performed may be deducted from the original total contract price before computing the amount of work required to be performed by the contractor with his own organization.

a. "His own organization" shall be construed to include only workmen employed and paid directly by the prime contractor and equipment owned or rented by him, with or without operators.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, craftsmanship or equipment not ordinarily available in contracting organizations qualified to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. In addition to the 50 percent requirements set forth in paragraph 1 above, the contractor shall furnish (a) a competent superintendent or foreman who is employed by him, who has full authority to direct performance of the work in accordance with the contract requirements, and who is in charge of all construction operations (regardless of who performs the work), and (b) such other of his own organizational capability and responsibility (supervision, management, and engineering services) as the State highway department contracting officer determines is necessary to assure the performance of the contract.

3. The contract amount upon which the 50 percent requirement set forth in paragraph 1 is computed includes the cost of materials and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

4. Any items that have been selected as "Specialty Items" for the contract are listed as such in the Special Provisions, bid schedule, or elsewhere in the contract documents.

5. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the State highway department contracting officer, or his authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Request for permission to sublet, assign or otherwise dispose of any portion of the contract shall be in writing and accompanied by (a) a showing that the organization which will perform the work is particularly experienced and equipped for such work, and (b) an assurance by the contractor that the labor

standards provisions set forth in this contract shall apply to labor performed on all work encompassed by the request.

X. Safety: Accident prevention. In the performance of this contract, the contractor shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility, or as the State highway department contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

It is a condition of this contract, and shall be made a condition of each subcontract entered into pursuant to this contract, that the contractor and any subcontractor shall not require any laborer or mechanic employed in performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1926, formerly Part 1518, as revised from time to time), promulgated by the United States Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96).

XI. *False statements concerning highway projects.* In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project in one or more places where it is readily available to all personnel concerned with the project:

* * * * *

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

Title 18, United States Code, section 1020, reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

"Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

"Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-Aid Road Act approved July 1, 1916 (39 Stat. 355), as amended and supplemented;

"Shall be fined not more than $10,000 or imprisoned not more than five years, or both."

XII. *Implementation of Clean Air Act and Federal Water Pollution Control Act (applicable to contracts and subcontracts which exceed $100,000).* 1. The contractor stipulates that any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR Part 15), is listed not on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities Pursuant to 40 CFR 15.20.

2. The contractor agrees to comply with all the requirements of section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. The contractor shall promptly notify the State highway department of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. The contractor agrees to include or cause to be included the requirements of subparagraphs 1 through 4 of this paragraph XII in every subcontract which exceeds $100,000, and further agrees to take such action as Government may direct as a means of enforcing such requirements.

9. Appendix C is revised to read as follows:

APPENDIX C

ADDITIONAL REQUIRED CONTRACT PROVISIONS APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM AND LOCAL ACCESS ROADS CONTRACTS OTHER THAN CONSTRUCTION CONTRACTS

Equal opportunity: employment practices and selection of subcontractors, suppliers of materials, and lessors of equipment

During the performance of this contract, the contractor agrees as follows:

1. *Compliance with regulations.* The contractor will comply with the provisions of 23 U.S.C. 324 and with the Regulations of the Department of Transportation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, herein-after referred to as the regulations), which are herein incorporated by reference and made a part of this contract.

2. *Employment practices.* a. The contractor will not discriminate against any employee or applicant for employment because of race, color, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, sex, or national origin. Such action shall include, but not be limited to the following: recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities and treatment of employees. The contractor argees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this employment practices clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, sex, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers representative of the contractor's commitments under this employment practices provision, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

3. *Selection of subcontractors, procurement of materials and leasing of equipment.* a. The contractor, with regard to the work performed by him after award and prior to completion of the contract work, will not discriminate on the ground of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations.

b. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. *Information and reports.* The contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. *Incorporation of provisions.* The contractor will include these additional required contract provisions in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or orders, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract, procurement, or lease as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: *Provided, however,* That, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor, supplier, or lessor as a result of such directed action, the contractor may request the State to enter into such litigation to protect the interest of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

6. *Sanctions for noncompliance.* In the event of the contractor's noncompliance with sections 1 through 5 above, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to.

a. Withholding of payments to the contractor under the contract until the contractor complies, and/or

b. Cancellation, termination or suspension of the contract in whole or in part.

Effective date. The amendments will take effect on November 1, 1975, for contracts for projects authorized for advertising by the Division Administrator on or after that date.

Issued on October 10, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-28306 Filed 10-20-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-288]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Los Gatos, California

On February 1, 1974, in 39 FR 4092, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Los Gatos, California, as an eligible community and included Map No. H 060343 02 which indicates that the property adjacent to Route 17 Freeway, Los Gatos, California, as recorded in Book 7154 at Page 737, Book 3836 at Page 749, and Book 6143 at Page 556 in the office of the Recorder of Santa Clara County, California, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective January 1, 1974, Map No. H 060343 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: October 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28288 Filed 10-20-75;8:45 am]

[Docket No. FI-288]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lake Forest, Illinois

On February 1, 1974, in 39 FR 4092, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Lake Forest, Illinois as an eligible community and included Map No. H 170374 06 which indicates that Lot 27, Block 5, Lake Forest Addition, Lake Forest, Illinois, as recorded in Book N of Plats, Pages 60 and 61 in the office of the Clerk of Lake County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above propertly is not within the Special Flood Hazard Area. Accordingly, effective February 1, 1974, Map H 170374 06 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

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

Issued: October 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28289 Filed 10-20-75;8:45 am]

[Docket No. FI-734]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Irving, Texas

On June 17, 1970, in 35 FR 9914, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Irving, Texas, as an eligible community and included Map No. H 480180 22 which indicates that Spanish Trail Subdivision, Irving, Texas, as recorded in Volume 74185, Page 2097, and portions of the Seventh Installment of Harbor Lakes West, Irving, Texas, as recorded in Volume 74191, Page 1249 in the office of the Clerk of Dallas County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Spanish Trail Subdivision, and the Seventh Installment of Harbor Lakes West are not within the Special Flood Hazard Area. Accordingly, effective June 16, 1970, Map No. H 480180 22 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: October 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28290 Filed 10-20-75;8:45 am]

[Docket No. FI-250]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Ferndale, Washington

On April 25, 1974, in 39 FR 14609, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Ferndale, Washington, as an eligible community and included Map No. H 530201 03 which indicates that the Nelson property on Red Top Road, Ferndale, Washington, as recorded in Volume 245, Pages 315 through 317 in the office of the Auditor of Whatcom County, Washington, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective May 3, 1974, Map No. H 530201 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: October 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28291 Filed 10-20-75;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY

PART I—ACCESS TO RECORDS

Subpart A—Under 5 U.S.C. 552, as Amended

AMENDMENT OF APPENDIX D

The Director, United States Secret Service finds it necessary to amend the regulations at 31 CFR, Part I Appendix (40 FR 7439 and 29290) governing the disclosure of records under the Freedom of Information Act, as amended (5 U.S.C. section 552).

In accordance with 5 U.S.C. 553(a) notice and public procedure are not necessary since the amendment constitutes a rule of agency management or personnel.

Accordingly, Part I, Subpart A, Appendix D, paragraph number 4, of Title 31

of the Code of Federal Regulations is hereby amended to read as follows:

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the U.S. Secret Service will be made by the Deputy Director, U.S. Secret Service. Appeals made by mail should be addressed to:

Freedom of Information Appeal, Deputy Director, U.S. Secret Service, 1800 G Street, NW., Room 800, Washington, D.C. 20223.

Requests may be delivered personally to the Deputy Director, U.S. Secret Service, in Room 800, 1800 G Street, NW., Washington, D.C.

Done at Washington, District of Columbia, this 15th day of October, 1975.

H. S. KNIGHT,
Director.

[FR Doc.75-28294 Filed 10-20-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 52e—NATIONAL HEART AND LUNG INSTITUTE

On May 1, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 19014) proposing addition of a new Part 52e to Title 42 of the Code of Regulations governing the award of grants under section 414 of the Public Health Service Act (42 U.S.C. 287c) for projects: (1) to demonstrate and evaluate the effectiveness of new techniques and procedures for the prevention, diagnosis, or treatment of heart, blood vessel, lung, and blood diseases; (2) to develop and evaluate methods of educating health practitioners concerning the prevention and control of these diseases; and (3) to develop and evaluate methods of educating the public concerning the prevention and control of these diseases.

Interested persons were invited to submit, on or before June 2, 1975, written comments regarding the proposed regulations.

No comments were received. The regulations are therefore being adopted in essentially the same form as proposed. However, 52e.5 has been changed somewhat to require: (1) that an approvable application actually demonstrate compliance with program requirements rather than just provide assurances of such compilance, and (2) that the project be acrried out in substantial conform with the proposal set forth in the aproved application.

Effective Date: This part shall become effective October 21, 1975.

Dated: September 15, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary.

Accordingly, Title 42 of the Code of Federal Regulations is amended by adding a new Part 52e, as follows.

Sec.
52e.1 Applicability.
52e.2 Definitions.
52e.3 Eligibility.
52e.4 Application.
52e.5 Project requirements.
52e.6 Grant awards.
52e.7 Payment.
52e.8 Expenditure of grant funds.
52e.9 Nondiscrimination.
52e.10 Human subjects; animal welfare.
52e.11 Applicability of 45 CFR Part 74.
52e.12 Progress and fiscal records and reports.
52e.13 Grantee accountability.
52e.14 Publications and copyright.
52e.15 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 414, 86 Stat. 682 (42 U.S.C. 287c).

§ 52e.1 Applicability.

(a) The regulations in this part apply to grants under section 414 of the Public Health Service Act (42 U.S.C. 287c) for projects: (1) to demonstrate and evaluate the effectiveness of new techniques or procedures for the prevention, diagnosis, or treatment of heart, blood vessel, lung, and blood diseases, (2) to develop and evaluate methods of educating health practitioners concerning the prevention and control of these diseases, and (3) to develop and evaluate methods of educating the public concerning the prevention and control of these diseases.

(b) For purposes of this part, treatment may include emergency medical services.

§ 52e.2 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLI," means the Director of the National Heart and Lung Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council" means the National Heart and Lung Advisory Council, established by section 417(a) of the Act (42 U.S.C. 287f(a)).

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Disease Program referred to in section 413 of the Act (42 U.S.C. 287b).[1]

(f) "Emergency medical services" means the services utilized in responding to the perceived individual need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

§ 52e.3 Eligibility.

To be eligible for a grant under this part, an applicant must be a public or nonprofit private agency or institution.

[1] Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart and Lung Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

§ 52e.4 Application.

(a) Each agency or institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NHLI, may from time to time require.[2] Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants Administration Manual,[3] each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLI, may require, each application shall set forth in detail:

(1) The nature and purpose of the proposed project and the methods to be employed in carrying it out;

(2) The relevance of the proposed project to the National Program;

(3) The defined population to participate in the proposed project and the rationale for its selection;

(4) With respect to applications relating to projects covered by § 52e.1(a)(1), prior research findings on which the proposed project is based;

(5) The personnel, facilities, and other resources, including community resources, available to carry out the proposed project;

(6) Current activities of the applicant involving prevention or control of heart, blood vessel, lung, and blood diseases, the sources of funding for such activities, and the anticipated relationship of these activities to the proposed project;

(7) The names and qualifications of the project director and key staff members who would be responsible for conducting the proposed project;

(8) Proposed methods for monitoring and evaluating the project; and

(9) The proposed project period; a detailed budget, including a list of other anticipated sources of support; and a justification for the amount of grant funds requested.

§ 52e.5 Project requirements.

(a) An approvable application must demonstrate to the satisfaction of the Director, NHLI, that:

[2] Applications and instructions are available from the Division of Extramural Affairs, National Heart and Lung Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

[3] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(1) With respect to applications relating to projects covered by § 52e.1(a)(1), the techniques or procedures to be demonstrated and evaluated have been found safe and effective in the research setting and, based upon research findings, appear to have the potential for general applicability to the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases;

(2) With respect to applications relating to projects covered by § 52e.1(a)(2) and § 52e.1(a)(3), the project will include development and evaluation of one or more methods for educating health practitioners or the public concerning advances in the prevention, diagnosis, or treatment of such diseases; and

(3) The nature of the project is such that its completion may be anticipated within the project period, or such other period as may be specified in the application.

(b) The project must, in the judgment of the Director, NHLI, be necessary for cooperation by the National Heart and Lung Institute with one or more other Federal Health agencies, State, local, or regional public health agencies, or nonprofit private health agencies in the diagnosis, prevention, or treatment of heart, blood vessel, lung or blood diseases.

(c) In order for an agency or institution to receive support under this part, the project must be carried out in substantial conformity with the proposal set forth in the approved application.

§ 52e.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Council, the Director, NHLI, may award grants to applicants with proposed projects which in his judgment best promote the purposes of section 414 of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the proposed project;

(2) The significance of the project in relation to the goals of the National Program;

(3) Whether the project appropriately emphasizes the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases of children;

(4) The qualifications and experience of the project director and other key personnel;

(5) The administrative and managerial capability and fiscal responsibility of the applicant;

(6) The reasonableness of the proposed budget in relation to the proposed project;

(7) The adequacy of the methods proposed for monitoring and evaluating the proposed project; and

(8) The degree to which the application adequately provides for the requirements set forth in §§ 52e.5(a) and 52e.5(b).

(b) All grant awards shall be in writing and shall specify the project period, the total recommended amount of funds for the entire project period; the approved budget for the initial budget period; and the amount awarded for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion thereof.

(d) The amount of any grant award shall be determined by the Director, NHLI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs for the budget period covered by the award.

§ 52e.7 Payment.

The Director, NHLI, shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

§ 52e.8 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may, with prior approval by the Director, NHLI, be carried forward and remain available for obligation during the remainder of the project period, subject to such limitations as the Director, NHLI, may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 52e.9 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act (20 U.S.C. 1681) which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 52e.10 Human subjects; animal welfare.

No award may be made under this part unless the applicant has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1–43 of the Department of Health, Education, and Welfare Grants Administration Manual and any other applicable requirements concerning animal welfare.

§ 52e.11 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

Subpart:	*45 CFR Part 74*
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout, suspension, and termination.
O	Property.
Q	Cost principles.

§ 52e.12 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NHLI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLI, may find necessary to carry out the purposes of section 414 of the Act and the regulations.

§ 52.13 Grantee accountability.

(a) All payments made by the Director, NHLI, shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Director, NHLI, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this part.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the project period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the project period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 52e.14 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 52e.15 Additional conditions.

The Director, NHLI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

[FR Doc.75-28283 Filed 10-20-75;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—HAZARDOUS MATERIALS

[Docket No. HM-110; Amdt. No. 177-34]

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS, BY PUBLIC HIGHWAY

Use of Catalytic Heaters; Correction

FR Doc. 75-26735, published at page 46106 in the issue of Monday, October 6, 1975, is corrected by changing the last reference in the Authority for Issuance from 1.64(g) to "1.53(g)."

Issued in Washington, D.C., on October 15, 1975.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.75-28298 Filed 10-20-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Wis.

The following special regulation is issued and is effective during the period November 10 through November 29, 1975. Administrative and biological needs require the Moosehorn Refuge deer hunting season to be held concurrent with the Maine State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

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

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted, except on areas designated by signs as closed, during the State firearms season, November 10-29, 1975. This open area, comprising approximately 21,000 acres, is delineated on maps available at Refuge Headquarters, P.O. Box X, Calais, Maine 04619 or from the Regional Director, U.S. Fish and Wildlife Service, U.S. Post Office and Courthouse Building, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 29, 1975.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 14, 1975.

[FR Doc.75-28192 Filed 10-20-75;8:45 am]

PART 32—HUNTING

Horicon National Wildlife Refuge; Wis.

The following special regulation is issued and is effective on October 21, 1975.

§ 32.32 Special Regulations; big game, for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the area designated by signs as open to hunting, during the period November 22 through November 30, 1975, with designated firearms, and during the period Dovember 6 through December 31, 1975 with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, Wisconsin, and from 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.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

GERALD H. UPDIKE,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

OCTOBER 12, 1975.

[FR Doc.75-28305 Filed 10-20-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-GL-21; Amdt. 39-2403]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom F-28A and 280 Helicopters

There were several instances reported of vertical clearance between the main rotor hub nut washer, P/N 28-14005, and the main rotor shaft spline adapter, P/N 28-142241-1. This condition could result

in vertical movement of the main rotor hub on the splined main rotor shaft, thereby causing the safety wire to break, allowing the rotor retaining nut to back off. Since this condition exists in other helicopters of the same type design, an Airworthiness Directive is being issued to require replacement of the main rotor hub nut washer, if necessary, on Enstrom F-28A and 280 helicopters.

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

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

ENSTROM. Applies to Enstrom Models F-28A and 280 helicopters certified in all categories, with the following serial numbers: F-28A—S/N's 4 through 275, 277, 278, 280 through 283; 280—S/N's 1001 through 1006.

NOTE.—Helicopters equipped with a "tang" hub lock washer, Enstrom P/N 28-14263, are exempt from compliance with this Airworthiness Directive.

Compliance required as indicated unless already accomplished.

Within the next 25 hours time in service after the effective date of this Airworthiness Directive:

(a) Remove the main rotor retention nut, Enstrom P/N 28-14004, and hub nut washer, Enstrom P/N 28-14005;

(b) Replace hub nut washer, Enstrom P/N 28-14005, with a new retention washer, Enstrom P/N 28-14008, or an equivalent approved by the Chief, FAA Engineering and Manufacturing Branch, Great Lakes Region. The chamfer on the new washer must be installed parallel with the main rotor spline chamfer; and,

(c) Install main rotor hub retention nut, Enstrom P/N 28-14004, and torque nut to a value of 400 ft. lbs. Re-safety with .040" diameter stainless steel safety wire in three (3) places to the hub adapter plate bolt heads.

Enstrom Service Notes 0025 and 0025A pertain to this same subject.

This amendment becomes effective October 28, 1975.

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

Issued in Des Plaines, Illinois on October 14, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.75-28208 Filed 10-20-75;8:45 am]

[Docket 75-GL-20; Amdt. 39-2398]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric CF6-6D and CF6-6D1

Cracks have been found in the high pressure turbine thermal shield of certain CF6-6D and CF6-6D1 engines that could be the cause of uncontained failures that could result in injury to personnel or damage to the aircraft. Since this condition is likely to exist or develop in other engines of the same type, an Airworthiness Directive is being issued to require periodic inspection of the shields for cracks in the seal teeth.

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

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

GENERAL ELECTRIC. Applies to Models CF6-6D and CF6-6D1 Turbofan Engines. Compliance required as indicated.

To prevent possible disintegration of the high pressure turbine thermal shield accomplish the following:

(a) Within the next 400 operating cycles after the effective date of this Airworthiness Directive, unless already accomplished, and every 400 cycles thereafter, borescope inspect the high pressure turbine thermal shield on all CF6-6D and CF6-6D1 engines except those noted in paragraph (b) below in accordance with the instructions of General Electric Service Bulletin (CF6-6) 72-603 dated October 1, 1975 or subsequent FAA Approved revision.

(b) Inspection is not required:

(1) On engines containing thermal shields replaced or modified in accordance with General Electric Service Bulletin (CF6-6) 72-442, dated October 8, 1973, Revision 1 or subsequent FAA Approved revision, or General Electric Service Bulletin (CF6-6) 72-502 dated October 23, 1974 or subsequent FAA Approved revision.

(2) On engines incorporating thermal shields, General Electric part number 9687 M67P08, assembly number 9687M67G12; part number 9687M67P09, assembly number 9687 M67G13; part number 9687M67P12, assembly number 9687M67G16; or part number 9687 M67P17, assembly number 9687M67G21.

(c) For the purposes of this Airworthiness Directive, the definition of a "cycle" is the definition appearing in the General Electric CF6-6 Shop Manual GEK 9266, Section 72-00-00, Page 301 dated August 1, 1975 or subsequent FAA Approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Company, Cincinnati, Ohio 45215. These documents may also be examined at the FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018 and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This amendment becomes effective October 28, 1975.

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

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

Issued in Des Plaines, Illinois on October 14, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.75-28204 Filed 10-20-75;8:45 am]

[Docket No. 75-GL-19; Amdt. 39-2397]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American AA-5B

There have been failures of the carburetor mixture control wire on Grumman American AA-5B airplanes that could result in engine failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued to require modification of the carburetor mixture control system on Grumman American AA-5B airplanes.

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

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

GRUMMAN AMERICAN. Applies to Grumman American Model AA-5B airplanes, serial numbers AA5B-0001 through AA5B-0118, AA5B-0120, AA5B-0121, AA5B-0123 and AA5B-0124, certificated in all categories.

Compliance required within the next 20 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished.

To prevent failure of the carburetor mixture control wire, replace the carburetor mixture control wire and modify the carburetor mixture control installation in accordance with Grumman American Aviation Corporation Service Bulletin No. 150 dated September 22, 1975 or later FAA approved revision thereto.

Equivalent modifications may be approved by the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region.

Special flight permits may be issued under the provisions of Federal Aviation Regulation 21.197(a)(1).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Grumman American Aviation Corporation, 318 Bishop Road, Cleveland, Ohio 44143. These documents may also be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines

Illinois 60018 and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this Airworthiness Directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This amendment becomes effective October 24, 1975.

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

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

Issued in Des Plaines, Illinois on October 10, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.75-28205 Filed 10-20-75;8:45 am]

[Docket No. 15055; Amdt. 39-2406]

PART 39—AIRWORTHINESS DIRECTIVES

Glasflugel Standard Libelle and 201B; Club Libelle 205; H301 Libelle, H301B Libelle Gliders

There have been reports of cracks in the welded seam of the elevator assembly guide on the elevator actuator bracket and distortion of the elevator assembly guide that could result in improper assembly of tailplane and loss of elevator control on a Glasflugel Series glider. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require inspection of the elevator actuator bracket and its replacement with a reinforced elevator actuator bracket on certain Glasflugel series gliders.

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

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

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

GLASFLUGEL. Applies to the following gliders, certificated in all categories:

1. Standard Libelle and Standard Libelle 201B;

2. Club Libelle 205, serial numbers 107 and below; and

3. H301 Libelle and H301B Libelle serial numbers 2 and subsequent equipped with an elevator actuator bracket having welded assembly guides.

Compliance is required as indicated.

To detect cracks in the welded seam of the elevator assembly guide on the elevator actuator bracket and distortion of the elevator assembly guide and to prevent possible loss of elevator control, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD unless already accomplished, visually inspect—

(1) The elevator assembly guide for distortion; and

(2) The welded seam of the elevator assembly guide, using a 5 power magnifier, for cracks.

(b) If, during the inspection required by paragraph (a) of this AD, a crack or distortion of the elevator assembly guide is found, before further flight, comply with paragraph (d).

(c) If, during the inspection required by paragraph (a) of this AD, a crack or distortion of the elevator assembly guide is not found, within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, comply with paragraph (d).

(d) When compliance is required by paragraph (b) or (c), replace the elevator actuator bracket with a serviceable elevator actuator bracket reinforced with two sheet metal strips in accordance with paragraph 4 of the "Method" section of Glasflugel Technical Note No. 201-20, 205-6, 206-1, 301-30 dated July 11, 1975, or an FAA-approved equivalent.

This amendment becomes effective November 4, 1975.

Issued in Washington, D.C. on October 14, 1975.

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

[FR Doc.75-28206 Filed 10-20-75;8:45 am]

[Docket No. 15054; Amdt. 39-2405]

PART 39—AIRWORTHINESS DIRECTIVES

Morane Saulnier (Socata) MS880B, MS885, MS892A150, MS893A, MS894A Airplanes

There has been a report of control stick interference with the floor hat section on a Morane Saulnier (Socata) MS series airplane that could result in inadequate stick control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a modification to increase the clearance between the control stick and floor hat section on certain Morane Saulnier (Socata) MS series airplanes.

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

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

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

MORANE SAULNIER (SOCATA) RALLYE. Applies to MC880B and MS885 airplanes, certificated in all categories, except serial numbers 1962 and subsequent; and MS 892A150, MS893A, and MS894A airplanes, certificated in all categories, except serial numbers 11993 and subsequent.

Compliance is required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible interference between the control stick and floor hat section, accomplish the following:

Modify the floor adjacent to the control stick by increasing the clearance between the floor and control stick in accordance with the "Description" paragraph in Socata Service Bulletin No. 104 GR-27-09, dated September, 1972, or an FAA-approved equivalent.

This amendment becomes effective November 4, 1975.

Issued in Washington, D.C. on October 14, 1975.

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

[FR Doc.75-28207 Filed 10-20-75;8:45 am]

[Airspace Docket No. 75-SO-127]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Greer, S.C., control zone.

The Greer control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on the ILS localizer northeast course. This extension is no longer required, and it is necessary to delete it from the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.171 (40 FR 354), the Greer, S.C., control zone is amended as follows:

". . . within 1 mile each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; . . ." is deleted.

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

Issued in East Point, Ga., on October 9, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28212 Filed 10-20-75;8:45 am]

[Airspace Docket No. 75-SO-131]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pine Mountain, Ga., transition area.

The Pine Mountain transition area is described in § 71.181 (40 FR 441). In the description, reference is made to the

Gardens-Harris County Airport. The official name of the airport has been changed, and it is necessary to amend the description to reflect the new name. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Pine Mountain, Ga., transition area is amended as follows:

". . . Gardens-Harris County Airport . . ." is deleted and ". . . Callaway Gardens-Harris County Airport . . ." is substituted therefor.

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

Issued in East Point, Ga., on October 8, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28211 Filed 10-20-75;8:45 am]

[Airspace Docket No. 75-SO-130]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alexander City, Ala., transition area.

The Alexander City transition area is described in § 71.181 (40 FR 441). In the description, an extension is predicated on the 181° bearing from the Alexander City RBN. Because of an alteration to the NDB A instrument approach procedure, it is necessary to amend the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Alexander City, Ala., transition area is amended as follows:

". . . 181° bearing . . ." is deleted and ". . . 171° bearing . . ." is substituted therefor.

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

Issued in East Point, Ga., on October 8, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28209 Filed 10-20-75;8:45 am]

[Airspace Docket No. 75-SO-132]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Athens, Ga., control zone.

The Athens control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on the Athens VORTAC 195° radial. Because of an alteration to the VOR RWY 2 instrument approach procedure, it is necessary to amend the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.171 (40 FR 354), the Athens, Ga., control zone area is amended as follows:

". . . 192° . . ." is deleted and ". . . 195° . . ." is substituted therefor.

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

Issued in East Point, Ga., on October 9, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28210 Filed 10-20-75;8:45 am]

[Docket No. 13569; Amdt. No. 121-124]

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

Stowage of Containers for Transport of Animals Aboard Aircraft

● The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to rescind § 121.288, "Carriage of live animals in containers in cargo compartments." ●

On August 9, 1974, the FAA issued Amendment 121-111, effective October 18, 1974, to Part 121 of the Federal Aviation Regulations (published in the FEDERAL REGISTER on August 19, 1974; 39 FR 29917) to require that cargo containers housing live animals for carriage by air in the cargo compartments of aircraft be secured in the cargo compartment in such a fashion as to prevent shifting and be protected from the hazards of shifting of other cargo, and to assure that ventilation areas of the container are not obstructed. That amendment was based on a notice of proposed rule making (Notice 74-10) published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9456).

In response to petitions received from the Air Transport Association of America and Southern Airways, Inc., and members of the medical profession engaged in research using live animals, the FAA issued Amendment No. 121-112 (39 FR 36576; October 11, 1974), and extended the date for compliance with § 121.288 to February 18, 1975, to allow certificate holders additional time for obtaining and installing necessary equipment.

Shortly before the new compliance date, the FAA received hundreds of letters and mailgrams from pet and animal dealers, medical schools, research laboratories, and others, stating that they feared Part 121 certificate holders would embargo the shipment of live animals if the rule was not rescinded or the compliance date extended. They asserted that the threatened embargo would cause them serious financial injury, if not put them out of business. In addition, there were numerous expressions of concern that the rule would limit available capacity for shipping live animals by air, thus creating a severe hardship on the pet industries. Based on these petitions, the FAA issued Amendment No. 121-116 (40 FR 7436; February 20, 1975), extending the effective date to October 18, 1975.

On February 3, 1975, Pet Industries Joint Advisory Council and others petitioned the FAA to either rescind § 121.288 or initiate new rulemaking proceedings on the transportation of animals by air (FAA Regulatory Docket No. 14304). On May 1, 1975, the Air Transport Association of America petitioned the FAA to make certain revisions in § 121.288 (FAA Regulatory Docket No. 14622).

A large volume of correspondence received by the FAA has contained numerous expressions of concern that, following the October 18, 1975, effective date of § 121.288, available space for the shipment of live animals will be severely curtailed. Some Part 121 certificate holders have made it known to the pet industry, medical schools, laboratories, and others that they expect to have less space available for the shipment of live animals following modification of their aircraft cargo compartments. Others have indicated they will be required to initiate proceedings to embargo the shipment of animals on their aircraft because they are unable to provide the appropriate tie-down equipment in some aircraft types. Many who wrote the FAA expressed their concern for the humane treatment of animals, but stressed that any curtailment in the shipment of live animals would either force them into a drastic cutback in personnel or force them out of business completely.

Certificate holders have indicated that to achieve compliance with the rule they would have to designate specific areas in each cargo compartment for the carriage of live animals and that each container would have to be individually secured to the cargo compartment. This would prevent the certificate holders from transporting the volume of live animals presently being carried. It would also reduce the total available cargo space. In addition, because of the small cargo areas of certain airplanes, some certificate holders would not be able to transport any live animals in those airplanes.

Certificate holders and the pet industry, in voicing their disapproval of § 121.288, have taken a position that the present rule will not improve what they

consider to be an already excellent record of safety in the transportation of live animals and because of the adverse effect on the air carrier's capacity to carry live animals will result in a disservice to the traveling public, shippers of live animals, and medical research professions. They contend that the language of the rule is vague and ambiguous and is subject to various interpretations. They assert that compliance with the existing rule will result in higher costs to private pet owners, commercial shippers, medical schools and laboratories, and others, and that this is due in part to the reduction in available space for shipping live animals which will result in more trips to the airport to pick up parts of a shipment of animals that formerly could be shipped as one unit. They also indicate that it is probable that each certificate holder will have to inaugurate a live animal reservation system to assure adequate space available on originating and connecting flights. These higher shipping costs would be transferred to the owner or shipper.

On September 9, 1975, the FAA on behalf of the Department of Transportation presented prepared testimony before the Subcommittee on Livestock and Grains of the House Committee on Agriculture. The FAA stated that it was reviewing §121.288, guided by the Administration's intention to seek to accomplish regulatory reform, particularly with respect to extra burdens imposed by regulations. It was also stated that the FAA carefully considered the information submitted to the agency before the effective date of the rule was extended, and that the effect of the aircraft modifications needed has generated more complex issues than those the FAA anticipated, particularly with respect to stowage and cargo compartment environment.

Moreover, the FAA stated:

> The FAA lacks the expertise to develop standards for the temperature levels and air supply needed for different kinds of animals which may be carried aboard an aircraft. We also are not experts concerning the containers in which they are transported. We are concerned with the economic impact of these rules on the pet industry, the pet owner and the airlines. We are not in a position to make zoological or veterinary judgments. We are in the business of safety of flight and should continue to concentrate our resources in that direction. * * * In many event, we believe that regardless of any present division of authority it would not be appropriate for the FAA to undertake any comprehensive program for implementing or enforcing standards for the humane treatment of animals in air transportation.

The FAA is concerned that industries whose livelihood depends on the fast, reliable air shipment of live animals would be adversely affected. Apparently, the rule also would hamper medical research efforts and increase the animal owners' and shippers' costs substantially. In addition, it should be noted that certificate holders would face increased costs due to the installation and maintenance of special tie-down equipment and the need for an animal reservation system. Loss of revenue could also result because of reduced capacity (both in animal and general cargo shipments). Finally, there would be a higher risk of inhumane treatment of animals in transit due to a reduction in available space that would cause delays in shipment at the originating station and at enroute stops.

Since compliance with § 121.288, as adopted, will create practical problems resulting in a serious curtailment in the shipment of animals and the imposition of an undue economic burden on Part 121 certificate holders and shippers of animals, the FAA has determined that allowing § 121.288 to become effective would not be appropriate or in the public interest. The FAA must consider further whether amendments to the Federal Aviation Regulations, if any, should be adopted with respect to the carriage of live animals. Rather than extend the effective date of § 121.288 again while this matter is under consideration, it appears that the most appropriate course of action is to rescind § 121.288. Previous extensions have only served to confuse the issues and create additional concern. Immediate rescission of the rule will also eliminate any further uncertainty as to whether the projected needs of the pet industry, medical research and others can be met by § 121.288.

Under these circumstances, I find that notice and public procedure on this rescission would be impracticable and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days. However, the FAA is soliciting further public comment. Interested persons are invited to submit comments in duplicate by November 18, 1975, addressed to Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591.

§ 121.288 [Revoked]

In consideration of the foregoing, effective October 17, 1975, § 121.288 of the Federal Aviation Regulations adopted by Amendment 121-111 published in the FEDERAL REGISTER on August 19, 1974 (39 FR 29917) is hereby rescinded.

(Sec. 313(a), 601(a), and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 (a), and 1424. Sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c).)

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

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-28499 Filed 10-17-75;6:12 pm]

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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Preliminary Free and Reserve Percentages for 1975–76 Crop Year

Notice is given of a proposal to designate for natural Thompson Seedless and Dipped Seedless raisins for the 1975–76 crop year, beginning September 1, 1975, preliminary free tonnage percentages of 52 percent and 53 percent, respectively, and preliminary reserve tonnage percentages of 48 percent and 47 percent, respectively. These designations would be under § 989.55 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The proposal would also revise § 989.224 (40 FR 46299) to delete the designation of a desirable free tonnage for the 1975–76 crop year of 2,850 tons of Zante Currant raisins contained in that section. The amended marketing agreement and order, hereinafter referred to collectively as the "order", are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This proposal with respect to designation of free and reserve tonnage percentages was unanimously recommended under § 989.54(b) by the Raisin Administrative Committee established under the order.

Production of natural Thompson Seedless and Dipped Seedless raisins for the 1975–76 crop year has been estimated to be 240,000 tons and 9,000 tons, respectively, by the Committee. The Committee determined that a field price for natural Thompson Seedless and Dipped Seedless raisins is firmly established. Under § 989.54(b) of the order, the Committee is required to recommend to the Secretary a preliminary free tonnage percentage which when applied to the estimated production of a varietal type would release 85 percent of the desirable free tonnage for that varietal type. A desirable free tonnage for natural Thompson Seedless and Dipped Seedless raisins of 148,000 tons and 5,620 tons, respectively, was designated by the Secretary on October 7, 1975 (40 FR 46299).

Eighty-five percent of the desirable free tonnage for natural Thompson Seedless raisins would be 125,800 tons. Dividing 125,800 tons by the estimated production (240,000 tons) and rounding to the nearest full percent results in a preliminary free percentage of 52 percent. Eighty-five percent of the desirable free tonnage for Dipped Seedless raisins would be 4,777 tons. Dividing 4,777 tons by the estimated production (9,000 tons) and rounding to the nearest full percent results in a preliminary free percentage of 53 percent.

Section 989.54(b) also provides that any difference between the preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage. Thus, the preliminary reserve percentages for natural Thompson Seedless and Dipped Seedless raisins would be 48 percent and 47 percent, respectively.

A desirable free tonnage, for the 1975–76 crop year, of 2,850 tons for Zante Currant raisins was designated on October 7, 1975 (40 FR 46299), and is contained in § 989.224. The Committee's October 3, 1975, estimate of production of these raisins for the 1975–76 crop year was 2,850 tons. Thus, no volume regulation is needed for this varietal type of raisin and all of the 1975–76 production of Zante Currant raisins should be free tonnage. Therefore, the Committee recommended that § 989.224 be revised to delete the desirable free tonnage designated for these raisins in that section.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 31, 1975. All written submissions made regarding this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular hours of business (7 CFR 1.27 (b)).

The proposal is as follows:

1. Section 989.224 is revised to read:

§ 989.224 Desirable free tonnage.

The desirable free tonnage designated for natural Thompson Seedless and Dipped Seedless raisins for the 1975–76 crop year are 148,000 tons and 5,620 tons, respectively.

2. A new § 989.231 is added reading as follows:

§ 989.231 Free and reserve percentages for the 1975–76 crop year.

The preliminary percentages of standard natural Thompson Seedless and Dipped Seedless raisins acquired by handlers during the crop year beginning September 1, 1975, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural Thompson Seedless	52	48
Dipped Seedless	53	47

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: October 14, 1975.

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

[FR Doc.75–28277 Filed 10–20–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 330]

[Docket No. 75N–0039]

OVER-THE-COUNTER DRUGS

Testing of Category III Active Ingredients

The Commissioner of Food and Drugs is proposing to amend § 330.10 (21 CFR 330.10), the procedural regulations governing the over-the-counter (OTC) drug review project, to establish the conditions under which an OTC drug classified in category III (insufficient data to permit final classification at this time) may continue to be marketed pending development of data to support approval of the ingredient, labeling, or other condition as safe, effective, and not misbranded, through amendment of the applicable OTC drug monograph or approval of a new drug application (NDA). Comments on this proposal will be accepted until December 22, 1975.

The Commissioner proposed in the FEDERAL REGISTER of January 5, 1972 (37 FR 85) and promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), procedures governing the review and classification of OTC drug products. These procedures provide for initial classification of the ingredients, labeling claims, and other conditions reviewed as generally recognized as safe and effective and not misbranded (category I), not generally recognized as safe and effective or misbranded (category II), and insufficient data to permit final classification at this time (category III).

The Commissioner has provided in § 330.10(a)(6) that a reasonable period of time will be specified within which category III conditions may be continued in marketed products while the

data necessary to support their use are being obtained for submission to and evaluation by the Food and Drug Administration. Section 330.10(a)(12) then provides that the Commissioner may propose to amend or repeal a monograph on his own initiative or on the petition of any interested person, and that an NDA may be submitted in lieu of, or in addition to, a petition to amend a monograph.

The Food and Drug Administration has received numerous requests for clarification of the conditions under which drug products with category III conditions may continue to be promoted and marketed pending further testing, and the circumstances under which the Food and Drug Administration will require that the monograph be amended rather than permitting approval of a category III condition through submission of an NDA. These issues were thoroughly considered by the Commissioner in promulgating the final monograph on OTC antacid drug products in the FEDERAL REGISTER of June 4, 1974 (39 FR 19862). The Commissioner concludes that the decisions made at that time have broad applicability to all OTC drug products subject to this review. Accordingly, the Commissioner has concluded that these matters should be resolved by this proposed amendment of § 330.10(a)(12).

Regarding the question of continued marketing of a drug product with a category III condition pending further testing, the Commissioner advises that the provisions of § 330.10(a)(6) currently state that such marketing is lawful only if testing to obtain the data necessary to support the questioned condition is in fact conducted for the specific product involved. The Commissioner proposes to specify in the regulations that because one manufacturer is conducting such testing does not mean that other manufacturers may continue to market their product without such testing. However, a trade association or other group could conduct appropriate testing on behalf of a number of manufacturers and thereby satisfy the requirement that testing has been conducted on their behalf. Similarly, a chemical manufacturer may conduct testing of a category III ingredient on behalf of all his customers. Therefore, a manufacturer or distributor may market an OTC drug with a category III condition only if he is conducting the testing himself or is supporting such testing, or such testing is otherwise conducted on his behalf.

The Commissioner further proposes that such testing must be initiated prior to the date on which drug products with category II conditions can no longer be shipped in interstate commerce. The failure to initiate testing by that time would subject a category III condition to the same regulatory sanctions as a category II condition.

The submission of test protocols or periodic reports or other information with respect to such testing is optional, not mandatory. However, the Commissioner may require some proof that such testing has been undertaken in compliance with the requirements of the regulations. Any manufacturer who wishes to submit information on such testing may do so by sending it to the Assistant Director for Implementation, Division of OTC Drug Evaluation, HFD-510, Food and Drug Administration, Rm. 16-85, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852.

Section 330.10(a)(12) of the regulations provides that approval of a category III condition may be obtained either by amendment of the applicable monograph or by an NDA. There have been many questions about whether an NDA may be submitted if a category III condition is continued in use during the testing period permitted by the final regulation. The Commissioner recognizes that the intended application of this provision is unclear, and proposes to clarify it herein.

As proposed, a petition to amend the monograph would have to be submitted prior to 60 days before the end of the time period for testing of category III conditions, which is specified in the promulgation of the final monograph. If a petition is received within this time period, marketing on an interim basis may continue thereafter, unless and until the Food and Drug Administration denies the petition.

The Commissioner proposes that a manufacturer may submit an NDA, rather than a petition to amend the monograph, only if the drug product with the condition involved has not been marketed on an interim basis while the supporting data have been gathered. If the product with that condition, e.g., an ingredient or claim placed in category III, has been marketed during the interim period, it could only have been so marketed lawfully on the basis of a conclusion by the manufacturer that the product is not a new drug by reason of that condition, and accordingly, the proper procedure for permanent approval of the condition would be through an old drug monograph rather than through an NDA. Only if the product with that condition is not marketed during that interim period, and thus if any clinical testing has been conducted pursuant to an IND plan, may the manufacturer properly obtain approval for the condition involved through an NDA.

The Commissioner notes that there is no provision in section 505 of the act for marketing a new drug prior to approval of an NDA. Marketing of a new drug prior to such approval constitutes a violation of the act. Thus, any manufacturer who desires to request approval of a category III condition through an NDA must conduct all clinical testing pursuant to an IND plan and may not market a product with that condition on an interim basis prior to approval of the NDA.

If an NDA is submitted to request approval of a category III condition and the Commissioner concludes that an NDA is inappropriate because the applicant has marketed a product with that condition during the interim testing period, the Commissioner proposes that the NDA be handled as a petition to amend the monograph. However, the Commissioner may not otherwise utilize safety and effectiveness data and information contained in an NDA, which have not previously been disclosed to the public, to determine that the condition involved is generally recognized as safe and effective and thus that the monograph should be amended. Of course, if one manufacturer chooses to obtain amendment of the monograph and another chooses to obtain approval of an NDA for the same category III condition, once the monograph is amended to include the condition involved, the NDA will no longer be operative and, in accordance with the agency's public information regulations, the safety and effectiveness data contained in that NDA will be available for public disclosure.

The Commissioner is of the opinion that these provisions are reasonable and fully reflect the requirements of the law. By requiring that a petition to amend a monograph be submitted prior to 60 days before the end of the testing period specified for a category III condition, the Food and Drug Administration will have a reasonable opportunity to determine whether the petition contains adequate supporting data and information before that time period expires. Manufacturers need not be concerned about possible difficulties in the time taken to process a petition for amendment of a monograph since it is only necessary that such petition, containing all data and information obtained for the testing, be filed prior to 60 days before the cut-off date set for category III testing, not that it be approved by the Food and Drug Administration by that final cut-off date. If further time is necessary for processing the petition, which will be the case where a proposal to amend the monograph is published for comment, marketing may continue until the matter is resolved. If the petition is denied, marketing must cease.

It is possible that the Food and Drug Administration will conclude that a petition to amend a monograph establishes safety and effectiveness but not general recognition of safety and effectiveness, and thus that an NDA for the product is approvable even though the monograph cannot properly be amended. The Commissioner proposes that, under these circumstances, the petition for amendment of the monograph be treated by the Food and Drug Administration as an NDA, and thus that approval of an NDA can be granted without first requiring disapproval of the petition and cessation of marketing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701(a), 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055 (U.S.C. 321, 352, 355, 371(a))) and under the authority delegated to him (21 CFR 2.120), the Commissioner proposes to revise § 330.10(a)(12) to read as follows:

§ 330.10 **Procedures for classifying OTC drugs as generally recognized as safe and effective and as not misbranded, and for establishing monographs.**

* * * * *

(a) * * *

(12) *Amendment of monographs.* (i) The Commissioner may amend or revoke any monograph established pursuant to this section on his own initiative or on the petition of any interested person, pursuant to the provisions of Part 2 of this chapter.

(ii) Any person who wishes to continue marketing a product with a condition subject to paragraph (a)(6)(iii) (category III) of this section shall undertake, or have undertaken on his behalf, testing adequate and appropriate to obtain the data necessary to resolve the issues which resulted in such classification. Such testing shall be initiated prior to the date after which a product with a condition subject to paragraph (a)(6)(ii) (category II) of this section may no longer be shipped in interstate commerce. The failure to initiate such testing within such time period shall result in imposition of the sanctions applicable under paragraph (b) of this section. Upon request, the manufacturer shall furnish to the Food and Drug Administration adequate proof that such testing has been initiated within the time period specified.

(iii) A new drug application may be submitted in lieu of a petition to amend the monograph only if the drug product with the condition which is the subject of the NDA has not been marketed on an interim basis pursuant to the provisions of paragraph (a)(6)(iii) (category III) of this section, all clinical testing has been conducted pursuant to an IND plan, and no marketing is undertaken prior to approval of the NDA. The Food and Drug Administration shall handle an NDA as a petition for amendment of a monograph, and shall review it on that basis, if the provisions of this paragraph preclude approval of an NDA but permit the granting of such a petition.

(iv) A petition to amend the applicable monograph shall be submitted prior to 60 days before the expiration date for a condition subject to the provisions of paragraph (a)(6)(iii) (category III) of this section in order to justify continued marketing of a product with a condition subject to that paragraph. Marketing may thereafter be continued unless and until the petition is disapproved. The Food and Drug Administration shall handle a petition for amendment of a monograph as a new drug application, and shall review it on that basis, if the provisions of this paragraph preclude granting such a petition but permit approval of a new drug application. However, until the Agency determines whether or not an approved NDA can issue, the data submitted will be considered as a petition for amendment of a monograph and marketing may be continued.

* * * * *

Interested persons may, on or before December 22, 1975 submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 10, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-28226 Filed 10-20-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-733]

CITY OF KINGFISHER, OKLAHOMA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Kingfisher.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 119 W. Miles Street, Kingfisher, Oklahoma 73750.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Vernie Snow, City Superintendent. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (in feet)	
			Right	Left
Kingfisher Creek	County road (13th St.)	1,048	[1] 2,250	(3)
	U.S. Highway 81	1,045	[2] 2,350	(3)
	Chicago, Rock Island and Pacific RR	1,043	[1] 1,100	(3)
Uncle John's Creek	Oklahoma Ave	1,048	(3)	[2] 350
	East Bowman Ave	1,048	(3)	[2] 800
	Oklahoma Highway 33	1,044	(3)	[2] 950
	East Roberts Ave	1,043	(3)	[1] 900

[1] Approximate distance in feet from corporate limits to boundary of 100-yr flood.
[2] Approximate distance in feet from bank of stream to boundary of 100-yr flood.
[3] Extends beyond corporate limits.

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

Issued: September 30, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28236 Filed 10-20-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-732]

TOWN OF CRYSTAL BEACH, GALVESTON COUNTY, TEXAS

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Crystal Beach.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall, Crystal Beach Fire Department, Highway 87, Crystal Beach.

Any person having knowledge, information, or wishing to make a comment

on these determinations should immediately notify Mayor Edward Robinson, P.O. Box 1346, Crystal Beach, Texas 77650. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Gulf of Mexico and Galveston Bay	Oneal Rd.	13	14,000
	Monkhouse Dr.	13	13,400
	Crystal Beach Rd.	13	12,800
	Gulf Shore Dr.	13	9,250
	Lamada Rd.	13	7,250
	Stingaree Rd.	13	7,150

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2878, January 24, 1974).

Issued: October 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28287 Filed 10-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-NW-25]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area over northeast Wash. Coincident with the amendment associated nonrule-making action would be taken to establish a Military Operations Area (MOA) within that airspace.

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, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash., 98108. All communications received on or before November 20, 1975, will be considered before action is taken on the proposed amendment. The proposal 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, SW., 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 amendment would designate Additional Control Area under § 71.163 as follows:

COLVILLE, WASH.

That airspace extending upward from 7000' MSL bounded on the north by the United States-Canada border, on the east by the west edge of V-112, on the south by Latitude 48°00' N, and on the west by Longitude 119°11' W, excluding the Spokane, Wash., Transition Area. That airspace below 1200 feet AGL is excluded.

The Additional Control Area is required to provide controlled airspace for military IFR training operations.

The nonrule-making action associated with the proposed amendment would establish a MOA of defined vertical and lateral dimensions within which required IFR military training activities would be conducted. The description of the proposed MOA is as follows:

Name: Roosevelt.

Controlling Agency: Seattle ARTCC.

Scheduling Agency: Commander, Medium Attack Tactical Electronic Warfare Wing, U.S. Pacific Fleet, NAS Whidbey Island, Wash.

Altitude: From 8000' MSL to but not including FL-180, excluding that airspace below 1200' AGL.

Boundaries: Beginning at: Latitude 49°00' N, Longitude 119°00' W to Latitude 49°00' N, Longitude 116°48' W to Latitude 48°22' N, Longitude 117°28' W to Latitude 48°22' N, Longitude 118°06' W to Latitude 48°03'30'' N, Longitude 119°00' W to point of beginning.

Time of Operation: Seven days per week 0600–0000 local; other times by NOTAM.

The proposed training activities that would be conducted within the MOA are not considered sufficient in volume or nature to justify restricted area airspace. The purpose of the MOA is to contain military training activities. IFR flights will be provided IFR separation from military operations within the area. The MOA would not impose flight restrictions or additional communications requirements on VFR flights. However, the agency has determined that flight safety would be improved if the area is made known to the public. Accordingly, the MOA would be identified and shown on appropriate aeronautical charts.

(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 October 14, 1975.

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

[FR Doc.75-28214 Filed 10-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-NW-23]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area over southeastern Oreg. Coincident with the amendment, associated nonrule-making action would be taken to establish a Military Operations Area (MOA) within that airspace.

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, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before November 20, 1975 will be considered before action is taken on the proposed amendment. The proposal 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, SW., 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 amendment would designate Additional Control Area under § 71.163 as follows:

LAKEVIEW, OREGON

That airspace extending upward from 10,500 feet MSL bounded on the north by Latitude 44°00' N, on the east by a line extending from Latitude 44°00' N, Longitude 120°00' W, to the north edge of V-122 at Longitude 119°00' W, on the south by the north edge of V-122, and on the west by the east edge of V-165.

The Additional Control Area is required to provide controlled airspace for military IFR training operations.

The nonrule-making action associated with the proposed amendment would establish a MOA of defined vertical and lateral dimensions within which required IFR military training activities would be conducted. The description of the proposed MOA is as follows:

Name: Juniper.

Controlling Agency: Seattle ARTCC.

Scheduling Agency: Commander, 25th Air Division/NORAD Region, McChord AFB, Washington.

Time of Operation: seven days per week 0600–0000 local, other times by NOTAM.

Altitude: From 11,000 feet MSL to but not including F1-180.

Boundaries: Beginning at Latitude 43°56' N., Longitude 120°44' W., to Latitude 43°58' N., Longitude 120°00' W., to Latitude 42°40' N., Longitude 119°10' W., to Latitude 42°40' N., Longitude 120°18' W., to point of beginning.

The proposed training activities that would be conducted within the MOA are

not considered sufficient in volume or nature to justify restricted area airspace. The purpose of the MOA to the contain military training activities. IFR flights will be provided IFR separation from military operations within the area. The MOA would not impose flight restrictions or additional communications requirements on VFR flights. However, the agency has determined that flight safety would be improved if the area is made known to the public. Accordingly, the MOA would be identified and shown on appropriate aeronautical charts.

(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 October 14, 1975.

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

[FR Doc.75-28215 Filed 10-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-133]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lexington, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 20, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

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

The Lexington transition area would be designated as:

That airspace extending upwards from 700 feet above the surface within a 5.5-mile radius of Lexington Municipal Airport (latitude 35°46'47" N., longitude 80°18'20" W.)

The proposed designation is required to provide controlled airspace protection for IFR operations at Lexington Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Greensboro VORTAC, is proposed in conjunction with the designation of this transition area. If the proposed designation is acceptable, the airport operating authorization will be changed from VFR to IFR.

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

Issued in East Point, Ga., on October 6, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28213 Filed 10-20-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1953]

[Docket No. SP-4]

PROCEDURES FOR PUBLICATION OF STATE STANDARDS

Notice of Proposed Rulemaking

In accordance with § 1953.2(c) of Title 29, Code of Federal Regulations, and the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), it is hereby proposed to amend Subpart A of Part 1953 to prescribe expedited procedures for approval and publication of State standards including emergency temporary standards. Section 18(c)(2) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 667) and 29 CFR 1902.3(c)(1) provide for the development of State standards which are or will be at least as effective as comparable Federal standards. In order to measure compliance with this requirement, 29 CFR 1902.4 contains a series of indices of effectiveness. These provide for adoption of State standards which are the same as the Federal standards or for the adoption of alternative standards which are "at least as effective". The State standards must be promulgated in accordance with procedures providing for public notice, written comments and/or hearings on the adoption of the standards with provision for judicial review of the standards comparable to section 6(f) of the Act. (29 U.S.C. 655(f)). One exception to these requirements permits the State to adopt Federal standards by reference, thereby substituting the Federal procedures for public participation for duplicative State procedures (29 CFR 1902.4(b)(2)(iii)). (See North Carolina decision 29 CFR 1952.150(c), 38 FR 3042, February 1, 1973).

Under 29 CFR 1953.4 review and approval of promulgated State standards has been delegated to the Assistant Regional Directors for Occupational Safety and Health (hereinafter called Assistant Regional Director). This process includes review of the promulgated State standards to determine if they are identical to Federal standards, with the exception of the substitution of State for Federal references. If the standards are not identical, then the Assistant Regional Director must determine if they are at least as effective as the comparable Federal standards.

The proposed regulations provide for publication in the FEDERAL REGISTER without public comment of notices of approval if State standards are identical to the comparable Federal standards. In such cases, additional public comment would be unnecessary since the identical standards adopted by the States are per se at least as effective as the Federal standards.

The proposed regulations also provide for publication of notices of approval of State standards without public comment on the Federal level where, after opportunity for public input in the State promulgation proceedings and U.S. Department of Labor technical review, there are no remaining technical, scientific or legal questions as to whether such standards are at least as effective as the comparable Federal standards. The regulations state that where the State standards are proposed for adoption on the basis that they are "at least as effective as" the comparable Federal standards, the State notice shall contain langauge to that effect inviting public participation on the issue of the effectiveness of the State standards vis-a-vis the Federal standards. In addition, decisions of the Assistant Regional Directors in approving standards may be appealed to the Assistant Secretary of Labor for Occupational Safety and Health.

Public comment will be provided at the Federal as well as the State level where technical, scientific or legal questions remain, and for standards which could be considered product standards within the meaning of section 18(c)(2) of the Act (29 U.S.C. 667(c)(2)) unless the State product standard is identical to the comparable Federal product standard.

To assure consideration on both the State and Federal level of public comment in State proceedings on proposed State standards different from Federal standards, it is also proposed to amend 29 CFR Part 1953 by adding a requirement that the State make available to the Assistant Regional Director all public comments received by the State and the hearing transcript, if any, in addition to submitting the 6 copies of a standard supplement required by 29 CFR 1953.11(b)(1), 1953.23(b)(1), 1953.31(b)(1) and 1953.41(b)1).

By giving due weight to public comment brought forth in the State proceedings, the proposal would avoid unwarranted duplication of procedures and expenditure of public and private resources. It would also ensure a direct impact for such public comment on the Federal level.

The proposed regulations also describe a procedure for a Federal comment period on proposed State standards at the request of a State or as initiated by the Occupational Safety and Health Administration. This procedure would be particularly useful where a State is seeking an advisory opinion under Subpart F of Part 1953 prior to promulgation of its standards. For example, a State could request an advisory opinion on the separability of an issue as defined in 29 CFR 1902.2(c); whether a stand-

ard was a product standard as defined in section 18(c)(2) and 29 CFR 1902.3 (c)(2); or whether the proposed standards raised any scientific, technical or legal questions that would affect a determination on effectiveness. In these circumstances, it would be beneficial to the State, as well as to the Federal reviewing offices, to have public input at the Federal level on the proposed standards. The Federal comment period may run concurrently with the State comment period or may take place at any other time prior to the adoption of a final standard.

Interested persons are given until November 20, 1975 to submit to the Associate Assistant Secretary for Regional Programs, [Docket No. SP-4], Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210, written comments, suggestions, or objections regarding the proposed regulations as set out below. Comments received will be available for public inspection and copying during normal business hours at the Technical Data Center, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210. The proposed rules may be reviewed prior to final publication to reflect suggestions made by the comments.

In consideration of the foregoing it is proposed to amend Part 1953 of Chapter XVII of Title 29, Code of Federal Regulations, as follows:

1. Section 1953.3 would be renumbered to read § 1953.3(a) and a new § 1953.3 (b), (c), (d), (e) and (f) would be added to read as follows:

§ 1953.3 Publication.

* * * * *

(b)(1) In accordance with § 1953.2(c) of this part, the Assistant Secretary finds that good cause exists to establish an alternative procedure for approval of State standards by not publishing certain approved State standards for public comment. The standards included in this provision are: (i) State standards, identical to the Federal standards, which have been adopted by reference or otherwise, in accordance with State promulgation procedures; and (ii) State standards, determined to be at least as effective as the comparable Federal standards, which were adopted in accordance with the promulgation procedures of State law including an opportunity for public comment and/or hearings.

(2) This alternative procedure is established for the following reasons: (i) where the standards are identical to the Federal standards an opportunity for public comment and participation has already been provided at the Federal level; and (ii) where the standards which are determined to be "at least as effective" were adopted in accordance with the State promulgation procedures established under the approved State plan including public notice inviting public comment, further public comments would be unnecessary.

(3) The procedures set forth in paragraphs (b), (c) and (d) of this section take precedence over the review and approval provisions in Subparts B, C, D and E of this part insofar as they relate to approval and publication of change supplements consisting of identical or "at least as effective as" standards. Accordingly the procedures in 29 CFR 1902.11 and 1902.12 are inapplicable to these particular standards supplements.

(c)(1) Where the Assistant Regional Director, in accordance with the delegation of authority in § 1953.4 of this part, determines that State standards, which have been promulgated in accordance with State law, are identical to or "at least as effective as" comparable Federal standards, he shall publish the appropriate approval notice in the FEDERAL REGISTER.

(2) Where the Assistant Regional Director, in accordance with the delegation of authority in § 1953.4 of this part, determines that a State standard (or standards) promulgated in accordance with State law, raises technical, scientific, legal or other significant questions or, is a product standard within the mean of section 18(c)(2) of the Act and is not identical to the comparable Federal product standard, he shall upon receipt of the standard, publish the appropriate FEDERAL REGISTER notice inviting public comment on the State standard (or standards).

(3) Where the Assistant Regional Director, in accordance with the delegation of authority in § 1954.4 of this part, determines that a State standard (or standards) is not identical to or at least as effective as the corresponding Federal standard he shall follow the procedures in the appropriate subpart of this part for providing public participation in rejection of any standards.

(d)(1) A State may request an advisory opinion under Subpart F of Part 1953 on proposed State standards. In conjunction with such an opinion or even in the absence of such an opinion, the State may request, or the Occupational Safety and Health Administration on its own initiative may authorize, publication of a Federal notice seeking public comment on whether the provisions of the proposed State standards meet the indices of effectiveness in 29 CFR Part 1902. The Federal notice may be published concurrently with the State notice requesting public comment or at any time prior to adoption of the final State standard.

(2) The comments received in response to the Federal notice published under paragraph (d)(1) shall be transmitted with any advisory opinions to the State for consideration in the promulgation of the State standards.

(3) The procedures in paragraph (c) of this section for approval without public comment are applicable to the promulgated State standards which had been published for comment as proposals under the concurrent notice provision of this paragraph unless the Assistant Regional Director, under the delegation of authority in § 1953.4 of this part, determines to reject the standards as promulgated.

(e) Whenever a State publishes a notice proposing to adopt State standards which are at least as effective as the comparable Federal standards, the notice shall contain a statement inviting public comment not only on the substance of the standards but also on whether they meet the "at least as effective" criteria in 29 CFR 1902.3(c) and 29 CFR 1902.4(b).

(f) Interested persons may request review of decisions made by the Assistant Regional Director by means of a petition addressed to the Assistant Secretary. Such petition shall contain a statement of reasons for the objection to the approval or rejection of the standard or standards. Such petition shall be accompanied by a copy of the standard or standards in issue and a copy of the decision of the Assistant Regional Director. The Assistant Secretary shall review the Assistant Regional Director's decision and may request public comment. The petitioner shall be informed within a reasonable time of the Assistant Secretary's determination.

2. Paragraph (b)(1) of § 1953.11 would be amended to read as follows:

§ 1953.11 Submission and consideration.

* * * * *

(b)(1) An authorized representative of the State agency or agencies designated under section 18(c)(1) of the Act to administer the plan shall submit the supplement with 6 copies to the appropriate Assistant Regional Director. Whenever the supplement consists of the submission of State standards different from Federal standards, the agency or agencies shall make available to the Assistant Regional Director comments received by the State and the transcript of the public hearing(s) where a hearing was held.

* * * * *

3. Paragraph (b)(1) of § 1953.23 would be amended to read as follows:

§ 1953.23 Submission and consideration of Federal program changes.

* * * * *

(b)(1) An authorized representative of the State agency or agencies designated under section 18(c)(1) of the Act to administer the plan shall submit the supplement with 6 copies to the appropriate Assistant Regional Director. The supplement shall contain the completed change or a schedule for completion of the change where necessary. Whenever the State change differs from the Federal program change, the supplement shall contain documentation on how the change maintains the "at least as effective as" status of the plan. Whenever the supplement consists of the submission of State standards different from Federal Standards, the agency or agencies shall also make available to the Assistant Regional Director all public comments received by the State and the transcript of the public hearing(s) where a hearing was held.

* * * * *

4. Paragraph (b)(1) of § 1953.3 would be amended to read as follows:

§ 1953.31 Submission and consideration.

* * * * *

(b)(1) An authorized representative of the State agency or agencies designated under section 18(c)(1) of the Act to administer the plan shall submit the supplement with 6 copies to the appropriate Assistant Regional Director. The supplement shall contain the change as well as a timetable for completion of any change when necessary with related documentation on the impact of the change on the State plan and its responsiveness to the Federal evaluation report. Whenever the supplement consists of the submission of State standards different from Federal standards, the agency or agencies shall also make available to the Assistant Regional Director all public comments received by the State and the transcript of the public hearing(s) where a hearing was held.

* * * * *

5. Paragraph (b)(1) of § 1953.41 would be amended to read as follows:

§ 1953.41 Submission and consideration.

* * * * *

(b)(1) An authorized representative of the State agency or agencies designated under section 18(c)(1) of the Act to administer the plan shall submit the supplement with 6 copies to the appropriate Assistant Regional Director. The supplement shall contain the change with related documentation on the impact of the change on the State plan. Whenever the supplement consists of the submission of State standards different from Federal standards, the agency or agencies shall also make available to the Assistant Regional Director public comments received by the State and the transcript of the public hearing(s) where a hearing was held.

* * * * *

(Secs. 8(g)(2), 18, 84 Stat. 1598, 1608 (29 U.S.C. 657(g)(2), 667) (5 U.S.C. 553(b)(3)(B)))

Signed at Washington, D.C. this 8th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-28318 Filed 10-20-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 431-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Jersey: Approval of Compliance Schedules

On June 22, 1973 (38 FR 16567), the Administrator of the United States Environmental Protection Agency disapproved the New Jersey implementation plan to the extent that the plan failed to include transportation control strategies necessary to attain the national ambient air quality standards established for photochemical oxidants. EPA developed a transportation control plan (TCP) for New Jersey when the State failed to meet the April 15, 1973 date for TCP submission set by the U.S. Court of Appeals for the District of Columbia Circuit.

The rules and regulations comprising New Jersey's current transportation control plan were originally promulgated in the FEDERAL REGISTER of November 13, 1973 (38 FR 31388), revised on June 18, 1974 (39 FR 21049), November 15, 1974 (39 FR 40286), November 26, 1974 (39 FR 41252), and January 6, 1975 (40 FR 1126), and are codified at 40 CFR Part 52, Subpart FF. Among the provisions of that TCP is a control strategy for stationary sources of non-methane hydrocarbons. That strategy is, in turn, made up of a series of regulations dealing with the storage of volatile organic liquids (§ 52.1594), organic liquid loading (§ 52.1595), gasoline transfer vapor control (§ 52.1598) and the control of evaporative losses from the filling of vehicular tanks (§ 52.1599). Another regulation, dealing with volatile organic substances (§ 52.1596), was revoked in the FEDERAL REGISTER of November 15, 1974 (39 FR 40286).

CATEGORICAL AND ALTERNATIVE COMPLIANCE SCHEDULES

A categorical federal compliance schedules applicable to all sources subject to the terms of §§ 52.1594 and 52.1595 is set out at § 52.1597. A categorical federal compliance schedule applicable to sources subject to the terms of § 52.1598 is set out at § 52.1598(e). In addition, both §§ 52.1597 and 52.1598 include provisions which allow the Administrator to approve "alternative" schedules subject only to the requirement, in the case of § 52.1597, that such schedules provide for compliance no later than May 31, 1975, and, in the case of § 52.1598, that such schedule provide for compliance no later than March 1, 1976. Paragraphs governing the submission of such "alternative" schedules are set out at §§ 52.1597(c)(3) and 52.1598(f)(3).

"Alternative" schedules pursuant to the terms of the referenced paragraphs were submitted by a number of sources subject to the substantive control requirements of §§ 52.1594, 52.1595, and 52.1598. The Regional Administrator here proposes to approve a total of fifty-two such schedules.

Each of the sources listed in the first of the following tables has submitted an "alternative" schedule pursuant to § 52.1597(c)(3) which commits the source to comply with the substantive control responsibilities associated with § 52.1594 by or before May 31, 1975.

Each of the sources listed in the second table below has submitted an "alternative" schedule pursuant to § 52.1597(c)(3) which commits the source to comply with the substantive control responsibilities associated with § 52.1595 by or before May 31, 1975.

Each of the sources listed in the fifth table below has submitted an "alternative" schedule pursuant to § 52.1598(f)(3) which commits the source to comply with the substantive control responsibilities associated with § 52.1598 by or before March 1, 1976.

SCHEDULES SUBMITTED AS SIP REVISIONS

In addition to the "alternative" schedules discussed above, a number of sources subject to the substantive control requirements of §§ 52.1594 and 52.1595 have communicated to the Region II EPA Office the circumstances of equipment delivery delays which precluded, or will preclude, compliance by May 31, 1975. The engineering staff of the Regional EPA Office has found that a number of these schedules provide for compliance as expeditiously as practicable, in light of documented difficulties beyond the control of the sources involved. Thirty-three (33) such schedules are therefore proposed for approval here as revisions to New Jersey's approved State Implementation Plan (SIP), pursuant to the authority of section 110(a)(3) of the Clean Air Act, as amended, and 40 CFR 51.6 and 51.15, notwithstanding the failure of these schedules to provide for compliance in accordance with the terms of § 52.1597. The sources for which compliance schedules are proposed as revisions to New Jersey's SIP are listed in the third and fourth tables, below, along with the final compliance date associated with each such proposed schedule.

In conformity with the dictates of 40 CFR 51.15(b)(1), each of the schedules submitted by the sources listed in these tables provides for compliance by or before May 31, 1977, the date established for attainment of primary standards for photochemical oxidants in the State of New Jersey.

RULEMAKING FORMAT

Dates representing phased pollution abatement commitments have been extracted from each schedule proposed for approval herein, and have been transcribed to form a separate document. While only the dates provided for "final compliance" by the sources involved have been set out in the five tables which follow, it is the full succession of dates identifiable to each source that is proposed to be adopted as the official compliance schedule for such source. Once approved, these schedules will constitute revisions to the New Jersey Implementation Plan pursuant to section 110 of the Clean Air Act and 40 CFR 51.8.

The date indicated for "final compliance" in several of these schedules has passed, or will have passed by the time of their ultimate approval. This fact is attributable to delays occasioned by the necessity of ministering to infirmities existing at the time of their initial submission by the sources involved. Approval of these schedules is nonetheless necessary to make the final compliance dates associated with such schedules federally enforceable. Where the date for final compliance has passed, the dates pro-

vided for achievement of prior increments of progress will not be included in the source's official compliance schedule. The public interest will be protected by the inclusion of the final compliance date for such source, which will become enforceable immediately upon approval of the proposed schedule for that source.

Copies of the compliance schedules proposed to be approved, along with copies of the New Jersey State Implementation Plan, are available for public inspection at the following locations:

United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.

United States Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C. 20460.

In addition, professional personnel familiar with the schedules proposed for approval herein are available at the Regional Office to discuss these schedules with the public.

Public hearings will be held concerning these proposed compliance schedules in order to afford the general public an opportunity to participate in this rulemaking. These hearings will be held no sooner than thirty (30) days from the date of this Notice, on dates and at locations to be announced in a subsequent issue of the FEDERAL REGISTER. Written comments or questions concerning these schedules may be addressed in the interim to Stephen A. Dvorkin, Esq., General Enforcement Branch, Enforcement Division, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10007.

(42 U.S.C. 1857c-5(c))

Dated: October 10, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart FF—New Jersey

1. A new § 52.1597 (e), (f), (g), (h) and (i) are added as follows:

§ 52.1597 Federal compliance schedules.

* * * * *

(e) *Alternative schedules for compliance with § 52.1594.* The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.15 and 52.1597(c)(3) of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
BP Oil, Inc.	Paulsboro, Gloucester County.	40 CFR secs. 52.1594 and 52.1597(c)(3).	Immediately	May 31, 1975
Cities Service Oil Co.	Oakhurst, Monmouth County.	do	do	Do.
Exxon Chemical Co.	Linden, Union County	do	do	Do.
Exxon Co., U.S.A.	Bayonne, Hudson County	do	do	Do.
Universal Oil Products Co. (Chemical Division).	East Rutherford, Bergen County.	do	do	Do.

(f) *Alternative schedules for compliance with § 52.1595.* The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.15 and 52.1597(c)(3) of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
BP Oil, Inc.	Paulsboro, Gloucester County.	40 CFR secs. 52.1596 and 52.1597(c)(3).	Immediately	May 31, 1975
Cities Service Oil Co.	Oakhurst, Monmouth County.	do	do	Do.
Exxon Co., U.S.A.	Bayonne, Hudson County	do	do	Do.
Universal Oil Products Co. (Chemical Div.).	East Rutherford, Bergen County.	do	do	Do.

(g) *Additional schedules for compliance with §52.1594.* The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
Crown Central Petroleum Corp.	Elizabeth, Union County	40 CFR sec. 52.1594	Immediately	Jan. 15, 1976.
General American Transportation Corp.	Carteret, Middlesex County	do	do	Sept. 30, 1975.
Interstate Storage and Pipeline Corp.	Jacksonville, Burlington County.	do	do	June 30, 1975.
Mobil Oil Corp.	Paulsboro, Gloucester County.	do	do	Dec. 1, 1975.
Tenneco Oil	Newark, Essex County	do	do	Dec. 31, 1975

(h) *Additional schedules for compliance with § 52.1595.* The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this Chapter.

Source	Location	Regulation involved	Effective date	Final compliance date
American Oil Co	Carteret, Middlesex County	40 CFR sec. 52.1595	Immediately	Jan. 31, 1976
Atlantic Richfield Co	Newark, Essex County	do	do	Dec. 15, 1975
Do	Trenton, Mercer County	do	do	Do.
Do	Woodbury, Gloucester County.	do	do	Nov. 15, 1975
BP Oil, Inc	Linden, Union County	do	do	Dec. 1, 1975
Chevron Oil Co	Perth Amboy, Middlesex County.	do	do	Nov. 1, 1975
Cities Service Oil Co	Linden, Union County	do	do	Dec. 31, 1975
Do	Pennsauken, Camden County.	do	do	Do.
Crown Central Petroleum Corp.	Elizabeth, Union County	40 CFR sec. 52.1595	Immediately	Jan. 15, 1975
Exxon Chemical Co	Linden, Union County	do	do	Sept. 30, 1975
Exxon Co., U.S.A	Flemington, Hunterdon County.	do	do	May 1, 1976
Do	Hackensack, Bergen County	do	do	Do.
Do	Linden, Union County	do	do	Do.
Do	Paulsboro, Gloucester County.	do	do	Do.
General American Transportation Corp.	Carteret, Middlesex County	do	do	Sept. 30, 1975
Getty Oil Co	Newark, Essex County	do	do	Dec. 1, 1975
Interstate Storage & Pipeline Corp.	Jacksonville, Burlington County.	do	do	June 30, 1975
Mobil Oil Corp	Paulsboro, Gloucester County.	do	do	Dec. 1, 1975
Phillips Petroleum Co	Carteret, Middlesex County	do	do	Aug. 31, 1975
Do	Gloucester, Camden County	do	do	Do.
Sun Oil Co	Newark, Essex County	40 CFR sec. 52.1595	Immediately	Sept. 1, 1975.
Do	Piscataway, Middlesex County.	do	do	Jan. 1, 1976.
Tenneco Oil	Newark, Essex County	do	do	May 15, 1976
Texaco, Inc. (benzene loading)	Westville, Camden County	do	do	Oct. 1, 1975
Texaco, Inc. (incidental truck loading).	Westville, Camden County	do	do	Jan. 1, 1976
Texaco, Inc	Linden, Union County	do	do	Feb. 15, 1976
Do	Newark, Essex County	do	do	Do.
Do	Westville, Camden County	do	do	Do.

(i) *Alternative schedules for compliance with § 52.1598(c).* The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.15 and 52.1598(f)(3) of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
Agway Petroleum Corp		40 CRF sec. 52.1598	Immediately	Mar. 1, 1976
American Oil Co		do	do	Jan. 1, 1976
Ashland Petroleum Co		do	do	Mar. 1, 1976
E. I. DuPont & Co	Deepwater, Salem County	do	do	Do.
Exxon Co., U.S.A		do	do	Do.
Ford Motor Co	Edison, Middlesex County	do	do	Feb. 1, 1976
Getty Oil Co		do	do	Mar. 1, 1976
Service Station Management Corp.		do	do	Do.
Texaco		do	do	Do.
Western Electric Co., Inc	Princeton, Mercer County	do	do	Do.

[FR Doc.75-28071 Filed 10-20-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MANDATORY PETROLEUM PRICE REGULATIONS

Gas Plant Operations

The Federal Energy Administration (FEA) hereby gives notice of a proposal to amend Title 10, Part 212 of the Code of Federal Regulations to revise the Mandatory Petroleum Price Regulations. The FEA will receive written comments and hold a public hearing with respect to this proposal.

INTRODUCTION

On December 9, 1974, the FEA issued a new Subpart K of the Mandatory Petroleum Price Regulations (39 FR 44407, December 24, 1974), containing regulations designed specifically to cover the prices of natural gas liquids and products produced from natural gas liquids, including propane, effective January 1, 1975. On August 27, 1975, the FEA issued several corrective amendments to the Subpart K price rules (40 FR 39851, August 29, 1975), effective January 1, 1975, and adopted a new price rule, effective August 27, 1975, for natural gas liquids and natural gas liquid products processed in gas plants which have been modernized or expanded after January 1, 1975.

Since the promulgation of Subpart K, FEA has received numerous requests and inquiries as to the appropriate interpretation and method of application of the various price rules contained in the subpart. These inquiries have made apparent the need for certain changes in the natural gas liquids price rules, to include provisions which were inadvertently omitted and to adapt the existing provisions more specifically to gas plant operations.

Therefore, several specific amendments to the Subpart K price rules are being proposed to implement more effectively the FEA's price policy with respect to gas plant operations. In light of the fact that these proposals are intended to effect the same price policy reflected in the original provisions of Subpart K, the proposed amendments, if adopted in their present form, will be effective as of January 1, 1975.

The FEA is also proposing an amendment to § 212.83(c), the "special propane rule" of Subpart E, to provide for the continued implementation of this provision which expired by its terms on July 31, 1975.

In addition, in light of the fact that the Subpart K price rules have been in place for nearly a year and since a continuing process of review is essential to the proper functioning of vital regulatory programs, the FEA is soliciting general comments and suggestions respecting each of the Subpart K price rules. In particular, the FEA is interested in receiving detailed comments as to the need for modification of the price rule which permits the May 15, 1973 prices for natural gas liquids and natural gas liquid products to be upwardly adjusted for the purpose of computing current lawful product prices. Although no specific regulation is being proposed in this regard, an outline of the type of rule under consideration and a description of the important issues to be addressed are set forth in some detail below. In the event that the information derived from these proceedings is sufficient to resolve these issues, a final rule within the context of the outline presented may be adopted.

I. *First sale prices for natural gas liquids.* Subpart K provides that where the May 15, 1973, first sale price for a natural gas liquid (NGL) stream was determined by reference to the first sale prices for NGL products less some specified discount, the first sale price for the stream on that date may now be adjusted to reflect the adjusted May 15, 1973 first sale prices permitted for NGL products under § 212.164(a), provided that the adjusted price for the raw NGL stream continues to reflect the same discount as was in effect on that date. Several processors and refiners have asserted that the language of § 212.164(b) indicates that the price rule contained in that paragraph applies only where the May 15, 1973 selling price for the NGL stream was determined under contract price provisions which made specific reference to prices charged on that date for NGL products and that where no such specific reference was made, prices for such mixed streams may be adjusted to reflect a May 15, 1973 imputed price for the stream of 8.5 cents for the propane content, 9 cents for the butane content, and 10 cents for the natural gasoline content.

The difficulty with this suggested application of § 212.164(b), is that, as a practical matter, the May 15, 1973 prices which processors were willing to pay for unfractionated NGL streams generally represented a discount from the prices the processor received for its fractionated products to take into account the costs of further processing regardless of whether or not the price paid for the raw stream was determined pursuant to a contract term which made specific reference to the purchaser's prices charged for processed products. To permit one processor to fully adjust its prices for natural gas liquids to the price levels indicated in § 212.164

(a) while requiring another processor to discount its prices for natural gas liquids from the same price levels due merely to the existence on May 15, 1973, of a certain type of contractual price term respecting such liquids, despite the fact that both processors charged identical prices for natural gas liquids on May 15, 1973, would constitute unequal treatment which is not justified.

Moreover, the suggested application would permit the adjusted prices provided for in § 212.164(a) to be charged at a level of sale prior to the processing of the NGL stream into its component products. Since the reference figure originally used by the FEA in determining the appropriate adjusted May 15, 1973 price levels for these products was the arithmetic average of the prices for which some fifty firms were selling processed propane on that date, to permit producers and processors of NGL's to adjust their May 15, 1973 prices for unfractionated NGL streams by reference to this same arithmetic average is unjustified within the context of FEA's conclusions reached pursuant to the September 10 rulemaking.

In order to alleviate the apparently widespread misunderstanding of § 212.-164(b), the FEA proposes to amend the section to make clear that the language which calls for the establishment of May 15, 1973, first sale prices of NGL's by reference to the first sale prices for NGL products, requires only that the May 15, 1973 prices paid by a processor for unfractionated NGL streams represent an ascertainable discount from the weighted average of prices charged by that processor on that date for NGL products sold from the gas plant; *not* that the contractual price terms by which prices for raw NGL streams were determined on that date must have made specific reference to prices charged for products sold from the plant.

In addition, the FEA proposes to amend the section to require that the discount represented in the prices charged on May 15, 1973 for unfractionated NGL streams is to be computed on a percentage basis and that the adjusted May 15, 1973 price for the mixed stream is to be calculated so as to maintain the same percentage discount which existed on that date. By maintaining, on a percentage basis, the May 15, 1973 differential in prices charged by a producer and the processing purchaser of its liquids, the price rule will permit each entity to share, in that same proportion, the benefits of the adjustments permitted under Subpart K. Moreover, maintenance of this percentage differential will place producers which sold to processors at a fixed price on May 15, 1973, on the same footing, relative to the May 15, 1973 price adjustments permitted under Subpart K, as those which sold under net-back arrangements on that date.

II. *Imputed May 15, 1973 prices for natural gas liquids.* Subpart K provides in § 212.164(c) for imputed May 15, 1973, first sale prices for natural gas liquid products processed in "new" gas plants of $.12 per gallon for propane, $.125 per gallon for butane, and $.135 per gallon for natural gasoline. There is no comparable provision imputing May 15, 1973 first sale prices for mixed natural gas liquid streams processed in "new" plants. Since there is no apparent reason to provide a price incentive for the construction of new plants to process NGL products without providing a similar incentive for the construction of facilities to extract a mixed NGL stream, an additional price rule is being proposed to correct the oversight.

In providing for adjusted first sale prices of mixed NGL streams processed in "old" plants, the FEA implemented a price rule, § 212.164(b), which made reference to the prices charged for NGL products on that date. The option of implementing an independent adjusted first sale price for mixed streams stating fixed, adjusted May 15, 1973 first sale prices for such streams was rejected due, in part, to the conclusion that there is no practical way to develop an industry composite cost of processing mixed NGL streams into liquid products in existing plants since the costs of such processing are nearly as varied as the number of such plants currently in operation. Thus, in most instances, a fixed differential between the maximum lawful prices for mixed NGL streams and maximum lawful prices for NGL products processed in existing facilities would not have accurately represented a given gas plant operator's actual costs of further processing.

In the case of "new" gas plants, however, the FEA has tentatively concluded that there is a consensus in the industry that the most efficient processing technology currently available is the "cryogenic" method. Since the costs associated with this method do not vary greatly from plant to plant, it is possible to synthesize an average figure which fairly represents an industry composite of costs properly attributable to the further processing of a mixed NGL stream in a recently constructed plant. The FEA has tentatively concluded that the average cost of fractionating a mixed NGL stream in such a plant is ½ cent per gallon of product derived. Accordingly, FEA is proposing that a new provision be added to § 212.164 to impute May 15, 1973, first sale prices for natural gas liquids processed in "new" gas plants of $.115 per gallon for the propane content, $.12 per gallon for the butane content, and $.13 per gallon for the natural gasoline content.

III. *Non-product cost allowances.* Subpart K currently provides that a processor which sells NGL products may increase its first sale price for those products by a maximum of ½ cent per gallon to reflect actual non-product cost increases incurred since May 15, 1973. No comparable incremental non-product cost increase was provided for producers or processors who sell mixed NGL streams in first sale transactions. The reason for this was FEA's understanding that producers which sell mixed NGL streams seldom, if ever, incur substantially increased non-product costs attributable to gas plant operations.

The comments FEA has received, however, indicate that a significant number of producer's have field separation and extraction facilities with respect to which substantial nonproduct cost increases have been incurred. Accordingly, the FEA proposes that § 212.165 providing for the passthrough of non-product costs be amended so that producer-processors which sell, in first sale transactions, mixed NGL streams that have been extracted from natural gas, may increase their prices for these liquids to reflect non-product cost increases incurred. The proposed amendment would permit first sale prices for natural gas liquids to include an increment which is not in excess of ⅜ cent per gallon, to afford passthrough of non-product costs associated with the extraction of these liquids. The proposed amendment would also provide that first sale prices for the natural gas liquid products derived from such liquids could include an increment which, when added to the non-product cost increment included in the price of the mixed stream, would not be in excess of ½ cent per gallon. The proposal would accordingly require that the seller of the natural gas liquids certify to its purchasers, the amount of the non-product cost increment included in its first sale price for the mixed streams. An additional amendment to this effect is therefore being proposed.

The comments also indicate that, regardless of the method by which FEA permits producers and processors to share in the recoupment of non-product cost increases, the ½ cent limitation may be insufficient to permit the recoupment by certain processors of all such increases actually incurred. The FEA recognized that, under such circumstances, the ½ cent limitation may work an inequity which is sufficient to justify the granting of relief from the burden imposed by this limitation. The FEA has determined, however, that at present the exceptions process is the most appropriate mechanism for the granting of such relief. Accordingly, firms which can demonstrate that the Subpart K limitation on the passthrough of non-product cost increases significantly impairs their ability to recover all non-product cost increases incurred should seek relief from FEA's Office of Exceptions and Appeals in accordance with the procedures set forth in Part 205 of FEA's regulations. For a discussion of the basis upon which such relief may be granted, see *Superior Oil Co.*, 2 FEA Par. 83,271 (August 29, 1975).

IV. *Unrecouped increased product costs.* Since crude oil refiners have been permitted to implement the "twelve month rule" of § 212.83(c)(iii) in apportioning increased crude oil and product costs to propane, FEA has tentatively concluded that a similar provision should be implemented for NGL processors subject to Subpart K. This is especially so in light of the fact that most major crude oil refiners are currently permitted to compute a portion of their increased product costs attributable to propane derived from natural gas by reference to Subpart K and are concurrently permit-

ted to apportion such costs pursuant to the "twelve month rule" of Subpart E. Provision of an analogous means of apportioning such costs for NGL processors which are not also subject to Subpart E therefore appears justified.

Therefore, the FEA proposes to amend § 212.167 to provide that, notwithstanding the provisions of § 212.167 (c) and (e), an NGL processor may, in computing first sale prices for propane for each twelve month period of August 1 through July 31, allocate increased product costs attributable to natural gas liquid products disproportionately to its sales of propane or other products, provided that the ratio of increased costs allocated to propane compared to the total of increased costs allocated to all NGL products during that twelve month period, is the same as the ratio of the total sales of propane compared to the total sales of all NGL products for that period.

An additional aspect of the proposal described above is that it would permit processors to apportion costs attributable to propane to prices charged for butane and natural gasoline. The comments indicate that, since NGL processors generally have lesser total increased product costs than crude oil refiners, seasonal application of these costs on propane may not permit processors to justify propane prices at levels equal to those which can be justified by crude oil refiners under Subpart E. Moreover, if prices charged for propane during the winter months are not sufficient to recoup all of the increased product costs incurred by processors during the year, such costs may remain unrecouped for the entire period. If these unrecovered costs are permitted to be allocated disproportionately during the summer to prices charged for butane and natural gasoline, products for which demand is not seasonal, processors will be in a better position to recover all increased costs of product actually incurred during the year.

V. *Certification of adjusted May 15, 1973 prices between purchasers and their suppliers.* The corrective amendments to Subpart K, issued on August 27, 1975, and one of the amendments proposed today require that, in calculating the per gallon amount of nonproduct and product cost increases which may be included in lawful prices for liquid products, firms which sell those products in first sale transactions must make reference to the per gallon amount of non-product cost increases and the adjustments to May 15, 1973, prices included in the lawful prices charged by their suppliers of mixed natural gas liquids. In addition, the proposed amendments contain provisions which require that, in calculating the adjustments to May 15, 1973, prices which may be used in computing maximum lawful prices for natural gas liquids, firms which sell natural gas liquids at fixed prices in first sale transactions must make reference to the May 15, 1973, prices for natural gas liquid products of the firm which purchases the mixed stream. In order to facilitate the flow of information necessary for compliance with these provisions, the FEA is proposing to attend the Subpart K regulations to require that sellers and purchasers of natural gas liquids certify to one another the incremental amounts included in their prices for natural gas liquids and natural gas liquid products, respectively, which are relevant for the purposes of computing lawful prices in accordance with the Subpart K price rules.

VI. *Calculation of increased product costs attributable to "new" natural gas liquids and natural gas liquid products.* Section 212.168 now provides that an imputed May 15, 1973 price of either 23 cents per thousand cubic feet (MCF) or 23 cents per million BTU for residue natural gas is to be used where the residue gas stream from which the natural gas liquids have been extracted was not, in fact, sold on May 15, 1973, and that, under such circumstances, the imputed price is to be used regardless of whether or not the gas plant began operations after May 15, 1973. This imputed price is to be used in calculating increased natural gas shrinkage costs attributable to both natural gas liquids and natural gas liquid products under such circumstances.

The FEA has been informed that, in certain instances, gas streams which were not sold on May 15, 1973, were subsequently produced and processed, and the residue gas sold at a price less than 23 cents per thousand cubic feet (MCF) or 23 cents per million BTU. Since the use under such circumstances of the 23 cent imputed price in calculating increased shrinkage would result in the computation of a lesser amount of increased shrinkage costs than those actually incurred, the FEA is proposing to amend § 212.168 to provide that, where a natural gas stream was not sold on May 15, 1973, the lowest of the actual initial sales price of the residue gas or 23 cents per thousand cubic feet (MCF) or per million BTU for residue natural gas may be used as an imputed May 15, 1973 price for the gas stream.

VII. *Special propane rule for refiners of crude oil.* Currently, Subpart E of the FEA price regulations provides a twelve month period August 1, 1974, through July 31, 1975, over which refiners are required to comply with four specific price rules relative to the apportionment of various increased product costs to propane. At the time this "twelve month rule" was implemented, the FEA limited its application to the single twelve month period described above because it appeared that the Emergency Petroleum Allocation Act of 1973 (EPAA), from which the FEA derives its authority to implement the Mandatory Petroleum Price Regulations, would expire at the end of this period. In light of the fact that FEA's price control authority under the EPAA has been temporarily extended and since the considerations which led to the implementation of the original twelve month provision remain valid, the FEA proposes an amendment to the special propane rule to delete the references therein to the specific years 1974 and 1975. If this amendment is adopted, the twelve month period covered by the special propane rule will begin anew on August 1 of each year during which the regulation remains in effect.

VIII. *First sale prices for natural gas liquid products according to location of sale.* Subpart K currently provides for adjustment of a firm's actual May 15, 1973 selling prices for natural gas liquid ("NGL") products to price levels of 8.5 cents per gallon for propane, 9 cents per gallon for butane, and 10 cents per gallon for natural gasoline, for purposes of determining current lawful prices for those products. These adjusted price levels were chosen essentially by reference to the arithmetic average of the posted price for which some fifty firms were selling propane. For the most part, those posted prices represented prices charged for the product at or near the gas plant or refinery gate. As a result, a significant aspect of the Subpart K price rules providing for adjusted May 15, 1973 prices, § 212.164, is that the rule does not provide for the application of upwardly adjusted May 15, 1973 product prices in determining current lawful selling prices at locations other than the gas plant or refinery gate where actual May 15, 1973 product prices were at or above the arithmetic average referenced in § 212.-164.

In those circumstances where a firm made May 15, 1973 sales to a class of purchaser at some point other than a gas plant or refinery gate, the prices charged in such sales typically represented a lower product price—charged at the plant or refinery, plus the cost of transportation to the point of sale. In some cases, therefore, actual May 15, 1973 prices at distant points of sale were at levels in excess of the adjusted prices permitted under § 212.164(a), even though those prices may have been determined, directly or indirectly, by reference to product prices at a posting point which were less than the adjusted prices permitted under § 212.164(a), with the balance of the May 15, 1973 prices at distant points representing the cost of transportation to those points.

In some circumstances, the Subpart K price rules result in lawful sales prices at distant points of sale which reflect the upward adjustments to May 15, 1973 product prices. Thus, where prices charged by firms selling at the gas plant level are adjusted under the price rule of § 212.164(a), prices charged for the same products by firms that purchase those products at the gas plant and resell them at distant points of sale include those adjustments in the form of increased product costs which can be passed through by the reseller firm, without regard to whether or not the actual May 15, 1973 prices of the reseller firm were above or below the adjusted price levels referenced in § 212.164. However, under other circumstances, it appears that another firm's lawful sales prices permitted under Subpart K at the same distant points of sale do not reflect the

adjusted May 15, 1973 prices. Thus, where a gas processor made sales at those points on May 15, 1973, at prices in excess of the adjusted May 15, 1973 prices, no provision has been made for a similar adjustment to these higher distant sales prices. Application of the adjustments permitted under § 212.164 has therefore resulted for some firms in a reduction or elimination of historical transportation cost price differentials in their prices across the country, since prices in areas close to gas plants or refineries, which have historically been relatively low, are adjusted upward while prices at distant sales points which have historically been relatively higher to reflect added costs of transportation, have not been uniformly adjusted.

The FEA is therefore considering the amendment of § 212.164 to provide for a method of implementing the adjustments to May 15, 1973 first sale prices in a manner that would permit historical geographical price differentials based on transportation costs to be maintained. Before such an amendment can be adopted, however, the FEA has identified a need for comprehensive data on two essential aspects of this proposal.

The first consideration is the historic role of geographic price differentials in the marketing of natural gas liquids and liquid products. The FEA has received several requests and inquiries providing insight as to the part these differentials have traditionally played in the context of an unregulated market, but there remains a need for more thorough examination of this historic role from the perspective of marketer and consumer, alike. Furthermore, the FEA would like to examine the need, or lack thereof, for the maintenance of this historic mechanism of price differentials within the context of the Mandatory Petroleum Price and Allocation Regulations. Information and views on this latter consideration would be particularly helpful.

Secondly, in the event that the need for the implementation of the adjusted May 15, 1973 price rule in a manner designed to maintain some system of geographic price differentials is established, information and views as to the most appropriate method of implementing such a price rule is solicited. To date, the FEA has considered the proposal of a price rule providing that May 15, 1973 sales prices for natural gas liquid products at distant sales points could be adjusted to price levels which reflect a May 15, 1973 product price of 8.5 cents per gallon for propane, 9 cents per gallon for butane, and 10 cents per gallon for natural gasoline, plus the actual cost on that date of transporting the product from that firm's nearest gas plant, refinery or posting point, to the point of sale. However, potential difficulties with this approach have been raised (e.g., the administrative burden, the fact that it departs from the historic method of determining these prices and differentials, and the possible resultant aggravation of existing price disparities at distant sales points where product from varied sources is marketed). The FEA has alternatively considered the proposal of a rule which would provide for the pass through in product prices of the increased costs of transportation as a means of achieving geographic differentials, but objections to this approach have likewise been raised. Also considered has been a method whereby a single increment representing the difference between only those May 15, 1973 selling prices which did not include any element of transportation and the adjusted May 15, 1973 price levels would be calculated by each firm and which could then be added to the actual May 15, 1973 selling prices, including those at distant points. Although such a rule would tend to reinstate transportation cost price differentials for individual firms, it could aggravate price disparity problems between firms. Thus, for example, two firms that had comparable prices on May 15, 1973 which were in excess of the adjusted May 15, 1973 price might have different prices currently under such an alternative formulation of the rule, simply because one firm had sales at less than the adjusted May 15, 1973 price at some other location, and the other firm did not.

Because of the drawbacks associated with the price rules outlined above and in light of the liklihood that similar disadvantages would attach to the implementation of any cost-based system of administered geographic price differentials, interested persons commenting on this aspect of these proposals should note that the adoption by FEA of such a rule, absent a convincing demonstration that such a rule is both necessary and feasible, is unlikely. Persons favoring the adoption of such a rule should therefore present, in detail, the justification for the rule and the proposed method of implementation, taking all of the above considerations into account.

Procedures for Written Comments and Public Hearing

Interested persons are invited to participate in this proceeding by submitting data, views or arguments with respect to both the proposals set forth herein and the corrective amendments issued August 27, 1975, to Executive Communications, Room 3309, Federal Energy Administration, Box EO, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Proposed Amendments to the Price Regulations for Natural Gas Liquids and Natural Gas Liquid Porducts." Fifteen copies should be submitted. All comments received by Monday, November 3, 1975, before 4:30 p.m., d.s.t., and all other relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposals.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing regarding the corrective amendments and proposals will be held beginning at 9:30 a.m., d.s.t., on Thursday, November 6, 1975, and will be continued if necessary on Friday, November 7, 1975, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, and must be received before 4:30 p.m., d.s.t., on Thursday, October 30, 1975. Such a request may be hand delivered to Executive Communications, Room 3309, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such a interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, October 31, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., d.s.t., Friday, October 31, 1975, and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M Street, NW., Washington, D.C., 20461, before 4:30 p.m., d.s.t., on Monday, November 3, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of person presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., d.s.t., Monday, November 3, 1975. Any person who wishes to ask a question at the hearings may submit the

question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comment concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

All the proposed amendments contained herein have been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and have been determined not to be of a nature that requires an evaluation of their inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511 and by Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below, effective January 1, 1975.

Issued in Washington, D.C., October 15, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 212.164 is amended in paragraph (b), by the redesignation of paragraph (d) as paragraph (e), and by the addition of a new paragraph (d) to read as follows:

§ 212.164 Adjusted May 15, 1973 first sale price.

* * * * *

(b) *Natural gas liquids.* For purposes of determining lawful prices of natural gas liquids in a first sale, if the first sale price of natural gas liquids on May 15, 1973, represented a discount from the lawful first sale prices of natural gas liquid products at the nearest sales point for such products on that date, a firm may use, in lieu of the actual May 15, 1973 first sale prices of natural gas liquids, first sale prices of not more than $.085 per gallon for the propane content, not more than $.09 per gallon for the butane content, and not more than $.10 per gallon for the natural gasoline content, provided that the natural gas liquids first sale prices used shall be reduced by the same percentage discount from these adjusted first sale prices for the component natural gas liquid products as the actual May 15, 1973 first sale prices of natural gas liquids were reduced from the actual May 15, 1973 selling prices of natural gas liquid products at the nearest sales point for such products.

* * * * *

(d) *Imputed May 15, 1973 first sale prices for natural gas liquids from new gas plants where groundbreaking did not occur until January 1, 1975, or thereafter.* For purposes of determining lawful prices of natural gas liquids produced in a gas plant where groundbreaking did not occur until January 1, 1975, or thereafter, a firm may use as the weighted average price at which natural gas liquids were lawfully priced in first transactions on May 15, 1973, prices of not more than $.115 per gallon for propane content, not more than $.12 per gallon for butane content, and not more than $.13 per gallon for natural gasoline content.

* * * * *

2. Section 212.165 is amended to read as follows:

§ 212.165 Increased non-product costs.

(a) The first sale price of natural gas liquids may be increased by an amount which is not more than $.00375 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart, to reflect non-product cost increases which have been incurred since May 15, 1973. The first sale price of natural gas liquid products may be increased by an amount which, when added to the amount of non-product costs certified as included in prices charged for purchased natural gas liquids is not more than $.005 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart, to reflect non-product cost increases which have been incurred since May 15, 1973. Records shall be maintained to show that the increased non-product costs attributable to gas plant operations, under customary accounting procedures generally accepted and historically and consistently applied by the firm concerned, and sufficient to justify the amount of the price increase permitted under this section on a dollar-for-dollar passthrough basis.

3. Section 212.167 is amended in paragraphs (c) and (e), to read as follows:

§ 212.167 Allocation of increased product costs.

* * * * *

(c) *Increased product costs allocable to propane.*

The total amount of increased product costs allocable to the price of propane derived from a particular volume of natural gas for each twelve month period of August 1 through July 31, shall not exceed the amount of increased product costs determined pursuant to paragraphs (a) and (b) of this section to be attributable to that volume of natural gas and allocable to the sales volume of natural gas liquid products derived therefrom multiplied by $\frac{V_p}{V_s}$ where:

V_s = The total volume of all natural gas liquid products derived from that volume of natural gas and sold during the period August 1 through July 31, and

V_p = The total volume of propane derived from that volume of natural gas and sold during the period August 1 through July 31.

* * * * *

(e) *Carry-forward of unrecovered increased product costs.* Increased product costs calculated pursuant to this section and not recovered in sales revenues in the current month may be carried forward for recovery in a subsequent month, provided that such recovered increased product costs shall be allocated to prices as provided in this section.

4. Part 212 is being amended by the addition of a new § 212.171, to read as follows:

§ 212.171 Certification requirements.

(a) *Certification to purchasers of natural gas liquids and natural gas liquid products.* Each seller of natural gas liquids and natural gas liquid products shall certify to each class of purchaser: (1) The per gallon increment included in the price charged to that class which results from the use by the seller of an adjusted May 15, 1973 selling price under § 212.164, in determining the lawful price to that class; and (2) the per gallon increment included in the price charged to that class which reflects non-product cost increases incurred by the seller and passed through pursuant to § 212.165.

(b) *Certification to sellers of natural gas liquids.* Each purchaser of natural gas liquids which further processes such liquids and sells the natural gas liquid products shall certify to each seller from which it purchases natural gas liquids, the per gallon increment included in its prices charged for natural gas liquid products which results from the use of an adjusted May 15, 1973 selling price under § 212.164 in determining the lawful price charged for the natural gas liquid products.

5. Section 212.168 is amended to read as follows:

§ 212.168 Increased product costs for natural gas liquids and natural gas liquid products derived from a new gas stream.

For purposes of determining increased product costs attributable to natural gas liquids and natural gas liquid products produced from a new gas stream where no sale of the residue gas was made on May 15, 1973, a firm shall use as its May 15, 1973 price for the residue gas, the lower of: 23 cents per thousand cubic feet (MCF) or 23 cents per million BTU of residue natural gas; or the actual price at which the residue gas was sold on the first day following May 15, 1973 on which a sale was made.

6. Section 212.83 is amended in paragraph (c)(1)(iii)(A) to read as follows:

§ 212.83 Allocation of refiners' increased costs.

* * * * *

(c) Allocation of increased product costs—(1) General rule—

* * * * *

(iii) Propane—(A) *Special Propane rule.* Notwithstanding the provisions of § 212.83(c)(1)(ii) and § 212.83(e), a refiner in computing base prices for propane for each twelve-month period of August 1, through July 31:

(*1*) May not apportion to propane a greater percentage of increased cost of crude oil purchased or landed in the twelve-month period July 1, through June 30, than the percentage that the volume of propane sold during the twelve-month period August 1, through July 31, that was produced by that refiner from crude oil is to the total volume of all products (including other than covered products) sold by it during the same twelve-month period that were produced by that refiner from crude oil; and

(2) May apportion to propane the increased cost of propane purchased or landed in the twelve-month period of July 1, through June 30; and

(3) May apportion to propane the increased product costs attributable to propane produced from natural gas as determined pursuant to the provisions of paragraphs (a), (b) and (c) of § 212.166 of Subpart K; and

(*4*) May not apportion to propane any increased product costs incurred prior to July 1, and not recovered through July 31.

[FR Doc.75-28220 Filed 10-16-75;10:55 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meeting

Pursuant to Executive Order 11686 and the provisions of Section 10(a)(2), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on November 6 and 7, 1975, from 9:30 a.m. to 5:00 p.m., in Room 5941 and Room 5951, New State Building, 21st and Virginia Avenue, NW., Washington, D.C.

The purpose of the meeting is to consider the following topics and, where deemed necessary and appropriate, to develop advisory recommendations: Grant Procedures, Food for Peace, Food Production, Women in Development, Normal Ocean Freight including the List of Eligible Countries, and to consider such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

This session will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mrs. Harriett S. Crowley will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McCluskey, Telephone: AC 202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance.

Dated: October 15, 1975.

HARRIETT S. CROWLEY,
Acting Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.75-28189 Filed 10-20-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-263]

FOREIGN CURRENCIES

Certification of Rates

SEPTEMBER 29, 1975.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in section 159.34a, Customs Regulations (19 CFR 159.34a), for the period September 15 through September 19, 1975. This table is published for the information and use of Customs officers and others concerned.

[SEAL] JAMES D. COLEMAN,
Acting Director, Duty Assessment Division.

Country	Currency	Sept. 15	Sept. 16	Sept. 17	Sept. 18	Sept. 19
Australia	Dollar	(1)	(1)	(1)	(1)	(1)
Austria	Schilling	$0.0544	$0.0543	$0.0540	$0.0538	$0.0537
Belgium	Franc	.025765	.025450	.025375	.025295	.025270
Canada	Dollar	(1)	(1)	(1)	(1)	(1)
Denmark	Krone	.1659	.1648	.1642	.1636	.1634
Finland	Markka	.2613	.2612	.2600	.2592	.2586
France	Franc	.2255	.2244	.2227	.2218	.2213
Germany	Deutsche mark	.3850	.3825	.3801	.3797	.3794
India	Rupee	(1)	(1)	(1)	(1)	.1120
Ireland	Pound	(1)	2.0005	2.0810	2.0785	2.0800
Italy	Lira	.001484	.001477	.001475	.001467	.001465
Japan	Yen	(1)	(1)	(1)	(1)	(1)
Malaysia	Dollar	.3942	.3937	.3915	.3900	.3890
Mexico	Peso	(1)	(1)	(1)	(1)	(1)
Netherlands	Guilder	.3753	.3725	.3707	.3698	.3698
New Zealand	Dollar	1.0605	1.0608	1.0608	1.0540	1.0525
Norway	Krone	.1794	.1783	.1777	.1772	.1773
Portugal	Escudo	.0373	.0373	.0368	.0369	.0369
South Africa	Rand	(1)	(1)	(1)	(1)	(1)
Spain	Peseta	(1)	(1)	.016870	.016830	.016835
Sri Lanka	Rupee	.1345	.1345	.1345	.1345	.1350
Sweden	Krona	.2266	.2245	.2230	.2225	.2225
Switzerland	Franc	.3706	.3685	.3672	.3672	.3675
United Kingdom	Pound	(1)	2.0005	2.0810	2.0785	2.0800

1 Rate did not vary—use quarterly rate published in T.D. 75-176.

[FR Doc.75-28310 Filed 10-20-75;8:45 am]

Fiscal Service

WISCONSIN SURETY CORP.

Surety Companies Acceptable on Federal Bonds: Notice of Liquidation

Correction

In FR Doc. 75-27333, appearing on page 47807 of the issue of Friday, October 10, 1975, the phrase "Secfi 645.52", in the third paragraph, the tenth line, should be changed to read "Sec. 645.62".

Office of the Secretary

CERTAIN NON-POWERED HAND TOOLS FROM JAPAN

Amendment of Determination of Sales at Less Than Fair Value

A "Determination of Sales at Less Than Fair Value and Discontinuance of Antidumping Investigation" with respect to certain non-powered hand tools from Japan was published in the FEDERAL REGISTER of September 5, 1975 (40 FR 41155, FR Doc. 75-23487).

Subsequent to that determination it has been concluded that it is inappropriate to include within the Determination of Sales at Less Than Fair Value, battery post and terminal cleaning brushes, battery terminal spreaders, angle-nose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals).

Accordingly, the "Determination of Sales at Less Than Fair Value and Discontinuance of Antidumping Investigation" referred to above is amended by deleting paragraph four and inserting a new paragraph four to read:

"*Determination of Sales at Less Than Fair Value.* I hereby determine that, for the reasons stated below, punches, chisels, hammers and sledges (with or without handles), vises, c-clamps and battery terminal lifters from Japan, are being, or are likely to be sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a))."

Likewise, the section of the determination headed Statement of Reasons on Which This Determination is Based, is amended by deleting paragraph seven and inserting a new paragraph seven to read:

"Hammers from Imoto Hamono Co., Ltd., and Kyoto Tool Co., Ltd., and sledges from Hiroto Tekko K.K., are excluded from this determination since 100 percent or virtually 100 percent of their export sales of these articles during the period under consideration were examined as appropriate, and the foreign market value or constructed value, as applicable, was found to be lower than the purchase price of identical merchandise in every instance."

Insofar as the Determination of Sales at Less Than Fair Value on certain non-

powered hand tools from Japan now includes merchandise other than that described in the "Withholding of Appraisement and Notice of Tentative Discontinuance of Antidumping Investigation" (published in the Federal Register of June 5, 1975 (40 FR 24218)) the withholding of appraisement is hereby revoked.

The United States International Trade Commission is being advised of this amendment.

JAMES J. FEATHERSTONE,
Acting Assistant Secretary of the Treasury.

OCTOBER 15, 1975.

[FR Doc.75-28190 Filed 10-20-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

S. B. PENICK AND CO.

Manufacture of Controlled Substances; Registration

By notice dated July 24, 1975, and published in the FEDERAL REGISTER on August 19, 1975; (40 FR 36153), S. B. Penick and Company, a unit of CPC International, Inc., 530 New York Avenue, Lyndhurst, New Jersey 07071, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of concentrate of poppy straw, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of concentrate of poppy straw is granted.

Dated: October 14, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-28333 Filed 10-20-75;8:45 am]

WINTHROP LABORATORIES AND ABBOTT LABORATORIES

Manufacture of Controlled Substances; Registration

By notice dated July 24, 1975, and published in the FEDERAL REGISTER on August 21, 1975; (40 FR 36580-81) the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Winthrop Laboratory, Division of Sterling Drug Inc., 33 Riverside Avenue, Rensselaer, N.Y. 12144 (undated):

Drug:	Schedule
Pethidine	II

Abbott Laboratories, Abbott Park, Attn: D-297, North Chicago, Illinois 60064 (June 12, 1975):

Drug:	Schedule
Pentobarbital	II

Abbott Laboratories, 14th & Sheridan Road, Attn: Customer Service D-345, North Chicago, Illinois 60064 (June 12, 1975):

Drug:	Schedule
Pentobarbital	II

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Administrator hereby orders that the applications submitted by each of the above firms for registration as bulk manufacturers of the basic classes of controlled substances listed therein are granted.

Dated: October 14, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc. 75-28334 Filed 10-20-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALBUQUERQUE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Multiple Use Advisory Board for the Albuquerque District, Bureau of Land Management, will meet on November 21, 1975. The meeting will begin at 9 a.m. at the Albuquerque District Office, 3550 Pan American Freeway NE., Albuquerque, New Mexico.

The agenda for the meeting will include a discussion of the Board's charter and responsibilities, organization of the Board and election of officers, a summary presentation of on-going Bureau programs and responsibilities, a discussion of the District Rio Grande Planning effort, and a discussion of District needs for grazing allotment management plans and Environmental Impact Statements resulting from a recent court decision.

The meeting is open to the public with seating provided for approximately 40 people. Time will be made available for a number of brief statements by members of the public. Those wishing to make an oral statement should so inform the District Manager prior to the meeting. Written statements may be filed for the Board's consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Mr. R. Keith Miller, District Manager, Albuquerque District, 3550 Pan American Freeway NE., Albuquerque, N.M. 87107 (telephone: 505-766-2455).

Minutes of the meeting will be available at the Albuquerque District Office for public inspection and copying, thirty days after the meeting.

R. KEITH MILLER,
District Manager.

OCTOBER 14, 1975.

[FR Doc.75-28301 Filed 10-20-75;8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Approval

1. Notice is hereby given that, effective October 21, 1975, the following OCS Official Protraction Diagrams approved on the dates indicated, are available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description:	Approval date
NO 4-8, Stuwick Island	Aug. 1, 1975.
NO 5-6, Kodiak	Oct. 7, 1975.
NO 5-7, Trinity Islands	July 21, 1975.
NO 6-1, Blying Sound	Do.
NO 6-3	Aug. 1, 1975.
NO 7-3	Do.
NN 4-2	Do.
NN 5-1, Chirikof Island	July 21, 1975.
NN 5-2	Aug. 1, 1975.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMANN,
Manager, Alaska,
Outer Continental Shelf Office.

[FR Doc.75-28303 Filed 10-20-75;8:45 am]

SOCORRO DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Socorro District Multiple-Use Advisory Board of the Bureau of Land Management will meet in the Socorro District Office, 200 Neel Avenue NW., Socorro, New Mexico on November 20, 1975, at 9:30 a.m.

This is the first meeting of the newly organized board and will be devoted principally to a discussion of ongoing management programs within the Socorro District.

The meeting will be open to the public. Time will be made available beginning at 3 p.m. for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make oral statements should notify the District Manager, Bureau of Land Management, P.O. Box 1456, Socorro, New Mexico 87801, by close of business November 19, 1975. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Bureau of Land Management, P.O.

Box 1456, Socorro, New Mexico 87801, Telephone Number 835-0412.

JERRY P. TOWNSEND,
Acting District Manager.

OCTOBER 14, 1975.

[FR Doc.75-28302 Filed 10-20-75;8:45 am]

[Wyoming 52847]

WYOMING

Application

OCTOBER 14, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 99 W.,
Sec. 14,
Sec. 22.

The pipeline will convey natural gas from the Champlin No. 4-27 well in Sec. 27 and the Champlin No. 2-23 well in Sec. 23 to an existing pipeline in Sec. 14, all in T. 20 N., R. 99 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28304 Filed 10-20-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES AND MARINE MAMMAL

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), and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant. National Fish and Wildlife Laboratory, National Museum of Natural History, Washington, D.C. 20560.

OMB NO. 42-R0339

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permit to salvage specimens, to receive unsolicited materials and to loan specimens to other scientific institutions.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Fish and Wildlife Laboratory
National Museum of Natural History
Washington, D.C. 20560

(Tel: 381-5161)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The National Fish and Wildlife Laboratory conducts original research for the Fish and Wildlife Service that relates to Bureau programs in particular

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Clyde Jones, Director (381-5161)
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Fish and Wildlife Service

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
National Fish and Wildlife Laboratory
National Museum of Natural History
Washington, D.C. 20560

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
MB-151 ✓

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
August 1975

11. DURATION NEEDED
Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17 - Endangered Wildlife
50 CFR 18 - Marine Mammals

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) — DATE
John E. Wilson Acting Director — 6 August 1975

3-200
10/74

Application for permit to import 64 skulls of Polar Bears taken in years past by research personnel of the Canadian Wildlife Service.

Title 50 CFR 18.31(a)

(1) A permit is requested to receive from Dr. Ian Sterling of the Canadian Wildlife Service a total of 64 skulls of Polar Bears with complete data, for deposition in the National Museum of Natural History to be maintained and used for scientific research purposes. Material will be imported by parcel post as soon as necessary permit is obtained. Complete data for each specimen is attached.

(2) Species: *Ursus maritimus*, population stock: Canada; 64 cleaned skulls of assorted age, size, and sex.

(3) No live specimens are involved.

(4) The specimens are to be deposited in the National Museum of Natural History so that they will be available for scientific re-

search in the future. The Canadian Wildlife Service has completed their studies on these specimens, and they will otherwise be discarded and lost to science.

(5) The species is not listed as endangered or threatened.

(6) The specimens will not be used for public display.

Attachment to National Fish and Wildlife Laboratory permit application to salvage specimens, to receive unsolicited specimens, and to loan scientific specimens of endangered wildlife.

The National Fish and Wildlife Laboratory is responsible for receiving, identifyng, storing, and in some cases, maintaining indefinitely, specimens of endangered species sent to the laboratory by the Office of Endangered Species and by the Division of Law Enforcement. In order to conform with Title 50 Part 17 of the Code of Federal Regulations, it is necessary for us to have a permit to perform such services. In accordance with your memo of July 30, 1975, I am resubmitting our request for such a permit, along with the attachments required in § 17.22 inasmuch as we are able to provide them.

17.22(a)

(1) The common and scientific names of the species sought to be covered by the permit are those species listed in §§ 17.11 and 17.12. The number, sex, and age of such species is impossible to state. The activity sought to be authorized is salvaging dead specimens, transporting such specimens, and receiving such specimens from law enforcement personnel.

(2) The wildlife sought to be covered by the permit will have been removed from the wild by the time we receive it, and in some cases may be born in captivity.

(3) Not Applicable.

(4) The countries and places from which wildlife will be received is not known in advance.

(5) The National Museum of Natural History, 10th and Constitution Avenue NW., Washington, D.C. 20560.

(6) We do not seek to have live wildlife covered by the permit.

(7) There are no such contracts and agreements. The person engaging in the activities will be the Director of the Laboratory, or his delegate.

(8) Justification: We are trying to fulfill our obligations to other arms of Fish and Wildlife Service for identification and maintenance of specimens of endangered species in a manner compatible with the law.

(9) As part of our curatorial responsibilities to the National Museum of Natural History, we routinely loan cataloged specimens to other museums for taxonomic studies. Such inter-state shipment of materials on loan for scientific purposes should be covered by the permit if necessary.

Numbers of subadult bears that have been sent for storage

L No.	Weight in pounds	Sex	Date killed	Location	Killed by—
1455		♀	Jan. 8, 1974	Northwest Territory, 63°41' N., 82°04' W	Inuit.
1643	456	♂	Feb. 8, 1974	Northwest Territory, Pond Inlet	Do.
1639	394		Dec. 31, 1974	Northwest Territory, Button Point	Do.
1640		♀	Oct. 12, 1974	Northwest Territory, Cape Dorset	Do.
1594			May 11, 1974	Northwest Territory, Bird Island	Do.
1322			Nov. 12, 1973	Northwest Territory, Fort Churchill	Do.
1603		♀	May 25, 1974	Northwest Territory, Jones Sound	Do.
1274	354	♀	Oct. 1973	Northwest Territory, Pond Inlet	Do.
1095		♂	Apr. 29, 1973	Northwest Territory, Eskimo Point	Do.
1438		♀	Mar. 8, 1974	Northwest Territory, Banks Island	Do.
1474	764	♀	Nov. 16, 1973	Northwest Territory, Arctic Bay	Do.
1456			1974	Northwest Territory, Frobisher Bay	Do.
1282	1167	♂	Nov. 3, 1973	Northwest Territory, Harbour Fiord	Do.
1279	300	♂	Oct. 23, 1973	Northwest Territory, Cornwallis Island	Do.
1260			Oct. 21, 1973	Northwest Territory, Coral Harbour	Do.
1609		♂	Nov. 12, 1974	Northwest Territory, Igloolik	Do.
1591	900	♂	Oct. 11, 1974	Northwest Territory, Southampton Island	Do.
1608	990	♀	Nov. 12, 1974	Northwest Territory, Igloolik	Do.
1348		♂	Jan. 14, 1973	Northwest Territory, Sachs Harbour	Do.
1324				Province of Quebec, Great Whale	Do.
1582	850	♂	Oct. 16, 1974	Northwest Territory, Southampton Island	Do.
1566		♂	Sept. 19, 1974	Northwest Territory, Amigiaryuk Point	Do.
1580	800	♂	Oct. 15, 1974	Northwest Territory, Southampton Island	Do.
1584	500	♀	Oct. 16, 1974	Northwest Territory, 64° N. 83° W	Do.
1581	700	♂	Oct. 18, 1974	Northwest Territory, Southampton Island	Do.
1457				Northwest Territory, Frobisher Bay	Do.
1579	700	♀	Oct. 2, 1974	Northwest Territory, 64° N. 83° W	Do.
1650			1975	Province of Quebec, Payne Bay	Do.
1590	800	♂	Oct. 6, 1974	Northwest Territory, Southampton Island	Do.
1587	900	♂	Oct. 10, 1974	Northwest Territory, Cape Low	Do.
1573	500	♂	Oct. 11, 1974	Northwest Territory, Eskimo Point	Do.
1576	766	♂	Nov. 5, 1974	Northwest Territory, Alfred Point	Do.
1568	500	♂	Oct. 14, 1974	Northwest Territory, Eskimo Point	Do.
1651			1975	Province of Quebec, Payne Bay	Do.
1647		♀	Feb. 19, 1975	Province of Quebec, Fort Georges	Do.
1655	700	♀	Jan. 8, 1975	Northwest Territory, Lake Harbour	Do.
1656			Feb. 12, 1975	do	Do.
1657		♂	Feb. 17, 1975	do	Do.
1506		♂	Spring 1974	Northwest Territory, Grise Fiord	Do.
1571	600	♀	Oct. 11, 1974	Northwest Territory, McConnell River	Do.
1605	478	♂	Dec. 19, 1974	Northwest Territory, Pond Inlet	Do.
1602				Northwest Territory, Coral Harbour	Do.
2000		♀	Apr. 3, 1974	Northwest Territory, 70°34' N., 123°54' W	Do.
1586	800	♀	Oct. 6, 1974	Northwest Territory, Hut Point	Do.
1577	434	♀	Nov. 6, 1974	Northwest Territory, Navy Board Inlet	Do.
2000		♀	Apr. 19, 1974	Northwest Territory, Herschel Island	Do.
1520	782	♂	May 5, 1974	Northwest Territory, Lochsland	Do.
1649		♂	Feb. 10, 1975	Northwest Territory, Pond Inlet	Do.
1569	400	♂	Oct. 11, 1974	Northwest Territory, Eskimo Point	Do.
1658		♂	Mar. 17, 1975	Northwest Territory, Pond Inlet	Do.
2001		♀	Mar. 9, 1974	Northwest Territory, Banks Island	Do.
1202	314		Nov. 5, 1972	Northwest Territory, Grise Fiord	Do.
1013	835		Mar. 16, 1973	Northwest Territory, 64° N., 86° W	Do.
1201		♂	Mar. 31, 1973	Northwest Territory, Grise Fiord	Do.
2005		♀	May 8, 1974	Northwest Territory, Hollman Island	Do.
1054		♂	Late Oct. 1972	Northwest Territory, Cape Kellett	Do.
1010	434	♂	Apr. 4, 1973	Providence of Quebec, Ivugivik	Do.
1580	700	♀	Oct. 7, 1974	Northwest Territory, Bear Cove	Do.
1204	800	♂	Nov. 2, 1972	Northwest Territory, Grise Fiord	Do.
1165	420	♂	Oct. 14, 1972	Northwest Territory, Broughton Island	Do.
1207		♀	Apr. 12, 1973	Northwest Territory, Grise Fiord	Do.
1181		♂	Jan. 24, 1973	Northwest Territory, Baillie Island	Do.
1533	295	♂	Apr. 1974	Northwest Territory, Arctic Bay	Do.
953	478	♂	Oct. 27, 1972	Northwest Territory, Grise Fiord	Do.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 20, 1975.

Dated: October 16, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-28307 Filed 10-20-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CATTLE INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of section 10 (a) (2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Cattle Industry Advisory Committee established July 3, 1974, by Secretary's Memorandum No. 1843. The Committee will meet at the U.S. Department of Agriculture, Washington, D.C., on November 6-7, 1975; the meeting will begin at 9 a.m. on November 6 in Room 2096, South Agriculture Building, 14th Street and Independence Avenue SW., and is scheduled to end by 3 p.m. on November 7.

The purpose of this meeting is to provide advice and counsel for the Secretary of Agriculture on several matters of current interest and concern to the entire industry and which may affect Department programs and actions. Topics to be discussed are: situation and outlook for cattle and beef; international trade in beef and beef products; impact of grain export trade on beef production; and review of the status of several pending actions, including legislation authorizing producer-financed research and information programs for beef, revision of beef grade standards, and packer bonding or other means to assure payment for cattle.

The meeting is open to the public but space and facilities are limited. The Chairman may invite public participation following Committee consideration of each topic, to the extent time permits. Also, anyone may submit written statements to the Committee on the subjects considered, either before or after the meeting. Anyone wishing further information about the agenda and the meeting arrangements should contact John C. Pierce, Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447-5705.

Dated: October 16, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28317 Filed 10-20-75;8:45 am]

Forest Service

CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Cibola National Forest Grazing Advisory Board will meet Wednesday, October 29, 1975, at 8:00 a.m., at Frank H. Metzler's headquarters, in Comanche Canyon on the Mountainair Ranger District.

The purpose of the meeting will be for the purpose of reviewing the Comanche Allotment and its Management. The allotment will be ridden on horseback on October 29 and 30, 1975.

The meeting will be open to the public. Interested persons planning to ride the allotment should bring their own horses. Persons who wish to attend should notify Wallace L. Lloyd via telephone, 766–2185, or in writing at 10308 Candelaria, NE., Albuquerque, New Mexico 87112. Written statements may be filed with the Committee before or after the meeting.

Dated: October 14, 1975.

W. L. LLOYD,
Forest Supervisor.

[FR Doc.75-28191 Filed 10-20-75;8:45 am]

Rural Electrification Administration

ALABAMA ELECTRIC COOPERATIVE, INC., ANDALUSIA, ALABAMA

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Alabama Electric Cooperative, Inc., P.O. Box 550, Andalusia, Alabama 36420. This project includes financing for addition of two 233 MW coal-fired steam generator units and approximately 157 miles of 230 kV transmission lines and acquire related coal leases.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 14th day of October 1975.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.75-28279 Filed 10-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MENTAL HEALTH SMALL GRANT COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1975:

Mental Health Small Grant Committee, November 20; 1 p.m., November 21–22; 8:30 a.m., Parlors 509 and 511, Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C. Open—November 20, 4–5 p.m. Closed—Otherwise. Contact Mary E. Enyart, Parklawn Building, Room 10C–14, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3936.

Purpose. The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 4 to 5 p.m., November 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4), 552(b)(5), and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301–443–3600.

Dated: October 15, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-28229 Filed 10-20-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, place	Type of meeting and contact person
1. Ophthalmic Drugs Advisory Committee.	Nov. 3, 9 a.m., room number to be announced, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to adjournment; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in diseases and disorders of the eye.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of report of subcommittee on protocol for systemic drugs which must be tested for ophthalmic reactions; report of subcommittee on a postmarketing surveillance system for new contact lenses; labeling for anti-infective/steroid combinations for ophthalmic use.

Committee name	Date, time, place	Type of meeting and contact person
2. Respiratory and Anesthetic Drugs Advisory Committee.	Nov. 3, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 12:30 p.m.; closed presentation of data 1:15 to 2:30 p.m.; closed committee deliberations 2:30 to 4 p.m.; Gerald Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the field of anesthesiology.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of Penthrane (methoxyflurane) package insert revision, suggested clinical guidelines for general anesthetics, and suggested clinical guidelines for local anesthetics.

Closed presentation of data. Discussion of NDA 17-751 and pre-IND product of Travenol Laboratories, Inc. This portion is closed to permit discussion of trade secret data (5 U.S.C. 552(b)(4)).

Closed committee deliberations. Discussion of NDA 17-751 and pre-IND product of Travenol Laboratories, Inc. This portion of the meeting is closed to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Ophthalmic Devices.	Nov. 3 and 4, 9:30 a.m., room 6821, FBS-, 200 C St. SW., Washington, D.C.	Open public hearing Nov. 3, 9:30 to 10:30 a.m.; closed committee deliberations Nov. 3, 10:30 a.m. to 4:30 p.m., Nov. 4, 8 a.m. to 3 p.m.; Richard A. Haskins Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of ophthalmic devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the tentative classification findings.

Closed committee deliberations. The panel will review earlier classification findings and establish the priorities for the development of standards for those devices in the standards category. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
4. Science Advisory Board to the National Center for Toxicological Research.	Nov. 3 and 4, 8:30 a.m., Building 12, National Center for Toxicological Research, Jefferson, Ark.	Open public hearing Nov. 3, 8:30 to 9:30 a.m.; open committee discussion Nov. 3, 9:30 a.m. to adjournment, Nov. 4, 8:30 to 10:30 a.m.; closed committee deliberations Nov. 4, 10:30 to 11 a.m.; A.K. Davis Ph. D. National Center for Toxicological Research, Jefferson, Ark. 72079, 501-535-6200.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Foods and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of mutagenesis—program review; new methods, dosimetry, integration of test systems, current research on in vivo microlesions, current research on somatic cell mutagenesis, and current research on microlesions. Status report on carcinogenesis program; inhalation regarding program development; teratology; extrapolation to man; program development in hypersensitivity. Discussion of subcommittee meetings on carcinogenesis, mutagenesis, teratology, extrapolation to man.

Closed committee deliberations. Discussion of subjects discussed during the open session. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
5. Ad Hoc Committee on Reserpine and Breast Cancer.	Nov. 4, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing and open committee discussion 9 to 10 a.m.; closed committee deliberations 10 a.m. to 4 p.m.; John Jennings M.D. (HFN-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4124.

General function of the committee. Reviews and evaluates available information on reserpine and advises the Secretary, Assistant Secretary for Health, and the Commissioner of Food and Drugs regarding possible carcinogenic properties, the risk of cancer of the breast and other cancer associated with the use of reserpine, considering such factors as dose, duration of treatment, age, predisposition, other drug treatment, and other diseases; further studies required to determine the possible association between reserpine and cancer.

Agenda—Open public hearing/open committee discussion. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Possible presentation of additional study reports.

Closed committee deliberations. Preparation of committee report. This portion of the meeting will be closed to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
6. Pulmonary Functions Subcommittee of the Panel on Review of Anesthesiology Devices.	Nov. 5, 9 a.m., Room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; closed committee deliberations 10 a.m. to adjournment; Franklyn K. Coombs (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices.

Agenda—Open public hearing. A review of the classification process and the general responsibilities of the members of the subcommittee will be presented by Robert S. Kennedy, Ph. D., classification coordinator for the Division of Classification and Scientific Evaluation.

Closed committee deliberations. The subcommittee will begin developing a comprehensive device list for the pulmonary functions field. The subcommittee members will establish the categories of devices and the proper generic terms for these devices. They will then begin to classify those devices not previously identified and classified. The subcommittee does not plan to release its device list or classification data until it has met at least three times and will continue to work in closed sessions during these preliminary meetings to protect the free exchange of internal views and to avoid undue interference with subcommittee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
7. Toxicology Subcommittee of the In Vitro Diagnostic Products Advisory Committee.	Nov. 5 and 6, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Nov. 5, 9 to 10 a.m.; open committee discussion Nov. 5, 10 to 11 a.m.; closed committee deliberations Nov. 5, 11 a.m. to 4:30 p.m. Nov. 6, 9 a.m. to 4:30 p.m.; Nabeeh Mourad, Ph. D. (HFK-300), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4943.

General function of the committee. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products and recommends priorities on presently marketed products for standard-setting by the Food and Drug Administration.

Agenda—Open public hearing/open committee discussion. Interested parties are encouraged to present information pertinent to the classification of diagnostic products listed in the announcement to S. K. Vadlamudi, D.V.M., Ph. D., Head of Classification (HFK-400), 5600 Fishers Lane, Rockville, MD 20852. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The subcommittee will classify the following diagnostic products: products used for the determination of anticonvulsant drugs and lead, products used for drug screening, products used for quantitative and/or qualitative testing in toxicology, and the general purpose reagents. This session will be closed to protect the free exchange of views and to avoid undue interference with subcommittee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Anesthesiology Devices.	Nov. 6, 9 a.m., Room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9 a.m. to 12 m.; open committee discussion 1 to 2:30 p.m.; closed committee deliberations 2:30 p.m. to adjournment; Franklyn K. Coombs (HFK-400, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of blood warmers and blood microfilters and the general area of blood transfusions to Franklyn K. Coombs, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Jeffery McCullough, M.D., University of Minnesota, will speak on blood cell damage during microwave heating of whole blood. Hyman Katz, Ph. D., of Pall Biomedical Products Corporation will present scientific data on microfilters used for blood transfusions, with the emphasis on filter pore size.

Open committee discussion. The special consultants to each subcommittee will be introduced to the parent panel. There will be a presenation of why these two subcommittees were formed and what their specific directives from the parent panel are. The Panel on Review of Anesthesiology Devices will continue listing specific problem areas for standards development using the standards requirements data sheets to indicate these areas.

Closed committee deliberations. Data on blood warmers and blood microfilters, and listing of areas of concern for either premarket approval or standards for these devices will be discussed. This portion of the meeting is closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
9. Dental Drug Products Advisory Committee.	Nov. 12 and 13, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 12, 9 a.m. to 12 m.; open committee discussion Nov. 12, 1 to 4 p.m.; closed committee deliberations Nov. 13, 9 a.m. to 4 p.m.; Clarence C. Gilkes D.D.S. (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of dentistry.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of N-2 type formulations.

Closed committee deliberations. Discussion of NDA 17-728 and IND 8951. This portion will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Topical Analgesics.	Nov. 12 and 13, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 12, 9 to 10 a.m.; closed committee deliberations Nov. 12, 10 a.m. to 4:30 p.m., Nov. 13, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) topical analgesic drug products. This meeting is closed to protect the free exchange of internal views (5 U.S.C. 552 (b) (5)).

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Hemorrhoidal Drug Products.	Nov. 16 and 17, 9 a.m. on Nov. 17, Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Nov. 16, 9 a.m. to 4:30 p.m.; open public hearing Nov. 17, 9 to 10 a.m.; closed committee deliberations Nov. 17, 10 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) hemorrhoidal drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) (5)).

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Radiological Devices.	Nov. 17 and 18, 8:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington D.C.	Open public hearing Nov. 17, 8:30 to 10:30 a.m.; closed committee deliberations Nov. 17, 10:30 a.m. to 4:30 p.m., Nov. 18, 8:30 a.m. to 4 p.m.; Leroy L. Hamilton Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of radiological devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of the electron avalanche imaging system to Leroy L. Hamilton, Ph.D., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The panel will review devices tentatively classified at the panel meetings of May 7 and 8, 1975, and July 21 and 22, 1975, review existing standards relating to these devices, and identify special device problems. This portion of the meeting is closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b) (5)).

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Internal Analgesics Including Antirheumatic Drugs.	Nov. 18 and 19, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 18, 9 to 10 a.m.; closed committee deliberations Nov. 18, 10 a.m. to 4:30 p.m., Nov. 19, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) internal analgesic including antirheumatic drug products. This meeting is closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Cold, Cough, Allergy, Bronchodilators and Antiasthmatic Drugs.	Nov. 19, 20, and 21, 3:30 p.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Closed committee deliberations Nov. 19, 9 a.m. to 3:30 p.m.; open public hearing Nov. 19, 3:30 to 4:30 p.m.; closed committee deliberations Nov. 20, 9 a.m. to 4:30 p.m., Nov. 21, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) cold, cough, allergy, bronchodilators and antiasthmatic drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on Review of Antiperspirant Drug Products.	Nov. 20 and 21, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 20, 9 to 10 a.m.; closed committee deliberations Nov. 20, 10 a.m. to 4:30 p.m., Nov. 21, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) antiperspirant drug products. This meeting is closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
16. Clinical Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	Nov. 20 and 21, 9 a.m., 330 Independence Ave. SW., Washington, D.C., Room 4173, HEW-North on Nov. 20, Room 5169, HEW-North on Nov. 21.	Open committee discussion Nov. 20, 9 a.m. to 12 m.; closed committee deliberations Nov. 20, 1 to 5 p.m.; open public hearing Nov. 21, 9 to 10 a.m.; open committee discussion Nov. 21, 10 a.m. to 12 m.; closed committee deliberations Nov. 21, 1 to 5 p.m.; Charles S. Furfine Ph. D. (HFK-400), 5600 Fishers Lane Rockville, Md. 20852, 301-443-4943.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open committee discussion. Discussion of revisions to the proposed glucose product class standard, including a report from the statistics subcommittee about the evaluation protocol. Discussion of a proposal for a draft of a calibrator product class standard including a report from the statistics subcommittee. Presentation of data and discussions of the accuracy, precision, and properties of the hexokinase method for quantitative glucose measurements.

Closed committee deliberations. The committee will review specific performance requirements pertaining to revising the proposed glucose product class standard and evaluate the revised proposal for a draft of the calibrator product class standard. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Open public hearing. Interested parties are encouraged to present data pertinent to the development of product class standards. Those desiring to make formal presentations should notify Charles S. Furfine, Ph.D., Executive Secretary (address noted above), in writing by November 14, 1975.

Committee name	Date, time, place	Type of meeting and contact person
17. Toxicology Advisory Committee.	Nov. 20 and 21, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Nov. 20, 9 a.m. to 12 m., open public hearing Nov. 20, 1 to 2 p.m.; open committee discussion Nov. 20, 2 to 4:30 p.m.; Nov. 21; 9 to 10 a.m.; closed committee deliberations Nov. 21, 10 a.m. to 12 m.; open committee discussion Nov. 21, 1 to 3 p.m.; Jeffrey A. Staffa Ph. D. (HFS-50), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3390.

General function of the committee. Reviews and evaluates available data relating to the evaluation of the safety of chemicals present in foods, drugs, cosmetics, and medical devices. Advises on the safety of specific human drugs, animal drugs, color and food additives, cosmetic components, and components of devices. Recommends the development of standardized methodologies for the toxicity of such material.

Agenda—Open committee discussion. Presentation and discussion of toxicological data derived from studies of FD&C Red No. 2.

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Presentation and discussion of toxicological data derived from studies of FD&C Red No. 2. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
18. Implants Subcommittee of the Panel on Review of Cardiovascular Devices.	Nov. 21, 9:30 a.m., Room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9:30 to 10:30 a.m.; open committee discussion 10:30 a.m. to 3 p.m.; closed committee deliberations 3 to 4 p.m.; Glenn A. Rahmoeller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the safety and efficacy of cardiac pacemakers to Glenn A. Rahmoeller, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. Discussion of the safety and efficacy of cardiac pacemakers and formulation of product development protocol guidelines for these devices. During this portion the subcommittee members will review and discuss the pacemaker standard that was developed by the Association for the Advancement of Medical Instrumentation under contract with the Food and Drug Administration.

Closed committee deliberations. The subcommittee members will review the material presented during the open sessions and make specific recommendations. The reason for closing this part of the meeting is to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
19. Panel on Review of Orthopaedic Devices.	Nov. 21 and 22, 4 p.m., Braniff Pl., 1500 Canal St., New Orleans, LA.	Open public hearing Nov. 21, 4 to 5 p.m.; open committee discussion Nov. 21, 5 to 8 p.m.; closed committee deliberations Nov. 22, 9 a.m.; Robert S. Kennedy Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the tentative classification findings of this panel. Mr. Charles McNeill of the Division of Medical Device Standards and Research will discuss the current status of standards for surgical implant metallic materials.

Open committee discussion. The panel will review and determine if the hunter tendon implant should be classified separately from the loco motor ligament and tendon implants. Representatives from the Richards Manufacturing Company will present additional information requested by the panel members concerning the "polyflex system" for ligament replacement.

Closed committee deliberations. The panel will review the tentative classification results and will establish a list of priority items for consideration in standards development. This portion of the meeting will be closed to protect free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
20. Surgical Drugs Advisory Committee.	Nov. 24, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 to 10:30 a.m.; closed presentation of data 10:30 a.m. to 3:30 p.m.; closed committee deliberations 3:30 p.m.; Gerald Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the field of surgery.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of peritoneal dialysate and hemodialysate solutions and powders.

Closed presentation of data. Discussion of IND 1004, NDA 17-767, and NDA 17-766. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552(b)(4)).

Closed committee deliberations. Discussion of IND 1004, NDA 17-767, and NDA 17-776. This portion of the meeting will be closed to permit the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
21. Panel on Review of Obstetrical and Gynecology Devices.	Nov. 24 and 25, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Nov. 24, 9 a.m. to 12 m.; open committee discussion Nov. 24, 1 to 2 p.m.; closed committee deliberations Nov. 24, 2 to 4 p.m.; open public hearing Nov. 25, 9 to 10 a.m.; closed committee deliberations Nov. 25, 10 a.m. to 12 m.; open committee discussion Nov. 25, 1 to 3 p.m.; Lillian Yin Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to a product development protocol guideline for obstetrical-gynecological ultrasonic diagnostic devices. Those desiring to make formal presentations should notify Lillian Yin, Ph. D., Executive Secretary, in writing by November 15, 1975. Submission of written data is also invited.

Open committee discussion. November 24: The FDA representative will report to the panel on the current Bureau activities involving obstetrical-gynecological devices and the current status of the medical device legislation.

The panel will evaluate and determine if there is sufficient information for the panel to draft a product development protocol guideline for the obstetrical-gynecological diagnostic devices.

November 25: The panel will consider specific performance standards of those devices that have been assigned to the top priority standards development.

Closed committee deliberations. November 24: The panel will discuss and draft a product development protocol guideline for obstetrical-gynecological ultrasonic diagnostic devices. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

November 25: The panel will continue to discuss and draft a product development protocol guideline for intrauterine contraceptive devices. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitue such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: October 15, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75-28227 Filed 10-20-75;8:45 am]

PANEL ON REVIEW OF ANTIPERSPIRANT DRUG PRODUCTS

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 22, 1975 (40 FR 43533) public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Since various industry representatives who were scheduled to take part in the meeting are now unable to do so, notice is hereby given that the meeting of the Panel on Review of Antiperspirant Drug Products scheduled for October 23 and 24, 1975, is canceled.

Dated: October 15, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28228 Filed 10-20-75;8:45 am]

Food and Drug Administration

[Docket No. 75G-0296; GRASP 3G0027]

OLIN CHEMICALS

Notice of Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 75-27280 appearing on page 47817 in the issue of Friday, October 10, 1975, the third line beginning "201(s), 499 . . ." should be corrected to read, "201(s), 409 . . .".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

NEW YORK

[FDAA-487-DR; NFD-308]

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated October 2, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 2, 1975:

The County of:

Putnam.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 14, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-28285 Filed 10-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CONVERSION—GENERAL AVIATION DISTRICT OFFICE AT LAS VEGAS, NEVADA, TO FLIGHT STANDARDS DISTRICT OFFICE

Jurisdictional Change

Notice is hereby given that on October 10, 1975, the General Aviation District Office at Las Vegas, Nevada, will be converted to a Flight Standards District Office. Concurrent with this action, jurisdiction over air carrier activities in the State of Nevada, which was formerly exercised by the Los Angeles and San Francisco Air Carrier District Offices, will be assumed by the Las Vegas Flight Standards District Office. (Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, California on October 6, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75-28216 Filed 10-20-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27790]

BALAIR AG

Hearing Regarding Foreign Charter Permit Renewal (Switzerland)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 12, 1975, (40 FR 40875, September 4, 1975) at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served October 10, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 14, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75-28308 Filed 10-20-75;8:45 am]

[Docket No. 28196]

CALIFORNIA-ALBERTA ROUTE PROCEEDING

Change in Prehearing Conference

Notice is hereby given that because of conflict with the oral argument in Docket 27153, Honolulu-Vancouver Route Proceeding, the date of the prehearing conference herein, heretofore scheduled for October 29, 1975 (40 FR 41832, September 9, 1975), is hereby changed to October 30, 1975, at 10 a.m. (local time) in Hearing Room C, 1003 Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 15, 1975.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc.75-28309 Filed 10-20-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting originally scheduled for October 21-23, 1975 has been cancelled. The meeting will be a planning meeting and will convene on October 22, 1975 at 18263 Ohio Street, Detroit, Michigan 48221 at 3:00 p.m. and ending at 9:00 p.m.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to continue planning for upcoming factfinding meeting November 12-13 in Sault Ste. Marie, Michigan. Continue revision of draft of Model Cities Report. This meeting is a revision of the earlier authorization for the meeting of October 21-23, 1975.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 14, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28362 Filed 10-20-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

OCTOBER 17, 1975.

On September 30, 1975, there was published in the FEDERAL REGISTER (40 FR 44862) a letter dated September 25, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing specific limits on certain cotton, wool and man-made fiber textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1975. The level of restraint established in the foregoing letter for men's and boys' suits in Category 224 (T.S.U.S.A. Numbers 380.0420 and 380.8143) should have been 41,333 dozen (496,000 units), instead of 496,000 dozen.

Accordingly, there is published below a letter of October 17, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs correcting the level of restraint for men's and boys' suits in Category 224 for the twelve-month period which began on October 1, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

OCTOBER 17, 1975.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on September 25, 1975 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products produced or manufactured in the Republic of Korea.

The first paragraph of the directive of September 25, 1975 is hereby amended to show a level of restraint of 41,333 dozen for part of Category 224 (only T.S.U.S.A. Numbers 380.0420 and 380.8143), produced or manufactured in the Republic of Korea, and exported to the United States during the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976. This amended level of restraint has not been adjusted to reflect any entries made after September 30, 1975.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75-28468 Filed 10-20-75;8:45 am]

CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 17, 1975.

On June 19, 1975, there was published in the FEDERAL REGISTER (40 FR 25848) a letter dated June 13, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China which establish specific export limitations on certain cotton and man-made fiber textile products produced or manufactured in the Republic of China and exported to the United States (1) during the twelve-month period beginning on January 1, 1975 for cotton textiles and cotton textile products; and (2) during the fifteenth-month period beginning on October 1, 1974 and extending through December 31, 1975 for man-made fiber textile products. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 8(a)(i) of the Bilateral Cotton, Wool and Mand-Made Fiber Textile Agreement of May 21, 1975, which provides for the carryover of shortfalls in certain categories from the previous agreement year.

Accordingly at the request of the Government of the Republic of China and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of October 17, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton and man-made fiber textile products in Categories 22/23, 43 and part of 62, 45, 48, 49, 50/51, 213, 222, 224, and 234/235 for the twelve-month period beginning on January 1, 1975 for cotton textile products and for the fifteen-month period beginning on October 1, 1974 for man-made fiber textile products.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

OCTOBER 17, 1975.

DEAR MR. COMMISSIONER: On June 13, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China and exported to the United States during the agreement periods, beginning, respectively, on January 1, 1975 and October 1, 1974, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 8(a)(i) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on October 20, 1975, the levels of restraint established in the aforesaid directive of June 13, 1975, for cotton textile products in Categories 22/23, 43/pt. 62, 45, 48, 49 and 50/51; and for man-made fiber textile products in Categories 213, 222, 224, and 234/235 to the following amounts:

Category	*Amended level of restraint*[2]
22/23	4,242,889 yd.[3]
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605, and 382.0610.	919,003 yd.[3] equivalent.
45	35,338 doz.
48	24,640 doz.
49	39,200 doz.
50/51	706,697 doz. (of which not more than 338,846 doz. may be in Category 50 and not more than 510,438 doz. may be in category 51).
213	10,998,258 lb.
222	4,635,065 doz.
224	11,875,321 lb. (of which not more than 282,500 lb. shall be in T.S.U.S.A. Nos. 380.0420 and 380.8143 and not more than 829,500 pounds shall be in T.S.U.S.A. Nos. 380.0402 and 380.8103).
234/235	85,804,322 yd.[3] equivalent.

[1] The levels of restraint have not been adjusted to reflect any entries made after Sept. 30, 1974.

The actions taken with respect to the Government of the Republic of China and with respect to imports of man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-28469 Filed 10-20-75;8:45]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1-38, 64, 200-213, and 241-243 may be exceeded by 10 percent, and within Categories 39-63 and 214-240, by 7 percent; 2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20609; FCC 75-1116]

ABOLITION OF SPECIAL RATES FOR LETTER TELEGRAMS

Notice of Inquiry

1. The International Telegraph and Telephone Consultative Committee (CCITT) of the International Telecommunication Union (ITU) will hold its Sixth Plenary Assembly in the early Fall of 1976 in Geneva, Switzerland. At such assembly it will consider recommendations that it should make for the guidance of members of the ITU, including, among other things, policies to be followed in the international public message service. The matters that will be considered by the CCITT relevant to this service were entrusted for study to its Study Group I by the CCITT at its Fifth Plenary Assembly (Geneva, 1972). Study Group I is presently considering these questions and will, prior to the Sixth Plenary Assembly, report to the CCITT on the conclusions it has reached as to the recommendations that should be made by the CCITT on the questions.

2. Study Group I met in Geneva, March 17–21, 1975, to consider the matters entrusted to it, with a United States delegation in attendance. Further meetings of this Study Group and its Working Parties will be held in the near future to formulate final positions. During the March, 1975, meeting and an immediate preceding meeting of Working Party I/TGM, several delegations supported the principle of abolishing the letter telegrams (LTs)—special rate telegrams for international "overnight" telegram messages—emphasizing that LTs are optional under the Telegraph Regulations.

3. According to the CCITT Fifth Plenary Assembly "Green book" on Telegraph Operation and Tariffs, a letter telegram is a "telegram for which special provisions concerning rates and priority of transmission and delivery are applied." Specifically, terminal and transit rates for LTs are 50 percent of those of ordinary telegrams and letter telegrams may not be delivered until after a period of 5 hours (in many cases, overnight handling is the rule) after having been received by the carrier handling the message. Provision of letter telegrams is optional among ITU members; that is, members are not treaty-bound to continue the service and a number of countries have already unilaterally discontinued such offering. We are informed that many Administrations (at least 23 countries) eliminated LT service with one another in the Fall of 1974.

4. As determined in public meetings of the U.S. CCITT National Committee on Regulatory Affairs, held at the FCC in May and June of 1975, in developing answers to a CCITT Questionnaire requesting certain data related to LTs, 59 percent of all U.S. outbound telegram traffic are letter telegrams. The Commission is concerned with the likely effect of the abolition of the letter telegram and is therefore herein seeking the comments of all interested parties on the question of the abolition of the special rate and handling for letter telegrams and on the question of a user's likely choice of alternative communications modes. Further, with this information, the Commission will be better able to advise the Department of State with respect to the U.S. position at further meetings of Study Group I and/or its Working Party meetings and at the Sixth Plenary Assembly of the CCITT.

5. Accordingly, there is hereby instituted pursuant to the provisions of section 403 of the Communications Act of 1934, an inquiry into this matter. Those common carriers presently offering the special letter telegram rate are directed to submit comments by December 1, 1975. All other persons wishing to comment may do so, in writing, by the same date. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 11 copies of all comments shall be furnished by the Commission. All relevant and timely comments will be considered by the Commission.

Adopted: October 1, 1975.

Released October 15, 1975.

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

[FR Doc.75-28295 Filed 10-20-75;8:45 am]

[Docket Nos. 20607, 20608; FCC 75-1103]

ESTABLISHING NEW PAGING STATIONS IN THE DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Designating Application for Hearing on Stated Issues; Memorandum Opinion and Order

In re Applications of ROBERT F. RYDER d/b/a RADIO PAGING SERVICE, Jerome, Idaho; Docket No. 20607, File No. 5745-C2-P-73 and TEL-CAR, INC., Jerome, Idaho; Docket No. 20608, File No. 7580-C2-P-73, For Construction Permits to Establish New Paging Stations in the Domestic Public Land Mobile Radio Service.

1. The Commission has before it for consideration the above-captioned applications to establish new one-way paging stations to operate on 152.24 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Jerome, Idaho.

2. Each applicant appears to be legally, financially, technically, and otherwise qualified to construct and operate the proposed facilities. However, since each applicant requests authorization to provide essentially similar communications services on the same frequencies, and in the same geographical area their applications are mutually exclusive because a grant of both would result in harmful electrical interference. Accordingly, the applications must be designated for comparative hearing to determine which applicant is better qualified to operate the proposed facilities in the public interest. *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327. (1945).

3. In view of the foregoing, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, (47 U.S.C. 309(e)) that the captioned applications of Radio Paging Service and Tel-Car, Inc. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of services proposed by each applicant.[1]

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

4. It is further ordered, that the hearing shall be held at a place to be specified and before a judge to be designated in a subsequent order.

5. It is further ordered, that applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within twenty (20) days of the release date thereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. It is further ordered, that the Chief, Common Carrier Bureau is made a party to the proceeding.

Adopted: October 1, 1975.

Released: October 15, 1975.

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

[FR Doc.75-28296 Filed 10-20-75;8:45 am]

FEDERAL MARITIME COMMISSION

CONFERENCES IN THE TRADES TO, FROM AND BETWEEN UNITED STATES ATLANTIC AND GULF PORTS AND PORTS IN SOUTH AMERICA

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to

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[1] The Commission recently defined the scope of the general comparative issue, i.e., Issue 1 herein to include consideration of the significant differences between the applicants as to charges, maintenance, personnel, practices, classifications, regulations and facilities. Vegas Instant Page, 50 F.C.C. 2d 1163. The general comparative issue also includes significant differences with respect to local management. RAM Broadcasting of Florida, 50 F.C.C. 2d 1136.

the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 31, 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:

Wade S. Hooker, Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreements to modify the respective organic agreements of the following three members of the Associated Latin American Freight Conference have been assigned the agreement numbers shown:

Atlantic & Gulf/West Coast of South America Conference, 2744-38.
East Coast Colombia Conference, 7590-24.
West Coast South America Northbound Conference 7890-13.

These agreements (1) reinstate the intermodal provisions of each respective conference, (2) further amend said provisions by allowing any member line, subject to certain limitations and notice requirements, to establish intermodal through rates and services, (3) amend the geographic scope of each respective conference to include foreign inland points, and (4) provide for permanent approval of the intermodal provisions.

Agreement No. 2744-38 also amends that Conference's Rules and Regulations by deleting language which would prohibit the member lines from quoting through rates.

Dated: October 16, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28332 Filed 10-20-75;8:45 am]

MEDITERRANEAN FORCE MAJEURE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 10, 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:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10051-1 among the members of the above-named agreement is an application to extend approval of the agreement for a period of two (2) years from December 13, 1975 to December 13, 1977.

By order of the Federal Maritime Commission.

Dated: October 15, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28331 Filed 10-20-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-349]

ALGONQUIN GAS TRANSMISSION CO.

Order Providing for Formal Hearing and Granting Interventions

OCTOBER 14, 1975.

On May 29, 1975, Algonquin Gas Transmission Company (Algonquin) filed in Docket No. CP75-349 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a rearrangement in the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Consolidated Edison).

Algonquin seeks authority to divert during the nonwinter heating season unspecified volumes of gas which it now transports for the account of Consolidated Edison under its Rate Schedule T-1. The T-1 service is presently limited to deliveries being made at Peekskill, New York, but Algonquin seeks authority to divert volumes to Cortlandt and Yorktown, New York. Algonquin is now authorized to transport up to 9,000 Mcf per day for delivery at Peekskill under Rate Schedule T-1. Consolidated Edison purchases the T-1 gas from Tennessee Gas Pipeline Company (Tennessee) and Algonquin receives said gas at Mahwah, New Jersey, for the account of Consolidated Edison.

Algonquin currently sells gas to Consolidated Edison under its Rate Schedules F-1 (general service, firm) and WS-1 (winter service for F-1 customers) at the delivery points of Peekskill, Cortlandt and Yorktown. The maximum daily delivery obligation (MDDO) under Rate Schedule F-1 is 2,500 Mcf at Peekskill, 1,500 Mcf at Cortlandt and 1,500 Mcf at Yorktown. The maximum annual quantity is 675,000 Mcf at Peekskill, 405,000 Mcf at Cortland and 405,000 Mcf at Yorktown. Under the WS-1 Rate Schedule, Consolidated Edison is entitled to receive daily from Algonquin 4,060 Mcf at Peekskill and 2,000 Mcf each at Cortlandt and Yorktown. Algonquin alleges that the service areas served from Peekskill, Cortlandt and Yorktown are isolated on Consolidated Edison's system and cannot be served with any gas other than that delivered by Algonquin.

Algonquin states that Consolidated Edison lacks the flexibility to serve its human needs markets during the nonwinter heating season (April 16 through November 15). Algonquin alleges that Consolidated Edison's inflexibility in the Cortlandt and Yorktown service areas can best be alleviated by Algonquin delivering to the Cortlandt and Yorktown delivery stations an unspecified portion of the T-1 gas which Consolidated purchases from Tennessee and which Algonquin presently delivers to Consolidated at the Peekskill delivery station. Algonquin alleges that a transfer of delivery points will have the effect of upgrading the end use of the T-1 gas. Algonquin alleges that such delivery will not change Algonquin's contract obligation to deliver the full T-1 MDDO at Peekskill or impose any new delivery obligation.

Interventions in support of Algonquin's application were filed by Tennessee and Consolidated Edison. In addition, Consolidated Edison has filed a motion for expedited consideration.

In reply to a deficiency letter of July 8, 1975, Algonquin submitted on July 24, 1975, the annual and peak day total requirements for the period ending August 31, 1974 (actual) and August 31, 1975 (estimated for July and August with no growth assumed). No breakdown as to classification of service was submitted; no gas balance by rate schedule was included; no data on the total past and expected curtailments of service by classification of service were submitted. We believe that issues exist which warrant a formal hearing.

In the hearing, Algonquin and the supporting interveners shall develop, inter alia:

1. Annual and peak day gas requirements by classification of service (residential, commercial, firm industrial, interruptible industrial, residential space heating, commercial space heating and other types) at each of the three delivery points,

2. Estimated deliverability by rate schedule (F-1, T-1, WS-1) and by classification of service,

3. Estimated volumes of T–1 gas needed to meet the human needs market at Cortlandt and Yorktown.

4. Total past and expected curtailments of service by classification of service at each of the three delivery points.

5. Explanation and derivation of basic factors used in estimating future requirements, including for example: Peak-day and annual degree-day deficiencies, annual load factors, individual consumer peak-day and annual consumption factors for each class of consumers, with supporting historical data, and forecasted saturation of space-heating as related to past experience.

6. Provide underlying data that will demonstrate the causes of the curtailments at Cortlandt and Yorktown.

7. Alternative fuel sources available to Consolidated Edison in the Cortlandt, Yorktown and Peekskill area.

8. Algonquin and/or Consolidated Edison shall be required to show why the gas entitlement for Cortlandt and Yorktown by the only supplier for such communities where the load is all Priority 1 became exhausted on July 26, 1975, and 100 percent curtailment was instituted, and no curtailment was required for Peekskill at the same time insofar as F–1 gas was concerned, and

9. Demonstrate that there will be a nonoccurrence of their emergency situation in the summer of 1975 and that Consolidated Edison will be able to pay back volumes of emergency gas that were necessary to avert substantial harm to Cortlandt and Yorktown last summer.

The Commission finds. (1) It is necessary and appropriate that the proceeding in Docket No. CP75–349 be set for formal hearing.

(2) The petitions to intervene may be in the public interest.

The Commission orders. (A) Pursuant to the provisions of the Natural Gas Act, a formal hearing shall be convened in Docket No. CP75–349 in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on November 12, 1975, at 10 a.m., e.d.t. The Presiding Administrative Law Judge for the purpose—See Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in the proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of Algonquin and all supporting interveners as to all issues raised in its filing in Docket No. CP75–349 as well as issues referred to in this order shall be filed and served on all parties of record including Commission Staff on or before October 28, 1975.

(C) The above-mentioned interveners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: *And, provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(D) Consolidated Edison's motion for an expedited consideration is granted as herein provided.

By the Commission.

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

[FR Doc.75-28243 Filed 10-20-75;8:45 am]

[Docket No. G-10115, etc.]

AMOCO PRODUCTION CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 10, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-10115..... C 9-25-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Greenwood Waskom Field, Caddo Parish, La.	[1] 20.8886	15.025
CI76-13..... C 9-12-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Fairview Mills Field, Lea County, N. Mex.	[2] 55.23	14.73
CI76-146..... A 9-11-75	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Cities Service Gas Co., Hamon Locke Field, Hemphill County, Tex.	[3] [4] 96.6054	14.65
CI76-147..... A 9-11-75	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Sand Dunes Field, Eddy County, N. Mex.	[4] 80.0	14.65
CI76-149..... (G-14820) B 8-28-75	Betty D. Mortimer et al., P.O. Box 1185, Jackson, Miss. 39205.	United Gas Pipe Line Co., Maxie Pistol Ridge Field, Pearl River County, Miss.	No gas deliveries since Aug. 26, 1962.	
CI76-150..... A 9-11-75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Wilshire (Penn) Field, Upton County, Tex.	[3] 72.0064	14.73
CI76-151..... A 9-12-75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Co., Acreage in Andrews County, Tex.	[4] 51.0	14.73
CI76-152..... A 9-12-75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Transwestern Pipeline Co., South Empire Deep Field, Eddy County, N. Mex.	[4] [5] 81.10	14.73
CI76-153..... A 9-15-75	Dorchester Exploration, Inc., 1204 Vaughn Bldg., Midland, Tex. 79701.	Natural Gas Pipeline Co. of America, Square Lake Field, Eddy County, N. Mex.	[4] 80.0	14.65
CI76-154..... A 9-15-75	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[7] 59.1765 [8] 63.3254	14.65 14.65
CI76-157..... (G-12134) B 9-10-75	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	Well plugged and abandoned, leases terminated.	
CI76-158..... (G-14986) B 9-11-75	Getty Oil Co. (operator), et al., P.O. Box 1404, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Romero Trap Field, Jim Wells County, Tex.	Uneconomical.	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI76-159..... A 9-15-75	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Southland Paper Mills M Unit No. 1, Seven Oaks Field, Polk County, Tex.	[1] 50.46075	14.73
CI76-160..... (CI72-753) B 9-12-75	Solito Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	Depleted.	
CI76-162..... (CI68-607) B 9-17-75	General American Oil Co. of Texas (operator), Meadows Bldg., Dallas, Tex. 75206.	Trunkline Gas Co., Lawson Field, Acadia Parish, La.	Depleted.	
CI76-164..... (CI62-34) B 9-8-75	Atlantic Richfield Co.	Perry, Adams, & Lewis North Vernon Pool, Summer and Cowley Counties, Kans.	(10)	
CI76-165..... A 9-18-75	Dorchester Exploration, Inc., 1204 Vaughn Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Wilson Penn Field, Lea County, N. Mex.	[2] [3] 80.0	14.73
CI76-166..... A 9-19-75 [11]	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., Mills Ranch Field, Wheeler County, Tex.	[4] 54.8357	14.65
CI76-167..... (G-18864) B 9-16-75	Ridgway Management, Inc., P.O. Box 187, Jackson, Miss. 39205.	United Gas Pipe Line Co., Music-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	Nonproductive.	
CI76-168..... (CS71-1086) B 9-19-75	David Fasken and Richard S. Brooks, 608 First National Bank Bldg., Midland, Tex. 79701.	Panhandle Eastern Pipe Line Co., Stateline Field, Woods County, Okla.	Depleted.	
CI76-169..... B 9-5-75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Skelly Oil Co., Illusiry-Tubb-Drinkard Gas Field, Lea County, N. Mex.	(12)	.....
CI76-170..... A 9-22-75	Mono Power Co., P.O. Box 800, Rosemead, Calif. 91770.	Michigan Wisconsin Pipe Line Co., Ship Shoal Area, offshore Louisiana.	[5] 76.5	15.025
CI76-171..... (CI65-127) B 9-15-75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Vermilion Block 46 Field, offshore Louisiana.	Production has ceased.	
CI76-172..... A 9-18-75	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., East Niles Field, Canadian County, Okla.	[13] 57.3204	14.65
CI76-173..... A 9-22-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Transwestern Pipeline Co., Rock Tank Field, Eddy County, N. Mex.	[6] [8] 51.10	14.65
CI76-175..... B 9-22-75	Hytech Energy Corp., 710 Western United Life Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Toro Field, Reeves County, Tex.	Depleted.	
CI76-176..... A 9-23-75	Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex. 77052.	Texas Gas Transmission Corp., Block 271, Ship Shoal Area, offshore Louisiana.	[6] [8] 51.45	15.025
CI76-177..... A 9-24-75	The California Co., a Division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 172 Field, West Cameron Area, offshore Cameron Parish, La.	[6] [8] 51.31	15.025
CI76-178..... A 9-19-75	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., East Niles Field, Caddo, and Canadian Counties, Okla.	[13] 57.3204	14.65
CI76-179..... (CI60-368) B 9-22-75	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Cities Service Gas Co., Southeast Woodward Field, Woodward County, Okla.	Depleted.	
CI76-180..... A 9-23-75	Texas Gas Exploration Corp.	Texas Gas Transmission Corp., Block 247, Ship Shoal Area, offshore Louisiana.	[6] [8] 51.45	15.025

[1] Subject to downward British thermal unit adjustment.
[2] Subject to upward and downward British thermal unit adjustment; estimated upward adjustment is 10.16 ¢/M ft³.
[3] Includes 10.1189 ¢/M ft³ upward British thermal unit adjustment.
[4] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's General Policy and Interpretations.
[5] Subject to upward and downward British thermal unit adjustment.
[6] Includes 4.1351 ¢/M ft³ tax reimbursement and 16.8713 ¢/M ft³ upward British thermal unit adjustment.
[7] Rate for sales from the Barby lease; includes 3.8679 ¢/M ft³ tax reimbursement and 4.5856 ¢/M ft³ upward British thermal unit adjustment.
[8] Rate for sales from the Dyer lease; includes 3.8679 ¢/M ft³ tax reimbursement and 8.7345 ¢/M ft³ upward British thermal unit adjustment.
[9] Includes 3.825 ¢/M ft³ tax reimbursement and 1.60475 ¢/M ft³ upward British thermal unit adjustment.
[10] Applicant no longer has any interest in leases originally covered by the contract.
[11] Applicant proposes to continue the limited-term sale authorized in docket No. CI74-115, which expires Feb. 16, 1976.
[12] Gas well (Grizzell No. 1) was inadvertently connected to Skelly although gas has been committed to El Paso Natural Gas Co.
[13] Includes 2.7295 ¢/M ft³ upward British thermal unit adjustment and 3.8679 ¢/M ft³ tax reimbursement.

[4] Supra.
[5] Supra.
[12] Supra.

[FR Doc.75-28268 Filed 10-20-75;8:45 am]

[Docket No. RP76-11]

BACA GAS GATHERING SYSTEM, INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Establishing Hearing Procedures, Instituting Investigation and Consolidating Proceedings

OCTOBER 10, 1975.

On September 12, 1975, Baca Gas Gathering System, Inc. (Baca) tendered for filing a revised tariff sheet [1] wherein Baca proposes to increase annual rates by $262,000 for sales to Panhandle Eastern Pipe Line Company (Panhandle). In support of the proposed rates, Baca states that the rate increase is being filed to compensate only for an increase in the cost of gas purchased by Baca from a small independent producer and to restore Baca's gathering fee to its authorized level. Baca requests that the proposed rates become effective on October 14, 1975.

Public notice of Baca's filing was issued September 23, 1975, with protests and petitions to intervene due on or before October 7, 1975. No responses have been received.

Our review of the rates proposed by Baca in its September 12, 1975 filing, indicates that they reflect small producer purchases in excess of the rate levels prescribed in Opinion No. 742. Therefore, the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend the use thereof for one day until October 15, 1975, when it will be permitted to become effective, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Baca's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.[2] In this connection, we believe it appropriate to make the small producer involved, WECO Development Corporation (WECO), a respondent so that WECO may present evidence to show that the rates charged by it to Baca are just and reasonable. Although, small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against WECO so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively to WECO.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco Inc.," 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondent to submit cost evidence in order that we may determine the justness and reasonableness of Baca's rates and make appropriate adjustments, if found necessary, to the small producer rates pursuant to our authority under Section 5 of the Natural Gas Act.

Baca must show that the rate paid by Baca to the small producer is just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through, and (5) comparison with appropriate market prices.[3]

[1] First Revised Sheet No. 3-A, Original Volume No. 3.

[2] —— FPC —— issued August 28, 1975, in Docket No. R-393.
[3] Opinion No. 742 (mimeo, p. 13, paragraph (i)).

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Opinion No. 742 are just and reasonable.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that hearing procedures be established, as hereinafter ordered and conditioned, and that the rates herein proposed by Baca be accepted for filing and suspended for one day until October 15, 1975, when they shall become effective, subject to refund.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on January 27, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, to determine the lawfulness of the proposed rates filed by Baca on September 12, 1975, insofar as those proposed rates reflect small producer purchases in excess of the "130% formula" prescribed in Opinion No. 742.

(B) Pending such hearing and a decision thereon, Baca's proposed changes in the First Revised Sheet No. 3A, Volume 3 of its FPC Gas Tariff are accepted for filing and suspended until October 15, 1975, at which time they may become effective, subject to refund.

(C) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by WECO in making sales to Baca in excess of the rates resulting from the "130% formula" prescribed in Opinion No. 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) Baca and WECO shall file direct testimony and evidence on or before November 18, 1975. Any evidence by the Commission Staff or any intervenor shall be filed on or before December 16, 1975. Any rebuttal evidence shall be filed on or before December 30, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

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

[SEAL] KENNETH F. PLUMB,[1]
Secretary.

[FR Doc.75-28245 Filed 10-20-75;8:45 am]

[1] Chairman Nassikas, dissenting, filed a separate statement which is filed as part of the original document.

[Docket No. E-7476]

BALTIMORE GAS AND ELECTRIC CO.

Application

OCTOBER 9, 1975.

Take notice that on September 30, 1975 Baltimore Gas and Electric Company (Applicant) filed a Supplemental Application with the Federal Power Commission seeking authority to increase to $160 million the amount of short-term unsecured promissory notes, including commercial paper notes, which it may have outstanding at any one time and to extend to December 31, 1977 the latest maturity date of notes to be issued pursuant thereto.

The Commission authorized the issuance of short-term unsecured promissory notes by the Applicant in its order dated June 13, 1969 and supplemental orders dated September 24, 1970, December 22, 1972, December 21, 1973 and November 1, 1974. In the supplemental order dated November 1, 1974, the Commission authorized the Applicant to issue short-term unsecured promissory notes in face amounts of up to a maximum of $150 million with maturities not later than December 31, 1976.

Applicant is incorporated under the laws of the State of Maryland with its principal business office at Baltimore, Maryland, and is engaged in the electric, gas and steam utility businesses within the State of Maryland. The Applicant has qualified to do business also in the Commonwealth of Pennsylvania where it is participating in the ownership and operation of two mine-mouth electric generating plants.

Short-term unsecured promissory notes are to be issued from time to time to banking institutions and/or sold to or through dealers in commercial paper of which the aggregate amount to be outstanding at any one time as commercial paper is not to exceed 25 percent of the Applicant's gross revenues during the preceding twelve months. Short-term unsecured promissory notes in the form of commercial paper will mature in no more than 270 days and all other such notes will have maturities of up to one year from the date of issuance.

The proceeds from the issuance of short-term unsecured promissory notes will be used to provide funds for current corporate transactions, including interim financing of the Applicant's construction expenditures expected to total approximately $140 million in 1975 and are estimated at $160 million and $180 million for 1976 and 1977, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28232 Filed 10-20-75;8:45 am]

[Docket No. RI76-36]

BELCO PETROLEUM CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 10, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI76-36	Belco Petroleum Corp., et al.	17	10	Natural Gas Pipeline Co. of America (New Mexico) (Permian).		9-11-75	9-11-75	(1)	54.939	54.922	
....do				....do		9-11-75		3-12-76	39.02	40.02	RI75-68

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Accepted for filing as of the date set forth in the "Effective Date Unless Suspended" column.
[2] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed increased rate filed by Belco Petroleum Corporation, et al. reflecting reimbursement for the 0.04 percent increase in the New Mexico Conservation tax and a periodic increase is suspended for five months since it exceeds the applicable area ceiling rate in Opinion No. 662.

Belco's proposed increased rate reflecting reimbursement of the 0.04 percent increase in the New Mexico tax for sales covered by Opinion No. 699, as amended, is accepted.

Belco requests that it be permitted to collect 200 percent of the proposed tax reimbursement contained in each proposed rate until it has been reimbursed for taxes on sales from July 1, 1975, the effective date of the 0.04 percent increase in the New Mexico Conservation tax. No reasons were given in support of such request. Good cause has not been shown for granting such request, and the request is denied.

[FR Doc.75-28269 Filed 10-20-75;8:45 am]

[Docket No. CS76-154, etc.]

BMG MIDYEAR '73 EXPLORATION, LTD., KANSAS LIMITED PARTNERSHIP, ETC.

Applications for "Small Producer" Certificates [1]

OCTOBER 14, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS76-154	9-19-75	BMG Midyear '73 Exploration, Ltd., a Kansas limited partnership, 475 17th St., Denver, Colo. 80202.
CS76-155	9-22-75	C. N. Adkisson, Box 800, McCamey, Tex. 79752.
CS76-156	9-22-75	J. S. Ward, 101 South 4th St., Artesia, N. Mex. 88210.
CS76-157	9-22-75	Moore Engineering Resources, a division of Lester Moore Tank & Supply Co., Inc., 233 Hereford Rd., Corpus Christi, Tex. 78408.
CS76-158	9-22-75	Kan-Go, Inc., 233 Hereford Rd., Corpus Christi, Tex. 78408.
CS76-159	9-22-75	Western 74, P.O. Box 993, Midland, Tex. 79701.
CS76-160	9-23-75	Guardian Exploration, Ltd.—1975, 615 Jones Bldg., Corpus Christi, Tex. 78401.
CS76-161	9-23-75	Guardian Exploration, Ltd.
CS76-162	9-23-75	Florida Oil Ventures, Ltd., 615 Jones Bldg., Corpus Christi, Tex. 78401.
CS76-163	9-23-75	W. F. Glover, Rural Delivery 5, Box 175, Titusville, Pa. 16354.
CS76-164	9-25-75	Betty Blair, Lazy B Ranch, Atlanta, Kans. 67008.
CS76-165	9-24-75	Valbi, Inc., 949 Tenneco Bldg., Houston, Tex. 77002.
CS76-166	9-26-75	Doyle Hartman, Suite 312, Midland National Bank Bldg., Midland, Tex. 79701.
CS76-167	9-26-75	Edna Lou Allspaugh, 315 4th Ave., Holiday Gardetis Estates, New Port Richey, Fla. 33552.
CS76-168	9-26-75	H. & I Investments, Ltd., 1300 40th St., Denver, Colo. 80205.
CS76-169	9-26-75	William R. Braley, P.O. Box 708, Woodward, Okla. 73801.
CS76-170	9-26-75	Crone Oil Co., 1500 Broadway, Suite 950, Lubbock, Tex. 79401.

[FR Doc.75-28270 Filed 10-20-75;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Order Approving Settlement

OCTOBER 15, 1975.

On May 21, 1974, Boston Edison Company (Edison) tendered for filing an initial rate schedule providing for the sale of sixty (60) megawatts of system capacity and related energy to New England Power Company (NEPCO) for the period November 1, 1973, to October 31, 1974. Since the delivery of the power was to be contingent upon the availability of Edison's Pilgrim Unit No. 1, the rate schedule also provided for scheduled outage service. Such service was to be extended to NEPCO during periods when scheduled maintenance took the Pilgrim Unit No. 1 out of operation.

Edison's filing was noticed on June 3, 1974 with June 13, 1974 being established as the last date for the submission of protests, comments, and petitions to intervene.

By our order of June 21, 1974, we initiated a section 206 investigation. As a condition to waiving the prior notice requirements so as to permit the rates to become retroactively effective on November 1, 1973, we required that Edison agree to refund any revenues found to be excessive.

After brief hearing sessions and a series of settlement conferences, an accord was reached. On July 16, 1975, Edison filed the proposed settlement agreement and a corresponding motion for approval of the agreement; on July 18, 1975, the Presiding Administrative Law Judge certified the record to us. The Staff filed comments in support of the proposed settlement on August 1, 1975.

The rate schedule for service to NEPCO provides for three types of charges: capacity charges, energy charges, and scheduled outage service charges. As originally filed by Edison, the schedule would have produced the following revenues over the 12 month term of service:

Capacity Charges	$3,570,200
Energy Charges	1,811,534
Scheduled Outage Service Charges	1,945,872
Total	$7,327,606

The proposed settlement agreement provides for a decrease of $255,800 in the originally filed capacity charges and an

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

increase of $77,623 in the scheduled outage service charges. The settlement revenues are, therefore, as follows:

Capacity Charges	$3,314,400
Energy Charges	1,811,534
Scheduled Outage Service Charges	2,023,495
Total	$7,149,429

Capacity charges recover for Edison its capacity costs, which are the costs of generation and transmission except fuel costs. The reduction in capacity charges, therefore, reflects agreement upon a lower cost of service [1] which includes an adjusted rate of return of 9.6 percent.[2]

Energy charges are based exclusively on the costs of fuel. The energy charges in the settlement rate schedule remained unchanged from the original filing.

The scheduled outage service charges were, in the original filing, based on Edison's NEPOOL scheduled outage rate for Pilgrim Unit No. 1 plus 2.3 mills per kilowatt hour. In the proposed settlement agreement, which increased the charges, they are based, instead, on Edison's average system fuel costs and average interchange energy purchases.

Before actual data became available, NEPCO was temporarily billed on an estimated basis and on such basis has paid Edison only $7,082,066.67. Thus, using the settlement rate schedule, a balance of $67,422.33 is owed to Edison by NEPCO.

Our review of the proposed settlement, Staff's comments and the related record indicates that the settlement is a reasonable and appropriate resolution of the issues raised in this proceeding and that the public interest would be served by our acceptance and approval of the settlement.

The Commission finds. The proposed settlement of this proceeding as filed with the Commission by Boston Edison Company on July 16, 1975 is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act. It accordingly should be approved as hereinafter ordered.

The Commission orders. (A) The proposed settlement filed by Boston Edison Company on July 16, 1975, as a settlement of the issues involved in this proceeding is hereby approved and adopted.

(B) Boston Edison Company shall file within thirty (30) days of the issuance of this order a rate schedule supplement which conforms with the settlement agreement approved herein.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Boston Edison Company or any person or party.

(D) Proceedings in Docket No. E-8810 shall be terminated upon compliance with the terms and conditions of this order.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[1] The settlement cost of service, as well as the derivation of capacity charges, appears in Appendix A below.

[2] The settlement capitalization and rate of return appears in Appendix B below.

APPENDIX A.—*Settlement cost of service (capacity costs[1]) derivation of NEPCO capacity charges*

Line No.		Production	Transmission
1.	Operation and maintenance	$32,869,597	$3,625,469
2.	Depreciation	16,154,263	3,136,015
3.	Taxes other than income taxes	21,643,598	5,637,179
4.	Return	40,475,018	8,134,510
5.	Income taxes	9,506,875	1,914,177
6.	Cost of service	120,649,201	22,447,341
7.	Per kilowatt production—$120,649,201÷2,598,450 kW [2]=$46.43 per kilowatt.		
8.	Per kilowatt transmission—$22,447,341÷2,548,500 kW [3]=$8.81 per kilowatt.		
9.	$46.43×60,000 kW=	$2,785,800	
10.	$8.81×60,000 kW=	528,600	
11.	Total NEPCO capacity charges=	3,314,400	

[1] Capacity costs include all costs incurred in rendering service exclusive of fuel and scheduled outage service. Purchased power costs are also excluded from the capacity cost computation since the NEPCO entitlement is in Edison units only.

[2] Edison's average maximum generating capability.

[3] Edison's average system capability.

APPENDIX B.—*November 1974 capitalization and rate of return per settlement agreement*

[Percent]

Line No.	Class of capital	Capital ratios	Cost factors	Weighted return
1	Longterm debt	50.90	8.13	4.87
2	Preferred stock	8.54	6.66	.57
3	Common stock	31.25	13.27	4.15
4	Deferred taxes (account 281)	.31	0	0
5	Recommended return on total capital			9.59
6	Rounded to			9.6

[FR Doc.75-28250 Filed 10-20-75;8:45 am]

[Docket Nos. CP73-329, CP73-336, CP76-99, CP76-109]

CHATTANOOGA GAS CO., ET AL.

Order Consolidating Proceedings, Setting Hearing, Establishing Procedures, and Permitting Interventions

OCTOBER 14, 1975.

On August 15, 1975, Chattanooga Gas Company, a division of Jupiter Industries, Inc. (Chattanooga), filed in Docket No. CP73-329 a third amendment to its application requesting authority to further operate its LNG facility in interstate commerce to provide a limited term liquefaction service with pregranted abandonment for East Tennessee Natural Gas Company (East Tennessee). Under the proposal, Chattanooga will liquefy gas supplied by East Tennessee at its Chattanooga facility and the liquid will then be transported by East Tennessee via truck trailer for storage at East Tennessee's recently completed LNG tank near Kingsport, Tennessee. The storage volumes will be utilized by East Tennessee to provide Supplemental Winter Storage (SWS) service as requested in East Tennessee's application filed in Docket No. CP73-336.[1]

By orders issued March 13, 1974, and April 11, 1974, Chattanooga was required to cease operations of its LNG facility that had been temporarily authorized in Docket No. CP73-329 by letter order issued November 1, 1973. By order issued June 24, 1974, a settlement agreement was approved and Chattanooga was permitted to resume operations pursuant to the terms of that agreement. By letter orders issued October 31, 1974, and September 5, 1975, Chattanooga received additional temporary authorization in

[1] Temporary authorization was granted East Tennessee by letter order issued September 5, 1975.

Docket No. CP73–329 to operate its LNG facility in interstate commerce.

Chattanooga's LNG facility is designed to provide intrastate service for its distribution system as well as providing interstate service through sales of liquids f.o.b. the plant from surplus capacity. Under the aforementioned temporary authorizations, Chattanooga liquefied, stored, and redelivered the gas in vapor form into East Tennessee's interconnecting pipeline facilities during the past two winter seasons. East Tennessee had anticipated operation of its own LNG plant at Kingsport to provide its customers with SWS service commencing this winter season. Due to unanticipated delays, the Kingsport plant had not gone into service at the time of Chattanooga's filing of August 15, 1975, although the LNG storage tank is essentially complete. East Tennessee therefore requested Chattanooga to continue to provide it with LNG for this winter season with the modification that East Tennessee will take delivery in the liquid phase for transportation to its Kingsport tank.

Under the present proposal in Docket No. CP73–329, Chattanooga will receive at its LNG facility from East Tennessee up to 559,747 Mcf of gas which volumes include all required fuel as to enable Chattanooga to liquefy 439,500 Mcf for East Tennessee. Redelivery of the liquid will be at Chattanooga's load out delivery point into truck transport provided by East Tennessee. The rate to be charged East Tennessee is 95 cents per MMbtu and was arrived at through negotiations between East Tennessee and Chattanooga. No cost of service studies were prepared in connection with the negotiations. The propriety of the rate level under the Natural Gas Act's criteria is not shown. Therefore, the hearing hereinafter ordered will require Chattanooga to present evidence to justify the proposed rate level.

To permit UGI Corporation—Gas Utilities Division (UGI) to preserve a portion of its summer entitlement deliveries from Columbia Gas Transmission Corporation (Columbia) for later winter uses to offset anticipated high priority curtailment, applications were filed in Docket Nos. CP76–99 and CP76–109 requesting authorization to permit the immediate diversion of deliveries by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and Columbia from UGI service area to Chattanoogas' and East Tennessee's LNG facilities for liquefaction and for storage by East Tennessee. Redelivery to UGI will take place during the forthcoming winter season to offset anticipated priority 2 curtailment and minimize industrial layoffs. UGI, under Columbia's curtailment plan, has a summer entitlement available through October 31 of which it estimates that up to 2 million Mcf is surplus to its present requirements and can be diverted for winter use. The instant proposals are to permit UGI to divert part of that surplus for later use.[1] The daily and seasonal quantities involved range up to 23,000 Mcf and 450,000 Mcf respectively before allowances for fuel and shrinkage.

On September 23, 1975, East Tennessee filed in Docket No. CP76–99 an application under section 7(c) of the Natural Gas Act requesting limited term authorization with pregranted abandonment to receive daily volumes of natural gas from Tennessee for the account of UGI to transport a part of those volumes to the Chattanooga LNG facility for liquefaction; to transport the LNG from Chattanooga to East Tennessee's LNG storage tank; to store LNG for UGI; and to redeliver the volumes to UGI. The proposed service will be rendered after East Tennessee has satisfied its own LNG inventory to provide for its SWS obligations for the coming winter season and will be on a best efforts basis.

Since it has only been recently completed, East Tennessee's Kingsport LNG facility does not have the capability to provide for the 1975–76 required SWS inventory of 939,500 Mcf and, as stated above, supplemental arrangements were made with Chattanooga to supply 439,500 Mcf and additionally with Tennessee for up to 500,000 Mcf through underground storage service, which is the subject of Docket No. CP76–2.[2] East Tennessee, in the instant application, states that by the current efforts of Chattanooga and the use of its own plan it will have completed the liquefaction of the required 439,500 Mcf by early October. Of this amount approximately 204,000 Mcf will have been liquefied by Chattanooga with the balance supplied by the East Tennessee plant. East Tennessee, therefore, proposes to continue the arrangement with Chattanooga for liquefaction of up to the contract quantity of 439,500 Mcf which will result in a quantity of LNG equivalent to about 235,000 Mcf which can be used to supply UGI. The balance of the UGI liquid will be produced at the East Tennessee plant after its own SWS inventory has been satisfied.

On September 29, 1975, Tennessee and Columbia filed a joint application in Docket No. CP76–109 requesting authority to deliver the volumes of gas to East Tennessee for the account of UGI to permit East Tennessee to render the service requested in Docket No. CP76–99. During the period ending October 31, 1975, UGI will reduce its deliveries from Columbia at Columbia's Millway delivery point located in Lancaster County, Pennsylvania. Concurrently, Columbia will deliver equivalent daily volumes to Tennessee for the account of UGI, up to 23,000 Mcf per day, not to exceed 450,000 Mcf during the period, by reducing the volumes it would otherwise receive out of its contracted entitlement from Tennessee at Tennessee's Unionville delivery point located in Beaver County, Pennsylvania. Tennessee thence will transport and deliver equivalent daily volumes to East Tennessee for the account of UGI at Tennessee's Lobelville and Greenbriar delivery points.

Tennessee proposes a charge of 17.93 cents per Mcf for diversion and transportation of the gas, through an exchange arrangement with Columbia, from the UGI market area to delivery to East Tennessee calculated on Tennessee's system averaged haul cost per 100 miles (as set forth in Tennessee's rate filing in Docket No. RP75–113) and as applied to a haul distance of 594.95 miles from Unionville, Pennsylvania to Lobelville, Tennessee. Columbia does not propose any charge for the service it requests to be authorized in the instant proceeding. East Tennessee proposes a charge of $3.26 per Mcf for further pipeline transportation, liquefaction, and LNG storage. Winter redeliveries to UGI have not yet been arranged and, consequently, the instant proposals do not request any charge or authority for such redeliveries.

The rates and charges proposed in Docket Nos. CP76–99 and CP76–109 have not been shown to meet the criteria of the Natural Gas Act. Therefore, a hearing to determine the propriety of the proposed rates is required. Since the hearing required in Docket Nos. CP73–329 and CP73–336 contain common questions of law and fact with those in Docket Nos. CP76–99 and CP76–109, those proceedings should be consolidated for purposes of hearing and decision.

Timely petitions to intervene were filed in Docket No. CP73–329 by Southern Nautral Gas Company, East Tennessee, South Jersey Gas Company, and Knoxville Utilities Board, et al.; in Docket No. CP73–336 by Knoxville Utilities Board, et al.; and in Docket No. CP76–99 by Chattanooga.

The Commission finds. (1) Good cause exists to consolidate the proceedings in Docket Nos. CP73–329, CP73–336, CP76–99 and CP76–109, to set the consolidated proceeding for hearing, and to establish the procedures for such hearing, all as hereinafter ordered.

(2) Participation by the aforementioned petitioners for intervention in the subject proceeding may be in the public interest.

The Commission orders. (A) The proceedings involved in Docket No. CP73–329, CP73–336, CP76–99 and CP76–109 are hereby consolidated for purpose of hearing and decision.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly section 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing on November 18, 1975, at 10 a.m., (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issues involved in the consolidated hearing as set forth in the body of this order.

(C) On or before October 31, 1975, Chattanooga, East Tennessee, Tennessee,

[1] UGI is seeking storage arrangements with other companies to husband the balance of that surplus.

[2] Temporary authority was issued to Tennessee by letter order of July 24, 1975.

Columbia and all other parties in support of the requested certificates of public convenience and necessity shall file their testimony and exhibits comprising their cases-in-chief upon the Presiding Administrative Law Judge, Commission Staff, and all other parties in the consolidated proceeding.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See, Delegation of Authority, 18 CFR § 3.5(d)) shall preside at the hearing and shall prescribe relevant procedural matters not herein provided.

(E) The aforementioned Petitioners are hereby permitted to intervene in the subject proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings; *And provided, further,* That such intervenor shall accept the evidentiary record as it has been established in the proceeding to date.

By the Commission.

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

[FR Doc.75-28265 Filed 10-20-75;8:45 am]

[Docket No. RP73-86, RP73-85]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF GAS TRANSMISSION CO.

Certification of Proposed Settlement

OCTOBER 9, 1975.

Take notice that on September 25, 1975, Administrative Law Judge Michel Levant certified to the Commission a proposed settlement in the above-captioned dockets together with the record therein.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants to the proceeding. Any person wishing to intervene must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28233 Filed 10-20-75;8:45 am]

[Docket Nos. ER76-122, E-9002]

COMMONWEALTH EDISON CO.

Order Accepting for Filing and Suspending Proposed Fuel Adjustment Clause, Terminating Section 206 Investigation, Consolidating Proceeding, Granting Intervention and Denying Motion To Reject

OCTOBER 10, 1975.

On September 12, 1975 Commonwealth Edison (Com Ed) filed a proposed revised fuel adjustment clause, Rider 20, 2nd Revised Sheet No. 12 and Original Sheet No. 12.10, applicable to Rate 78 of its FPC Electric Tariff. Com Ed proposed an effective date of October 16, 1975 for this clause. Rate 78, Com Ed's proposed general rate increase, is presently being collected subject to refund pending hearing and decision in Docket No. E-9002. The Commission, by Order issued October 29, 1974 in Docket No. E-9002, instituted a Section 206 investigation of Com Ed's applicable fuel adjustment clause because the applicable fuel clause reflected system losses rather than wholesale losses and the cost of fuel was determined according to the Illinois Commerce Commission's Uniform System of Accounts instead of being determined according to the Commission's regulations. Thus our Order of October 29, 1974 limited the 206 investigation "to an inquiry into whether the calculation of the base cost in Com Ed's fuel adjustment provision conforms to § 35.14(a)(2) of our regulations and whether Com Ed's fuel adjustment provision should be modified to reflect wholesale rather than total system losses."

The fuel adjustment clause formula filed by Com Ed in the instant case conforms to § 35.14 of the Commission's regulations, as modified by Order No. 517. Thus we believe it is necessary and proper in the public interest to terminate the Section 206 investigation of Com Ed's fuel adjustment clause formula.

Our review of Com Ed's filing indicates that the proposed base fuel costs and related energy charges in the proposed fuel adjustment clause and in Rate 78 have not been shown to be just and reasonable. We shall, therefore, accept Com Ed's proposed fuel adjustment clause for filing and suspend the use thereof for one day, when it shall be permitted to become effective subject to refund.

We further note that fuel cost of service data to support Com Ed's general rate increase, Rate 78, is now before the Commission pending hearing in Docket No. E-9002. Accordingly, we believe that it is appropriate to consolidate the instant case with that in Docket No. E-9002 for purposes of hearing and decision.

Public notice of Com Ed's filing of the fuel adjustment clause was issued on September 26, 1975, with comments, protests or petitions to intervene due on or before October 6, 1975. A Motion to Reject and Petition to Intervene was filed on October 6, 1975, by the Cities of Batavia, Geneva, Naperville, St. Charles, Rochelle, and Rock Falls, Illinois (Cities). The Cities' Petition urges the Commission to reject Com Ed's filing for failure to conform with the Commission's Regulations regarding filing of cost of service data to support the increase in rates, which the Cities claim is brought by this filing. As indicated earlier herein, since we have consolidated this proceeding with that in Docket No. E-9002 and have therefore incorporated by reference the cost of service data submitted in that docket, we find that Com Ed has complied with our filing requirement. Therefore, we see no reason to reject Com Ed's filing on the basis of Cities' Motion.

The Commission finds. (1) Com Ed's filing should be accepted for filing and suspended for one day, as hereinafter ordered.

(2) It is necessary and proper in the public interest to terminate the section 206 investigation of Com Ed's fuel adjustment clause.

(3) Good cause exists to consolidate the proceeding, in Docket No. ER76-122 with that in Docket No. E-9002.

(4) The participation of the Cities in these proceedings is in the public interest.

(5) Good cause exists to deny the Cities' motion to dismiss.

The Commission orders. (A) Com Ed's proposed fuel adjustment clause is hereby accepted for filing and suspended for one day until October 17, 1975, when the proposed rate will go into effect subject to refund.

(B) The Section 206 investigation is hereby terminated.

(C) Docket Nos. ER76-122 and E-9002 be consolidated for purposes of hearing and decision.

(D) The Cities are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(E) The Cities' motion to reject is hereby denied.

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

By the Commission.

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

[FR Doc.75-28237 Filed 10-20-75;8:45 am]

[Docket No. ER76-45]

CONSUMERS POWER CO.

Tender of Revised Tariff Sheet

OCTOBER 10, 1975.

Take notice that on September 26, 1975, Consumers Power Company (Con-

sumers) tendered for filing an Original Sheet No. 21—Revised in its Wholesale For Resale Electric Service Contract Rate "WR". Consumers proposes to substitute this sheet for the corresponding Original Sheet No. 21 contained in Consumers filing of July 30, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28238 Filed 10-20-75;8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Order Denying Request and Motion for Reclassification of Volumes Under Curtailment Plan

OCTOBER 14, 1975.

On June 24, 1975, Stauffer Chemical Company, (Stauffer), filed a request for relief from misclassification of gas requirements under the curtailment plan prescribed for El Paso Natural Gas Company, (El Paso) by this Commission in Opinion Nos. 697 and 697-A, issued June 14, 1974, and December 19, 1974, respectively. Stauffer is an industrial customer of Southwest Gas Company, (Southwest), with a chemical plant in southern Nevada which utilizes natural gas for various purposes. Specifically, Stauffer asserts that El Paso's tariff and end use profile filings in response to the above opinion, which are not yet effective, place certain volumes Stauffer utilizes in a total energy system gas turbine in the wrong priorities. Stauffer asserts that El Paso's interpretation of Opinion Nos. 697 and 697-A is erroneous in placing 4800 Mcf/d of gas used in a gas turbine in its total energy system into Priority 5 rather than Priority 3. In addition, Stauffer complains that El Paso has erroneously classified 1560 Mcf/d which it uses for auxiliary firing requirements of the total energy plant waste heat recovery boiler into Priority 3 rather than Priority 2. Stauffer asserts that conversion of such use to alternate fuel is not technically feasible at this time.

On July 9, 1975, General Motors Corporation, (GM) filed a response to Stauffer's request in which it opposes numerous aspects of the request. Finally, on July 18, 1975, Stauffer responded to GM's opposition by filing an answer thereto.

On September 12, 1975, Empire Machinery Co., (Empire), in conjunction with The City of Mesa, Arizona, (Mesa), filed a motion in the instant docket requesting the Commission to order El Paso to classify its commercial total energy system in Priority 2 rather than Priority 3. Empire is a customer of Mesa who in turn purchases from El Paso. Essentially, Empire asserts that it is a large "commercial" customer entitled to priority classification under the definition of commercial service which was promulgated in order No. 493-A. Empire believes that the Commission's deletion of total energy requirements at commercial installations from the definition of "commercial" service should not be read by El Paso as placing Empire's gas requirements into an industrial priority, (Priority 3).

The Commission is addressing both Stauffer's and Empire's filings in this order because we believe they involve basically the same questions and should be disposed of in the same manner. In both filings the parties are requesting the Commission to reclassify volumes which they assert are misclassified by virtue of El Paso's interpretation, embodied in its tariff filings, of certain language in Opinion Nos. 697 and 697-A.

While these pleadings are styled as requests for reclassification, we believe they should be treated as protests to the implementation of El Paso's proposed tariff sheets and end-use profiles. Stauffer and Empire both raised issues in their filings which would be best decided as part of a further Commission pronouncement concerning the appropriateness of El Paso's proposed implementation of the permanent plan prescribed for it by the Commission in Opinion Nos. 697 and 697-A. The issues raised by the above parties are among those which may require clarification by us before El Paso commences operation under its proposed permanent curtailment plan. It should be noted that El Paso's tariff filing in response to the above two opinions was the subject of numerous protests and comments which the Commission will act upon in due course by the issuance of a further opinion or order(s) in this docket. Therefore, we will treat the two filings herein as protests and consider them in our evaluation of El Paso's tariff filing. This action does not change the current classification of Stauffer's and Empire's requirements since El Paso is still curtailing in accordance with its interim plan as prescribed in Opinion Nos. 634 and 634-A. It is quite possible that our resolution of the issues raised by parties to this proceeding, including Stauffer and Empire, in response to the tariff filing of El Paso will dispose of the problems Stauffer and Empire claim they face, but in any case, if they are dissatisfied with such further disposition of any pertinent issues, Stauffer and Empire are free to return to the Commission at that time with requests similar to those they have made here.

Finally, we will treat GM's response to Stauffer's request as a further comment on El Paso's tariff filing since it had previously filed initial comments thereto on May 9, 1975.

The Commission finds. (1) The request by Stauffer and Empire for relief from misclassification of gas requirements under El Paso's proposed permanent curtailment plan should be denied.

(2) The requests should be treated as protests to the tariff filing of El Paso in purported compliance with Opinion Nos. 697 and 697-A and should be considered by the Commission as such.

(3) The above findings should be without prejudice to any new filing that Stauffer and Empire desires to make following disposition by the Commission of El Paso's curtailment tariff filing.

The Commission orders. (A) The requests by Stauffer and Empire for relief from misclassification of gas requirements under El Paso's proposed permanent curtailment plan is hereby denied.

(B) The requests shall be treated as protests to the tariff filing of El Paso in purported compliance with Opinion Nos. 697 and 697-A and will be considered by the Commission along with other protests and comments which have been filed by other parties to this docket regarding such tariff filing.

(C) These orders shall be effected without prejudice to any new filing that Stauffer and Empire desire to make following disposition by this Commission of El Paso's curtailment tariff filing.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28266 Filed 10-20-75;8:45 am]

[Docket No. RI76-38]

EXXON CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 10, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the National Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date

shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.-102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in Docket Nos.
R176-38...	Exxon Corp.....	212	23	El Paso Natural Gas Co. (Utah) (Rocky Mountain).	$3,528	9-10-75	.....	4-20-76	28.785	[1] 29.936	R175-35.

* Unless otherwise stated, the pressure base is 14.73 lb/in²a.

[1] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increase of Exxon Corporation exceeds the applicable area ceiling set forth in Opinion No. 658, and it is suspended for five months.

[FR Doc.75-28271 Filed 10-20-75;8:45 am]

[Docket Nos. E-9521, E-9522]

GEORGIA POWER CO.

Extension of Deadline for Filing Substitute Tariff Sheets

OCTOBER 9, 1975.

On September 29, 1975, Georgia Power Company (Georgia Power) filed an Application for Rehearing and Clarification of the Commission's Order issued September 11, 1975, in the above-referenced docket. Georgia Power requests, inter alia, an extension of the 30-day deadline for Georgia Power to file substitute tariff sheets reflecting the exclusion of CWIP from rate base for certain facilities, as required by the Commission in Ordering Paragraph (B) of its September 11, 1975, order. In order to permit the Commission to consider the Application for Rehearing and Clarification of September 29, 1975, wherein Georgia Power requests reconsideration of the Commission's requirement that they file substitute tariff sheets, the deadline for filing the substitute tariff sheets as ordered in paragraph (B) of the September 11, 1975, order shall be extended until November 12, 1975.

Notice is hereby given that the 30-day deadline for Georgia Power's filing the substitute tariff sheets as required in Ordering Paragraph (B) of the Commission's Order, issued September 11, 1975, in this docket is hereby extended until November 12, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28234 Filed 10-20-75;8:45 am]

[Docket No. RP75-97]

HAMPSHIRE GAS CO.

Conference

OCTOBER 8, 1975.

Take notice that on October 21, 1975, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above referenced docket in Room No. 840[illegible], at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., at 1:30 p.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28230 Filed 10-20-75;8:45 am]

[Docket No. RP75-97]

HAMPSHIRE GAS CO.

Order Granting Late Petition To Intervene

OCTOBER 14, 1975.

On May 30, 1975, we conditionally accepted for filing and suspended the proposed rate increase filing of Hampshire Gas Company (Hampshire) in the instant docket. Notice of Hampshire's filing was issued on May 8, 1975, with protests and petitions to intervene due on or before May 22, 1975. On September 11, 1975, the Maryland Public Service Commission filed an untimely petition to intervene. We believe that Commission's interests are sufficient to warrant granting intervention.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

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

[FR Doc.75-28246 Filed 10-20-75;8:45 am]

[Docket No. RP76-8]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Order Accepting for Filing, Suspending, Granting Interventions, and Establishing Procedures

OCTOBER 10, 1975.

On August 29, 1975, Kansas-Nebraska Natural Gas Company, Inc. (K–N) tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $9,890,611 based on the twelve month period ending April 30, 1975, as adjusted. K–N proposes an effective date of October 14, 1975.

K–N alleges that the jurisdictional rates filed herewith are designed to enable Kansas-Nebraska to recover increases in its jurisdictional cost of service resulting from: (1) Additional facilities required to connect new sources of supply and to maintain deliverability from existing sources of supply; (2) gas exploration and development including advance payments; (3) increased operating costs due to higher costs of labor, materials and supplies; (4) new underground storage facilities; (5) increased revenues needed to provide a return of

10.35 percent on its utility investment; (6) increased depreciation rate on transmission facilities from 3.19 percent to 4.0 percent; and (7) increased income, payroll and property taxes.

In addition to the changes to reflect the increased rates Kansas-Nebraska proposes various changes in its existing tariff; and, therefore, has filed a Third Revised Volume No. 1 to replace the Second Revised Volume No. 1. The changes in the revised tariff consist of: (1) Change in the jurisdictional zone boundaries; (2) consolidation on one tariff sheet the rates charged for service to each rate zone; (3) change in determination of contract demand and winter period demand; (4) revisions in the General Terms and Conditions concerning definitions, measurement, restrictions on new or additional service and extension policy.

Notice of K–N's filing was issued on September 8, 1975, with protests or petitions to intervene due on or before September 18, 1975. To date, several petitions to intervene have been received (see Appendix A below), both in and out of time. Most of the petitioners requested a full five month suspension of the filing as well as a hearing thereon. The Central Kansas Power Company, Inc. (Central Kansas), in addition to requesting a five month suspension and a hearing, urges that the Commission reject the provision of the proposed sections 1 and 13b of the General Terms and Conditions of the Tariffs which purport to be applicable to direct sales, as not subject to the jurisdiction of the Federal Power Commission. A protest was filed by Hanna & Lamb Milling Co., alfalfa dehydrator who purchases from K–N, which made a general objection to any increase in rates.

K–N proposes, inter alia, to give cost of service treatment to production from property it acquired on or after October 7, 1969. We note that in Opinion No. 731 [1] we expressed our concern with respect to the standards that must be met to satisfy the "special circumstances" criterion for such cost of service treatment as set forth in Opinion No. 568 [2] and Opinion No. 568–A.[3] In finding that the circumstances must be truly extraordinary, we concluded that the pipeline seeking the higher cost of service treatment must carry the same burdens of proof and persuasion that an independent producer must meet in order to gain an exception from the area rate applicable to its sale. Thus, more than a showing of unit cost higher than the area rate, or intimations that the company will have to discontinue its exploration program without the requested relief, is required. In light of Opinion 731, supra, all parties submitting evidence on this issue should specifically address the extraordinary nature of the circumstances surrounding K–N's production from property acquired after October 7, 1969.

We further note that for purposes of its present filing K–N has utilized the unmodified Atlantic Seaboard method of cost classification with the exception that all fixed costs for production other than for gathering were classified as commodity costs but 50% of fixed costs for the gathering systems were retained in demand costs. In Opinion 671 [4] we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to the annual use of United's pipeline system than would result under the Atlantic Seaboard method. Therefore, we assigned 75 percent of fixed transmission and storage costs to the community component of United's rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the K–N system all parties to this proceeding should direct their attention, and any evidence they wish to submit, to the propriety of the continued use of K–N's modified Atlantic Seaboard method of cost classification and allocation, as well as to the propriety of K–N's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may move closely reflect or implement the Commission's policy objectives in this area.[5] In this connection we refer the parties to our recent notice of proposed rulemaking issued February 20, 1975, in Docket No. RM 75–19.

Based on the foregoing, the use of the Atlantic Seaboard method of cost classification, cost allocation and rate design may be inadequate and contrary to the public interest under the present conditions of gas supply shortages and ever-increasing curtailments. Moreover, we note that because of successive pipeline rate filings which create "locked-in" periods, our efforts to adopt a just and reasonable cost classification, allocation and rate design differing from Seaboard may be frustrated. To the extent that the rate structure found just and reasonable for K–N after hearing and decision departs from the modified Seaboard methodology used by K–N in its instant filing by assigning additional fixed costs to the commodity component of the rates, undercollections will occur. We believe it would be improper for us to insure K–N protection from undercollections by our failing to adopt the just and reasonable rate structure because rates have become "locked-in". Accordingly, we hereby place K–N on notice that they may be subject to undercollections if after hearing and decision we find their rate design improper.[6]

As previously noted, the request of K–N for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

Central Kansas argues that certain words and phrases contained in sections 1 and 13b of the General Terms and Conditions applicable to the various jurisdictional tariffs must be deleted inasmuch as they relate to the terms of service for direct industrial sales made by K–N, such service not being subject to the jurisdiction of the Federal Power Commission. Central Kansas seems to be suggesting that our acceptance and suspension of the General Terms and Conditions as filed would somehow give K–N the power or authority to effect modifications in terms of its service to direct industrial customers which it could not otherwise do without the consent of the Kansas Corporation Commission (KCC). Central Kansas' assertions notwithstanding, we find nothing in the abovementioned Section that would allow K–N to charge, by virtue of our acceptance of the General Terms and Conditions, rates to direct industrial users different from those on file with the KCC, or perform under terms different from those on file with the KCC. As pointed out by Central Kansas, we have no jurisdiction over the rates and terms

[1] Kansas-Nebraska Natural Gas Company, Docket No. RP72–32, issued May 15, 1975.
[2] 42 FPC 738 (1969).
[3] 42 FPC 1089 (1969).

[4] United Gas Pipeline Company, 50 FPC 1348 (1973).
[5] See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74–82 and RP74–81.

[6] See: Florida Gas Transmission Company, Opinion 611, 47 FPC 341, (1972) modif. on reh. Opinion 611–A 49 FPC 261 (1973), affirmed, Per Curiam, —— F. 2d. ——, Case Nos. 73–1203 & 73–1613 issued September 11, 1974 (CADC); Florida Gas Transmission Company, —— FPC ——, Opinion 732, issued May 20, 1975, in Docket No. RP74–19, et al., F.P.C. v. Tennessee Gas Transmission Company, 371 U.S. 145 (1962). See also: Natural Gas Pipeline Company, Docket No. RP75–108, Order issued June 30, 1975, Panhandle Eastern Pipeline Company, Docket No. RP75–102, Order issued June 30, 1975, Texas Eastern Transmission Corporation, Docket No. RP74–41, Order issued September 17, 1975.

of such sales, our authority and responsibility in this area being limited under section 7 of the Natural Gas Act to certification of all transportation facilities used to make such sales. The relevancy of the aforementioned sections to wholesale rates and service may, in any event, be fully examined at the hearing to be established herein.

In light of the foregoing it is evident that certain issues have been raised by K–N's filing which require development in an evidentiary proceeding. The proposed changes in rates, charges and conditions of service have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept K–N's proposed tariff sheets for filing, as conditioned, suspend its effectiveness for a period of five months, and establish procedures.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct the parties and our Staff to present evidence which addresses itself not only to those issues raised by K–N's allegations noted above, and by our prior discussion, but also to the reliability and relevancy of K–N's statements that: (1) In determining the proper rate of return to be allowed in this proceeding, the prospective returns on alternative investments must be considered, not the historical realized returns of the past, (2) public utilities have been granted insufficient rate increases over the past ten years, (3) regulated firms have become relatively less attractive to investors, this being especially true in comparison to the unregulated sector in times of rapid inflation, (4) there is a very real danger that double-digit inflation will continue throughout the present fiscal year, (5) K–N's percentage of common equity in 1973 was 49 percent as compared to an average of 36 percent for both the Major Classes A & B Pipelines and the Classes A & B Electric Utilities, (6) K–N's embedded cost of long-term debt is below the rate which is being paid for new long-term debt issues, (7) K–N developed a group of twenty-nine companies with common equity ratios from 21.6 percent to 100 percent, (8) K–N has utilized ten-year historical periods of 1964–1973 and 1965–1974, and (9) K–N's estimated reserve supply has decreased from 24 years in 1963 to 15.7 years in 1974. Witnesses should further direct their attention to the following items: (1) The reasonableness of K–N's adjustments to operating and maintenance expenses, (2) the validity of claimed increases in ad valorem, payroll and income taxes, (3) the reasonableness of allocation of Administrative and General Expenses to functions, and (4) the appropriateness of K–N's proposed zones.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges and services contained in K–N's Third Revised Volume No. 1 be suspended as hereinafter provided.

The Commission orders. (A) Pending a hearing and a decision thereon, K–N's proposed changes in its rates, charges and services tendered on August 29, 1975, are accepted for filing and suspended for five months, the full statutory term, the use thereof deferred until March 14, 1976, subject to refund.

(B) Pursuant to authority of the Natural Gas Act, particularly section 4 and 5 thereof, and the Commission's rules and regulations (18 CFR Ch. I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in K–N's FPC Gas Tariff, as proposed to be amended herein shall be held commencing on March 10, 1976, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) On or before January 21, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before February 4, 1976. Any rebuttal evidence by K–N shall be served on or before February 25, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) The petitioners mentioned in Appendix A below are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

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

By the Commission.

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

APPENDIX A

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC. RP76-8

Petitioners	*Filing date*
City of Central City, Nebr.	Sept. 15, 1975.
Central Kansas Power Co., Inc.	Sept. 18, 1975.
Nebraska Public Power District and City of Grand Island, Nebr.	Sept. 19, 1975.
Producers Gas Equities, Inc.	Do.
Central Telephone & Utilities Corp.	Sept. 22, 1975.
City of Hastings, Nebr.	Sept. 22, 1975.
Iowa Electric Light and Power Co.	Sept. 22, 1975.
Natural Gas Distributing Company.	Sept. 22, 1975.
City of Alma, Nebr.	Sept. 22, 1975.
Nebraska Natural Gas Company.	Sept. 22, 1975.
Northwestern Public Service Co.	Sept. 22, 1975.

[FR Doc.75-28239 Filed 10-20-75;8:45 am]

[Docket No. RP75-110]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Granting Intervention

OCTOBER 15, 1975.

The Commission order of June 11, 1975, directed the convening of a conference in the above-mentioned docket to enable the Lawrenceburg Gas Transmission Corporation (Transmission) and its customers to participate in proceedings to determine the expected impact of upcoming winter curtailment and alternatives to help alleviate the most serious effects.

A petition to intervene in the abovementioned docket was filed by Thatcher Glass Manufacturing Company (Thatcher) on July 30, 1975. Thatcher's petition states that it is one of the largest industrial customers of Lawrenceburg Gas Company, a customer and affiliate of Transmission. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds. Participation by the aforesaid petitioner may be in the public interest.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding: *And provided, further,* That participation by such intervener shall not serve as justification for modifying the procedural schedule already established in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75-28251 Filed 10-20-75;8:45 am]

[Docket No. E-9206]

McDOWELL COUNTY CONSUMER COUNCIL, INC. AND AMERICAN ELECTRIC POWER CO., ET AL.

Order Granting Late Petitions To Intervene

OCTOBER 14, 1975.

By order issued July 29, 1975, we instituted an investigation and established procedures in the above captioned proceeding. Comments and petitions to intervene were due January 28, 1975, pursuant to notice issued January 16, 1975. Untimely petitions to intervene have been filed by the following: Kaiser Aluminum and Chemical Corporation; Public Utilities Commission of Ohio; the Attorney General of the Commonwealth of Kentucky; Howleg Fuel Corporation; and the Public Service Commission of West Virginia. We have reviewed the petitions of these parties and believe their interests are sufficient to warrant intervention.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene: *And Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

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

[FR Doc.75-28247 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE—NET ENERGY COST OF COMPETITIVE ENERGY SYSTEMS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force—Net Energy Cost of Competitive Systems of the National Gas Survey.

1. *Membership.* A new member to the Conservation-Technical Advisory Task Force—Net Energy Cost of Competitive Energy Systems as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Joseph Lieberman, General Electric Company, Washington, D.C.

By the Commission.

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

[FR Doc.75-28264 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Research and Development-Technical Advisory Committee of the National Gas Survey.

1. *Membership.* A new member to the Research and Development Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Chart Bonham, Georgia State Energy Office, Atlanta, Georgia.

By the Commission.

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

[FR Doc.75-28263 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, announced a new program for the National Gas Survey Curtailment Strategies-Technical Advisory Committee and initial membership for this Committee.

1. *Membership.* New members to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Gerald L. Brubaker, Council on Environmental Quality, Washington, D.C.

Thomas Schrader, Environmental Protection Agency, Washington, D.C.

By the Commission.

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

[FR Doc.75-28261 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-EFFICIENCY IN USE OF GAS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas of the National Gas Survey.

1. *Membership.* A new member to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

John Collins, Nevada State Energy Resources Advisory Board, Las Vegas, Nevada.

By the Commission.

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

[FR Doc.75-28262 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975 announced a new program for the National Gas Survey and initial membership for the Executive Advisory Committee.

1. *Membership.* New members to the Executive Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Jack W. Allen, Alpar Resources, Inc., Perryton, Texas.

William O. Doub, LeBoeuf, Lamb, Leiby & MacRae, Washington, D.C.

Nicholas Johnson, Chairman, National Citizens Committee for Broadcasting, Washington, D.C.

By the Commission.

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

[FR Doc.75-28260 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Finance-Technical Advisory Committee of the National Gas Survey.

1. *Membership.* New members to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Joseph Talago, American Gas Association, Arlington, Virginia.

William Thomas, Pacific Lighting Corporation, Los Angeles, California.

William Stratton, Public Service Commission of the District of Columbia, Washington, D.C.

LeRoy Culbertson, Phillips Petroleum Company, Bartlesville, Oklahoma.

Don W. Hummel, The Northern Trust Company, Chicago, Illinois.

John G. L. Cabot, Cabot Corporation, Boston, Massachusetts.

Thomas O'Brien, Long Island Lighting Company, Mineola, New York.

Mr. O'Brien will fill the position vacated by the resignation of Mr. F. C.

Eggerstedt, Jr., Long Island Lighting Company, from this Committee.

By the Commission.

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

[FR Doc.75-28256 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Committee and initital membership for this Committee.

1. *Membership.* New members to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

John C. Wright, Wiser Oil Company, Sisterville, West Virginia.

Joel Jacobson, New Jersey Public Utilities Commission, Newark, New Jersey.

By the Commission.

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

[FR Doc.75-28258; Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-DOMESTIC NATURAL GAS POTENTIAL RESOURCE BASE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base of the National Gas Survey.

1. *Membership.* A new member to the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

J. Spivak, Mobil Oil Corporation, New York, New York.

By the Commission.

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

[FR Doc.75-28259 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-FOREIGN GAS SUPPLY

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Foreign Gas Supply of the National Gas Survey.

1. *Membership.* A new member to the Supply-Technical Advisory Task Force-Foreign Gas Supply as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

James A. Fay, Massachusetts Institute of Technology, Cambridge, Massachusetts.

By the Commission.

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

[FR Doc.75-28253 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATORY ASPECTS OF SUBSTITUTE GAS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas of the National Gas Survey.

1. *Membership.* New members to the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Gordon Gooch, Baker & Botts, Washington, D.C.

William M. Pfeiffer, Pacific Lighting Corporation, Los Angeles, California.

By the Commission.

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

[FR Doc.75-28255 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHESIZED GASEOUS HYDROCARBON FUELS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels of the National Gas Survey.

1. *Membership.* A new member to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Maurice F. Oxenreiter, American Oil Company, Whiting, Indiana.

By the Commission.

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

[FR Doc.75-28257 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON CONSUMERS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers of the National Gas Survey.

1. *Membership.* New members to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

G. G. Jurenka, Mobile Oil Corporation, Houston, Texas.

William C. White, The Fertilizer Institute, Washington, D.C.

By the Commission.

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

[FR Doc.75-28254 Filed 10-20-75;8:45 am]

[Docket No. RM74-16]

NATURAL GAS COMPANIES ANNUAL REPORT OF PROVED DOMESTIC GAS RESERVES

Order Denying Rehearing of Procedural Dates, Denying Motions for Stay, Denying Waiver of Filing Requirements and Other Special Relief, and Granting Extension of Time

OCTOBER 10, 1975.

On August 18, 1975 the Commission issued Order No. 526–A, which made § 260.13 of our regulations effective as of that date. Pursuant to that order all natural gas companies, their affiliates, and subsidiaries were required to file FPC Form No. 40 on September 17, 1975 as to the Offshore Federal Domain, and October 2, 1975 for the onshore areas and the State controlled offshore.

Motions to stay the effectiveness of this order were filed by Amoco Production Company (Amoco) on September 15, 1975, Burmah Oil and Gas Company (Burmah) on September 17, 1975, Gulf Oil Corporation (Gulf) on September 17, 1975, Superior Oil Company (Superior) on September 17, 1975, Exxon Corporation (Exxon), along with a request for special relief, on September 17, 1975, Cities Service Oil Company (Cities Service) on September 22, 1975, Phillips Petroleum Company (Phillips) on September 24, 1975, Getty Oil Company (Getty) on September 24, 1975, and Skelly Oil Company (Skelly) on September 30, 1975. In addition, Tenneco Oil Company (Tenneco) filed for rehearing of the procedural dates set in Order No. 526–A and Sabine Royalty Corporation together with Dalco Oil Company (Sabine) requested a partial waiver of the reporting requirements under § 260.13. By letter the Secretary has granted each movant an extension until October 17, 1975 to file all of Form No. 40.

In both Order No. 526 that promulgated Form No. 40 and Order No. 526–A making the form effective, we set forth the valid regulatory purposes that would be served by the filing of the information required in Form No. 40. We also emphasized the need to obtain this information as quickly as possible and in a manner that would be as useful to the Commission. It was for these reasons

that we created a special reporting procedure requiring Form No. 40 to be filed within the time frames set forth in Order No. 526–A.

Movants herein would have us postpone the filing of Form No. 40 either to some date several months in the future or indefinitely pending judicial review. Such an action would neither be consistent without prior statements in Order Nos. 526 and 526–A nor commensurate with the public interest. Accordingly, all motions for stay are hereby denied. However, we will grant all movants an extension until November 17, 1975 to file in order to ensure that these companies will be in full and complete compliance with our reporting requirements.

Several movants, notably Exxon, Amoco, and Burmah, indicated that the data filed pursuant to Section 260.13 would either not be complete as of the date set or would not be in the form promulgated by the Commission in its orders. We remind these companies, and all other respondents in Docket No. RM74–16, that Order Nos. 526 and 526–A required the respondents to submit the information requested on the form created for that purpose. The purpose of a uniform filing is to enable those reviewing the forms to compare and contrast one submittal with another without the necessity of complicated interpretations or recomputations. Producers who do not use the form provided or who make incomplete filings defeat this purpose and all such submittals will be considered not to be in compliance with § 260.13.

The Commission orders. The motions for stay filed by Amoco, Burmah, Gulf, Superior, Exxon, Cities Service, Phillips, Getty, and Skelly are denied. The Tenneco application for rehearing, the Sabine request for partial waiver of regulations, and the Exxon request for special relief are denied. All movants are directed to file a complete and proper FPC Form No. 40 for all reporting areas no later than November 17, 1975.

By the Commission.

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

[FR Doc.75-28273 Filed 10-20-75;8:45 am]

[Docket No. RM75-14]

NATIONAL RATES FOR NATURAL GAS

Order Issuing Clarification of Staff Rate Recommendations and Providing for Comment Thereon

OCTOBER 3, 1975.

National rates for jurisdictional sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1975, to December 31, 1976.

By order of August 4, 1975, we issued Staff rate recommendations in this proceeding comprised of comments from the Commission's Bureau of Natural Gas and Office of Economics (OEC) and provided for public comment thereon. By letter of August 21, 1975, Associated Gas Distributors requested clarification of OEC's comments with particular regard to the matter of return on exploration expenses. In response, OEC has prepared a "Clarification of Comments, Revision, and Revised Rate Recommendation".

OEC's response is issued herewith; we believe it is extensive enough to warrant further comment by the parties.

The Commission orders:

(A) Comments in reply to OEC's response may be filed with the Secretary of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 3, 1975.

(B) The procedure for filing such comments shall be as set forth in Paragraph B of the August 4, 1975 order issuing Staff rate recommendations, referred to in the body of this order.

By the Commission.

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

CLARIFICATION OF COMMENTS, REVISION, AND REVISED RATE RECOMMENDATION OF THE OFFICE OF ECONOMICS OF THE FEDERAL POWER COMMISSION

PREFACE

SEPTEMBER 29, 1975.

On August 21, 1975, legal counsel for Associated Gas Distributors filed a Request for Clarification of one of the differences between the comments of the Bureau of Natural Gas (BNG) and the Office of Economics (OEC) issued with the Commission's Order of August 4, 1975. Associated Gas Distributors request a fuller explanation and work papers relating to the following matter:

One difference that was not discussed and warrants clarification is the treatment of return on exploration expenses (exploratory expenses, overhead and dry hole costs). Such expenses have been treated as "investment" by BNG but apparently have not been treated as investment by OEC. In short, it appears that the OEC analysis includes no return on this category of expense in contrast to full return allowed by BNG.

We do not know exactly how our explanation of this central issue is defective. In fact, in reviewing the exposition in our original submission we find an embarrassing number of ways in which we may have failed to communicate. Therefore, we have undertaken to clarify all the points we have found where our explanations were excessively obscure. We also found a few places where it may be difficult, if indeed not impossible, for others to replicate our results and have included herein the necessary annotations to our submission. Because our intermediate calculations were carried out on a programmable desk calculator there are no working papers beyond those represented by the tables in our submission. Therefore, we have computed, in lieu of working papers, samples of some intermediate calculations that should be helpful.

In the course of preparing this response to the Request for Clarification we discovered that we had erred in our treatment of Lease Acquisition, Other Exploratory and Exploratory Overhead costs. Therefore, a revised set of costs and an explanation of the revisions are included in this submission, along with a revised rate recommendation.

REVISED COSTS AND REVISED RATE RECOMMENDATION

As in our original submission, we have estimated 1976 costs using drilling costs per foot trended to 1976, two values of Lease Acquisition costs, one that imputes the unit onshore costs to all findings and one that employs the usual weighted average of onshore and offshore unit costs, and both a constant and variable rate of take. The results at 14.73 psia including 1¢ annual escalation and excluding production and income taxes range from 56.45¢ to 68.77¢/Mcf as follows:

Cost of finding and producing gas—Lease acquisition costs included

Onshore level for both offshore and onshore (rate of take in cents)		Combined onshore and offshore level for both offshore and onshore (rate of take in cents)	
Constant	Variable	Constant	Variable
56.45	61.56	63.07	68.77

Our position regarding Lease Acquisition costs is stated in our original submission. Our costs are stated with 1¢ annual escalation so that they are comparable in that regard with the current national rate. Naturally, they are higher if no escalation is included; e.g., in the constant rate of take case they are 5.08¢ higher. We have not included income taxes because there is insufficient evidence to establish an effective tax rate for that purpose. We continue to recommend the collection of a suitable body of evidence for this purpose.

Price Recommendation

We recommend, based upon our cost of 56.45¢, a new national rate of 56.45¢ subject to a suitable adjustment for income taxes.

Income Tax Recommendation

We recommend, as before, that the Commission collect a body of evidence suitable for determining an adjustment for income taxes.

REVISION

In our original treatment of Lease Acquisition, Other Exploratory and Exploratory Overhead costs we attempted to regard these as overhead costs; that is, as costs that do not vary proportionately with findings. A correct application of this view requires that the level of these costs and the level of findings be predicted separately in order to determine a cost per Mcf. Our error was that we did not apply it in this way.

In our costing we assumed that the future Lease Acquisition Cost, e.g., per exploratory Mcf sold would equal the past Lease Acquisition Cost per total of exploratory and developmental Mcf sold. That assumption introduces a lack of

proportionality but, except under special circumstances, does so incorrectly. On re-examination of these questions we conclude that the traditional treatment of these costs, modified in the fashion described below, retains much of the flavor of overhead costs without imposing the very difficult requirements for correct application inherent in our original version.

We allocate the appropriately lagged Lease Acquisition and Other Exploratory costs between oil and gas in proportion to total revenue as before. The results are given in columns (3) and (4) of table 14. We follow the traditional method and find the ratio of these costs to Successful Gas Well costs. Finally, this ratio is applied to the Successful Well costs per unit to find the Lease Acquisition and Other Exploratory costs per unit. In our calculations, it will be recalled from the original submission, the units of production are 3.36 Mcf composed of 1 Mcf exploratory find and 2.36 Mcf of developmental find. Therefore, the appropriate Successful Well cost per unit sold is the Exploratory Successful Well cost per exploratory Mcf found plus the Development Successful Well cost per Mcf found times 2.36. The resulting unit costs are given for 1970–1973 in columns 6 and 7 of table 14. Unit Exploratory Overhead costs are estimated in exactly the same fashion except that we consider them, as in Opinion 699–H, as a ratio of Dry Hole costs plus Other Exploratory costs—see table 16. Examination of these results shows that Unit Lease Acquisition costs decrease over 1970–73, Unit Exploratory Overhead costs increase and Other Exploratory costs are stable. Because these are basically overhead costs we don't expect to be able to predict their future unit values accurately. A neutral procedure which we adopt is to use the 1970–1973 average unit costs as our cost estimate. We obtain for use in our DCF calculation—see tables 14 and 16:

Unit lease acquisition costs—offshore and onshore	Unit other exploratory cost	Unit exploratory overhead cost
Cents	*Cents*	*Cents*
11.38	8.45	2.50

In our original submission we argued that Unit Onshore Lease Acquisition costs are a good approximation to the amount of Unit Lease Acquisition cost that will not rise solely because the price rises. That is, the difference between Total Lease Acquisition costs per unit and Onshore Lease Acquisition costs per unit is price-determined rather than price determining. Onshore Lease Acquisition costs can be determined as in table 15. We cannot proceed, for reasons given in our original submission, year-by-year. Therefore, we obtain a (1970–1973) average by using the aggregate Onshore Lease Acquisition cost for 1968–1971—a 2 year lag is used, the Total Successful Gas Well cost allocated to onshore drilling for 1970–1973 and the average of the unit Successful Gas Well costs over 1970–1973. The details are in table 15. We obtain:

Unit Onshore Lease Acquisition Cost
5.84¢

Our Other Production Facility costing has also been revised because our earlier procedure had the odd result that these costs per Mcf for developmental finds were 2½ times those for exploratory finds. This occurred because the .232 factor—see the original submission—was applied separately to Exploratory Successful Well costs and to Developmental Successful Well costs which are 2½ times the Exploratory. We now take the factor .232 times the weighted average of Exploratory and Developmental Successful Well costs $(4.07+2.36\times11.03)/3.36$ to obtain:

Unit Other Production Facility Cost
2.12¢/Mcf

Lastly, upon reconsideration we have decided that the preproduction investment period of three years used in Opinion 699–H is appropriate.

Summary of Clarification

In our original submission we presented a discounted cash flow (DCF) analysis of the national cost of finding and producing gas for 1976. In that type of analysis all cash outlays associated with the process of finding and producing gas are allocated to the year in which they were actually incurred and the present value of these outlays is computed using the specified rate of return as the discount rate. Then, an initial price and annual escalation, less royalty, are chosen so that the present value of each year's revenues—the initial price and escalation revenues after royalties for gas and the liquid credit revenues from the year's production—equals the present value of the cash outlays.

The attached Cost Component Summary, which replaces that in our original submission, shows exploratory expenditures distributed over a three-year preproduction period and development costs allocated to each production year in proportion to the following years increment in the ultimate reserve recovery estimate; i.e., a one year lag between development costs and developmental reserve additions. Conceptually, then, there is no difference in the treatment of the exploratory and development components of cost. The only difference between them is in the timing of their incurrence. (See pages 6–7 of original submission.) The Cost Component Summary also shows that other cash outlays (as well as the liquid credit) are distributed on a unit of production basis and that the cash revenues (initial price and escalation less royalty) are distributed on the same basis.

This method of allocating costs over time requires distinguishing between exploratory and developmental activity in calculating productivity, successful well costs and dry hole costs. Using average productivity over 1970–1974 we obtain an exploratory productivity of 801.7 Mcf/foot and a developmental productivity of 295.5 Mcf/foot. These correspond to a productivity of 333 Mcf/foot calculated in the traditional fashion that ignores the distinction between the two types of activity. Exploratory dry hole costs and developmental successful well costs that are very high, compared to those obtained by the usual method, result. On the other hand, exploratory successful well costs and developmental dry hole costs are moderately lower.

We also distinguish between the proved reserves that result from exploratory (preproduction) drilling and those from developmental drilling. This means that costs and revenues cannot be presented on the same basis as in the traditional method where finds are considered only in the aggregate. We have chosen to present our costs and revenues on the basis of finds of one Mcf from exploratory activity and 2.36 Mcf from developmental drilling. Therefore, we obtain, because of the choice of basis, a larger total investment and larger total return on investment than is displayed in the usual method in which finds and production equal one Mcf. What is important, and does not depend on the basis, is that *we obtain a larger investment return per dollar of investment than BNG does.*

Our clarification also includes an explicit quantification of the effect on the price that results from each of the major differences—the correct allocation of cost outlays over time and the change in some major elements of unit costs that result from the exploratory-developmental distinction—between our method and the traditional one. In adopting a DCF cost analysis in Opinion 699–H the Commission accorded partial recognition to these differences in the form of a correct calculation of present values so that the time value of money would not be underestimated. We now urge the completion of these reforms by the correct allocation of *all* investment over time.

We also clarify our adoption of conventional, and we believe correct, accounting and economic principles in treating overhead costs and time lags between the incurrence of costs and production. First, that joint overhead costs be allocated to oil and gas in proportion to their relative value. Second, that, e.g., a cost incurred in 1973 that contributes to 1975 findings should be estimated from 1973, not 1975, cost data.

Lastly, we present some intermediate calculations and some explanations and annotations that cover all the omissions we know about that may have inhibited the replication of our results.

Introduction

In our original presentation we undertook the painful task of removing a number of the more obvious simplifications we discovered to be inherent in the traditional methodology for new gas costing. We presented—albeit in a form too cryptic—the results of our endeavors and estimates of the consequences of the traditional simplifying distortions. In the present effort we assume the cost of

the requested clarification of our analysis with the hope, and expectation, that commensurate benefits will flow to our readers.

Our pursuit of greater clarity opens with a discussion of our major departure from the traditional simplifications; namely, our separation of exploratory and developmental investment, and our estimation of their separate costs and the proved reserves that accrue for each type of activity. This is the appropriate context for presenting our results in a format that clarifies our treatment of investment and total return on investment. Next, in order to give the fullest possible response to the AGD request, we essay a further explanation of our treatment of exploratory and developmental productivity. Following that, an attempt at clarifying our calculation of some of the individual cost components is made. Then our position on income taxes is clarified. Finally, annotations that may be further aids to understanding of the tables in our original submission are provided.

The Inclusion of Developmental Investment

One manifestation of our investigation of the traditional gas costing is our analysis of the consequences of abandoning the simplifying assumption that the process, and the associated investment, of new gas discovery ends when exploration ends. We all know that developmental investment proceeds beyond this point and typically results in a substantial increase in proved reserves beyond those known when exploration ends. Our first task is to clarify our analysis of this fact of life and the cost of ignoring it.

We believe this clarification is best carried out by relying in part on the reader's knowledge of the traditional DCF costing method. In that method, as well as in the BNG comments, all investment is assigned to the pre-production period. Productivity is a sort of average of exploratory and developmental productivities; consequently, successful well and dry hole costs are kinds of averages of the corresponding exploratory and developmental costs. The effects of ignoring investment after the initial discovery and of the use of these averages are complex, do not all work in the same direction and interact with each other. In what follows we avoid circumlocutions by saying, e.g., "the traditional method ignores development investment" to allude to this complex of characteristics of the traditional method.[1]

Schedule A (attached) contains a thoroughly annotated resumé of the computation of annual total investments for the revised case with Lease Acquisition costs of 11.38¢. So that as much comparability as possible with the traditional costing can be maintained, the units of total findings and production are determined by supposing the discovery from the exploratory investment is 1 Mcf. An additional 2.36 Mcf of proved reserves result from the development of a typical exploratory find—Table 6 of the original submission—for a total of 3.36 Mcf that can be produced. This is the smallest estimate of the reserves resulting from development—and hence the one leading to the highest price—that we have been able to find.[2]

Schedule B (attached) contains, for the same case, a computation of the annual net operating revenue; that is, initial price, +escalation, −royalty, +liquid credit, −production operating expense, −interest on working capital, −regulatory expense, in cents/Mcf multiplied by the annual production figures. Return of the investment, plus a true 15% rate of return, simply means that the present value at 15% of the annual investments equals the present value at 15% of the annual net operating revenues. Schedules A and B also contain the results of the present value computations. The wary reader should verify our calculations and thus find that the equality holds in this case. A persistent analyst, who does not rest until all results are replicated, will find it holds for all the other cases as well.

This rearrangement of the materials in our original submission, when carried out for the other cases as well, provides the ingredients for the recapitulation in Table 1 of revenues and costs. Schedule C (attached) contains a recapitulation in full detail and is, in consequence, voluminous beyond redemption.

Return on Investment

Our Table 1, in conjunction with Schedule No. A of the Bureau of Natural Gas (BNG) submission, provides the following comparison of the return on investment in the two submissions.

Ratio of return of investment to investment 1976 cases

OEC[1]	1.69	1.90	1.64	1.84
BNG[2]	1.60		1.60	

[1] These figures are, from left to right, the ratio of return on investment to investment in each column, from left to right, in Table 1.

[2] These figures are the ratio of return on investment, line 17, to total investment, line 9, in Columns (d) and (f), of Schedule No. A of BNG's submission.

Table 1.—*Total revenue and total cost components—1970–74 average productivity*

	Lease acquisition costs (in cents)			
	Onshore and offshore (rate of take)		Onshore only (rate of take)	
	Constant	Variable	Constant	Variable
OEC Initial price cents per 1,000 ft³	63.07	68.77	56.45	61.56
Total revenues:[1]				
From initial price times (3.36)	211,915	231,067	189,672	206,842
From escalation	28,56	29,532	28,56	29,532
From liquid credit (8.45) (×3.36)	28,392	28,392	28,392	28,392
Total	268,867	288,991	246,624	264,766
Total costs:[2] Investment				
Exploratory	42,85	42,85	37,31	37,31
Developmental	37,429	37,429	37,429	37,429
Subtotal	80,279	80,279	74,739	74,739
Return on investment	135,681	152,535	122,487	137,726
Royalty	38,476	41,696	34,917	37,820
Other expenses	14,481	14,481	14,481	14,481
Total	268,867	288,991	246,624	264,766

[1] "Total revenues" refers to the gross revenues from the production and sale of the entire 3.36 M ft³.

[2] "Total costs" refers to the entire exploratory investment cost for 1 M ft³, the entire developmental cost for 2.39 M ft³ and the entire production-dependent costs for the 3.36 M ft³ produced.

OEC and BNG use the same annual *rate* of return, 15%, but *$1 of investment earns more total return in our recommended costing than it does in BNG's.*

We urged that the so-called DCF method be used so that the time value of money not be underestimated. In Opinion No. 699-H the Commission adopted, at least in part, these recommendations which increase the price. In our original submission we implicitly urged, with our new methodology, that this improvement be completed by adopting a correct timing for *all* investment.

[1] We are aware that early in the evolution of the traditional method, when the time value of money was first underestimated by calculating present values incorrectly, the 3 year span of pre-production investment was argued somehow to include an allowance for developmental investment. In recent times, however, that argument has been abandoned and the investment has been interpreted to be of the preproduction variety. In any event, we have never seen an application of the traditional method that included any investment occurring after the initial discovery in a correct calculation of investment return. Hence the above short-hand for the traditional DCF method's characteristics.

[2] As we noted in our original submission the author of the producer statement—see Footnote 2, page 6 of our original submission—that is the source of the figure of 3.36 for total producible reserves as a multiple of those known at the initial discovery date, had provided an estimate of 5 for that multiple in 1971, see page 16 of the original submission. No rationale is known to us for a recent decline in reserves from developmental drilling relative to those from exploratory drilling. The fact that reserves from both sources may have declined absolutely does not bear, of course, on the question of a relative decline. Here, as elsewhere, we have resolved the dispute by choosing the alternative that yields the higher price.

THE MAIN SOURCES OF DIFFERENCE AND THEIR CONSEQUENCES

We can future illustrate the differences between our method and the traditional method. We introduce into our method, in successive stages, the two main simplifications that differentiate it from the latter method. In this way we can observe the effects, in distortion of the resulting price, as these simplifictaions transform our method to the traditional method.

First, we simplify by assuming that there is no developmental (i.e., post-initial discovery) investment, and no reserves that accrue from it. No other change is made. The resulting price, compared with our price for the case where we obtain 56.45¢, is as follows:

OEC price 56.45¢, price with no development,[3] 81.54¢. The assumption that there is no development after the initial discovery has a very significant effect. Indeed, it increases the price by 44% in this case.

Next we introduce, in addition, productivity, Successful Well costs, Dry Hole costs and Other Production Facilities Costs calculated in the traditional way;[4] i.e., without regard to the distinction between exploratory and developmental activity. They are:

[3] This price is calculated by assuming that development investment is zero, the 2.36 Mcf of reserves from development are not available and the relative production pattern is unchanged; i.e., each annual production for the 3.36 Mcf case is divided by 3.36. Further, the change from 3.36 Mcf sold to 1 Mcf sold requires that the Lease Acquisition, Other Exploratory and Exploratory Overhead costs be divided by 3.36. The two prices are calculated on identical assumptions in every other respect which means, among other things, that the price without development is predicated on our estimates of exploratory productivity which range from 733.4 Mcf/foot to 801.7 Mcf/foot.

[4] These are the only costs that depend upon productivity in our method.

	Productivity [7]	Successful well costs [8]	Dry hole costs [9]	Other production facilities [10]
OEC	333 Mcf/foot	9.79 cents per Mcf	4.16 cents per Mcf	2.27 cents per Mcf.
BNG [11]	Low of 375	High of 8.70 cents	High of 4.79 cents	High of 2.62 cents.

[7] First calculate the sum over 1970-74 of Column 1, Table 2, Sheet 1 plus the sum over 1970-1975 of Col. (5) of Table 3. Call this A. Next calculate the sum over 1970-1974 of the High (Low) column of Column 5 of Table 2, Sheet 2 plus the sum over 1970-1974 of the High (Low) column of Column (1), Table 3. Call this B. Then divide A by B and multiply by 1000 to get productivity in Mcf/foot. All references are to the original submission.

[8] Successful Well cost trended to 1976, of $32.61/foot, Col. (1) Table 4, Sheet 1 divided by productivity of 333 Mcf/foot. All references are to the original submission.

[9] Dry Hole Factor = .7 = (1973 entry Column 1, Table 5, Sheet 1 plus 1973 entry Column 1, Table 5, Sheet 2) divided by (the sum of the 1973 entries from Columns 2 and 3, Table 5, Sheet 1 and those from Columns 2 and 3, Table 5, Sheet 2). Dry Hole Cost = Dry Hole Factor (.7) times Dry Hole Cost/foot trended to 1976 ($19.78), Table 5, divided by productivity of 333 Mcf/foot.

[10] Other Production Facilities cost = .232, page 18 original submission, times successful well cost 9.79 cents per Mcf.

[11] All figures from Schedule No. A of BNG's submission.

The effect of our generous resolution of doubtful issues can be seen in our lower productivity and higher unit costs, except for dry hole costs which are slightly lower because we used the 1973 dry hole factor.

The price calculated with *both* these simplifying assumptions, compared with our price is: OEC price 56.45¢, price using traditional method[5] 70.21¢.

We see that the effect of averaging exploratory and developmental productivities, as well as averaging exploratory and developmental costs, is a *partial* offset of the bias in the price introduced by ignoring developmental investment and reserve additions. Because the price calculated above using our method and that using the traditional method are both based on our data and estimates they can properly be compared. Dividing the higher price by the lower we find that, quite apart from any differences we have introduced in estimating individual cost components, in this case *the simplifying distortions that characterize the traditional method increase the price by 24%.*

MORE DETAILED CLARIFICATION

The entries in Table 1 provide further insight into our method. Continuing the discussion of the case presented in Schedules A and B, represented in the second column of Table 1, the initial price of 68.77¢ times 3.36 Mcf (one Mcf of proved reserves at the end of the exploratory period and 2.36 additional Mcf proved during development) gives 231.067¢ as one revenue component. The 1¢ annual escalation from this initial price multiplied by the production (Schedule B) in the appropriate years and summed over all years gives the escalation contribution to revenues. Finally, the net liquid credit of 8.45¢/Mcf multiplied by the 3.36 Mcf of production gives the liquid credit revenue contribution. Among the costs, the total exploratory investment of 42.85¢—for the one Mcf of initial discovery—is from the Cost Component Summary, Sheet 1. Developmental investment cost is the 15.86¢/Mcf (Cost Component Summary, Sheet 1) multiplied by the 2.36 Mcf of proved reserves developed as a result of this investment. Royalty is 16% of the revenue from the initial price and escalation. Other expenses represent (production operating expense + return on working capital + regulatory expense) in cents per Mcf (4.31¢/Mcf) multiplied by the 3.36 Mcf of production. Finally, return on investment is the amount that makes total costs equal total revenue.[6] In comparison with the traditional method that ignores development we have larger revenues, larger investment and a larger return on investment. Return on total investment, as a proportion of total investment, is larger than in the traditional method even though the development investment is made later, and like exploratory investment is fully recouped by the end of the production period. Development investment earns 15%, therefore, over a shorter period of time than does exploratory investment and thus a smaller total return per dollar.

PRODUCTIVITY MEASUREMENT

We have distinguished between exploratory and development drilling which may have different productivities. Therefore, we need a quantitative understanding of productivity differences. We have a clear-cut distinction in the data between exploretory drilling and developmental drilling. The essential opening that is required then is one that allows us to associate exploratory findings with exploratory drilling and developmental findings with developmental drilling. Unfortunately, there are two openings. The ambiguity arises because the findings from exploratory, other than new field wildcat, drilling are allocated in a fashion not revealed in the data between exploratory findings and developmental findings. The findings data used are the Ultimate Recovery Estimates of reserves whose meaning and interpretation as expounded in the source documents we adopt.[7] We use both openings. Assuming the smallest portion of exploratory, other than new field wildcat, drilling consistent with the data is devoted to the exploratory finds we obtain a high estimate for exploratory productivity—and a low estimate for developmental productivity. Assuming the largest portion of exploratory, other than new field wildcat, drilling consistent with the data is devoted to the exploratory finds we obtain a low estimate for exploratory productivity—and a high estimate for developmental productivity. This explanation clarifies, we trust, the nature of the compromise required by the data and how we faced it.

There remains the problem of how to choose a productivity figure to use, given the annual exploratory productivity fig-

[5] These prices are computed as described in Footnote 5 except that the successful well costs, dry hole costs and other production facility costs are altered to the figures above.

[6] This is guaranteed by the fact that the present value of the annual investments equals the present value of the annual net operating revenue. It can be verified by laboriously calculating the return of investment and return on investment year-by-year.

[7] The problem, as explained in our original submission, is that exploratory, other than new field wildcat, drilling is regarded as resulting in the entirety of new reservoir discovery reserve additions and part of extension reserve additions while new reservoir discovery reserve additions are regarded as partly attributable to the year of discovery and partly to prior years. The figure on page 6 of the original submission may be helpful here.

ures in Table 2, Sheet 1 of the original submission. We sought a period to average over that suitably balanced the conflicting objectives of: (1) Being long enough for averaging to be advantageous, (2) being short enough not to be unduly influenced by the decline from the levels of the 1960's, and (3) being representative of the recent composition of offshore and onshore productivity in the total. Our reasoning was as follows. When we examine total, onshore and offshore exploratory productivity (Sheets 1, 2 and 3 of Table 2) we find that over the period 1972–1974 total and onshore annual productivities decline while offshore productivity increases and, in fact, increases faster than the other two decline. This suggests that, in addition to being short, this period contains some anomalies that make it an unsuitable candidate for averaging. In 1971 the annual productivity offshore was markedly higher than that for the surrounding years while the opposite was true for onshore productivity. We judged, therefore, that 1971 was a sufficiently atypical year that averaging over the years 1971–1974 was unsatisfactory. Because using years prior to 1969 introduces annual productivities significantly higher than the more recent ones in all three sets of annual productivity figures, the choice was narrowed to an average productivity over 1969–1974 or 1970–1974. We chose the 1970–1974 period because it yields the lower productivity. Developmental productivity was calculated from the yearly increment in ultimate recovery, excluding revisions, minus the ultimate recovery imputed to exploratory drilling and all the successful drilling not devoted to the exploratory findings.

Cost Components

Successful well costs and dry hole costs are calculated in the traditional manner; that is to say, after exploratory and developmental productivities have been calculated separately these costs for each drilling category are found in the usual way, based upon the productivity for the category. An aesthetic and practical benefit of our disjoining of exploratory and developmental drilling can now be observed. The pattern of relative costs implied by:

	Exploratory	Developmental
Successful well cost	4.07	11.03
Dry hole cost	13.27	2.71

accords with our knowledge of reality. On the other hand, when the two types of drilling are combined, successful well costs and dry hole costs are aggregates of changing composition that defy interpretation.

Lease Acquisition costs, Other Exploratory costs and Exploratory Overhead costs are estimated with the respective lags of 2, 3, and 3 years imputed to them when the corresponding investments are allocated to the pre-discovery period. Tables 13 through 16 (attached) and the set of notes to the tables in the original submission make it possible, we believe, for our calculations to be easily replicated.

Income Taxes

Like others, we have probed the surface of the income tax issue, such as the expensing of intangibles and other considerations bearing on the effective tax rate, with a number of hypothetical calculations. Indeed, it is rather easy to devise hypothetical situations that result in effective tax rates ranging from about −15% to +48%. In each hypothetical case we asked, therefore: "How could a producer be in this tax situation?" and "What proportion of producers are in this tax situation?" The answers were: "We don't know". We decided not to present such impoverished hypotheses as though they were contributions to knowledge.

Wade P. Sewell,
Chief, Division of Econometric Analysis.

Cost component summary

Costs	Year incurred	Reference table	Drilling costs trended to 1976—1970-74 average productivity
Exploratory:			
Other (¢/3.36 Mft ³)	−3	14	8.45
Overhead (¢/3.36 Mft ³)	−3	16	3.56
Lease acquisition (¢/3.36 M ft³)	−2	14 and 15	5.84 (11.38)
Dry holes (cents per 1,000 ft ³)	−1	5	13.27
Successful Well (cents per 1,000 ft ³)	−1	4	4.07
Other production facilities (cents per 1,000 ft ³)	−1	2 and text	2.12
Total			37.31 (42.85)
Developmental:			
Successful well (cents per 1,000 ft. ³)	As reserves are added	4	11.03
Dry hole (cents per 1,000 ft. ³)	do	5	2.71
Other production facilities (cents per 1,000 ft. ³)	do	3 and text	2.12
Total			15.86
Production operating expense		Text	3.10
Regulatory expense			.2
Liquid credit		12	(8.45)
Return on working capital		9	1.01

Cost Component Summary

NET CASH FLOW FROM PRODUCTION
(CENTS PER 1,000 FT ³)

	High
Price less royalty	0.84
Production operating expense	−3.10
Interest on working capital	−1.01
Net liquid credit	+8.45
Regulatory expense	−.2

TABLE 15.—*Gas lease acquisition costs (onshore)*

Lease acquisition cost—onshore (1968-71) (millions)	Ultimate recovery—1970-74 Oil (1,000 bbl)	Ultimate recovery—1970-74 Gas (Bcf)	Gas allocation factor	Gas lease acquisition cost—onshore (1970-73) (millions of dollars)	Successful gas well cost—onshore (1970-73) (millions of dollars)	Gas lease acquisition cost—onshore (cents per 3.36 Mcf)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1574	368,664	4684	0.3745	589	2,274	5.84

(1) = Sum of col. (1), table 7, sheet 1, for 1968–71 minus the sum of col. (1), table 7, sheet 2, for 1968–71.
(2) = Sum of col. (2) table 7, sheet 1, for 1970–74 minus the sum of col. (2), table 7, sheet 2, for 1970–74.
(3) = Sum of col. (3) table 7, sheet 1, for 1970–74 minus the sum of col. (3), table 7, sheet 2, for 1970–74.
(4) = Calculated from Cols. (2) and (3) as in col. (4), table 7, sheet 1.
(5) = (1) × (4).
(6) = Sum of (2), table 13, for 1970–73 times the sum of onshore exploratory footage (1970–73), col. 5, table 2, sheet 2, divided by the sum of exploratory footage (1970–73), col. 5, table 2, sheet 1.
(7) = (5) ÷ (6) × average of col. (5), table 14.

Investment Schedule Notes

Lines 5 through 21 of Col. (b) are from the last column of Table 6.

Line 1—Col. (c) Exploratory Other (8.45) + Exploratory Overhead (3.56) from Cost Summary-Sheet 1.

Line 1—Col. (d) Line 1, Col. (c) times Line (4), Col. (b).

Line 2—Col. (c) Lease Acquisition Costs (11.38) from Cost Summary-Sheet 1.

Line 2—Col. (d) Line 2, Col. (c) times Line (4), Col. (b).

Line 3—Col. (c) Exploratory Dry Hole Cost (13.27)—Cost Summary-Sheet 1. + Successful well costs (4.07) + Other Production Facilities (2.12) from Cost Summary-Sheet 1.

Line 3—Col. (d) Line 3, Col. (c) times Line 4, Col. (b).

Line —Col. (e) Developmental Successful Well Costs (11.03) + Developmental Dry Hole Costs (2.71) + Developmental Other Production Facilities (2.12).

Line 4—Col. (f) Line (4), Col. (e) times Line 5, Col. (b). That is, developmental investment results in proved reserve increases lagging the investment by one year.

Line 5 through 21—Col. (f) Computed by the same principle as line 5, Col. (f); that is, Line 1 of Col. (f) equals Line 1 of Col. (e) multiplied by line (1+1) of Col. (b).

SCHEDULE B.—*Net Operating Revenue Schedule; 1970–1974 average productivity onshore and offshore lease acquisition costs variable rate of take 1 cent annual escalation*

Line No.	Year	Price including escalation (cents per 1,000 ft³)	Royalty (cents per 1,000 ft³)	Other revenues and expenses (cents per 1,000 ft³)	Net operating revenue (cents per 1,000 ft³)	Production (1,000 ft³)	Annual net operating revenue (cents)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	−3	0	0	0	0	0	0
2	−2	0	0	0	0	0	0
3	−1	0	0	0	0	0	0
4	0	68.77	11.00	4.14	61.91	.073	4.51
5	1	69.77	11.16	4.14	62.75	.121	7.59
6	2	70.77	11.32	4.14	63.59	.146	9.28
7	3	71.77	11.48	4.14	64.43	.164	10.57
8	4	72.77	11.64	4.14	65.27	.224	14.62
9	5	73.77	11.80	4.14	66.11	.224	14.81
10	6	74.77	11.96	4.14	66.95	.224	15.00
11	7	75.77	12.12	4.14	67.79	.224	15.18
12	8	76.77	12.28	4.14	68.63	.224	15.37
13	9	77.77	12.44	4.14	69.47	.224	15.56
14	10	78.77	12.60	4.14	70.31	.224	15.75
15	11	79.77	12.76	4.14	71.15	.224	15.94
16	12	80.77	12.92	4.14	71.99	.212	15.26
17	13	81.77	13.08	4.14	72.83	.198	14.42
18	14	82.77	13.24	4.14	73.67	.184	13.56
19	15	83.77	13.40	4.14	74.51	.170	12.67
20	16	84.77	13.56	4.14	75.35	.157	11.83
21	17	85.77	13.72	4.14	76.19	.143	10.90
	Total					3.36	232.82
	Present values at year, −3 at 15 pct						46.143

NET OPERATING REVENUE SCHEDULE NOTES

Lines 4 through 21, Col. (b) list of the initial price of 68.77¢ plus the annual escalation of 1¢.

Lines 4 through 21, Col. (c) =.16 times Col. (b). See Cost Summary, Sheet 2.

Lines 4 through 21, Col. (d) =Liquid Credit (8.45) —Production Operating Expense (3.10) —Interest on Working Capital (1.01) —Regulatory Expense (.2).

Lines 4 through 21, Col. (e) =Col. (b) — Col. (c) +Col. (d).

Lines 4 through 21, Col. (f) the variable rate of take described on page 19 of the original submission. Lines 5 through 8 (years 0 through 3) =.073 times the Ultimate Recovery Factor (Table 6) for the corresponding year.

Lines 8 through 15 (years 4 through 11) =.1 times the Ultimate Recovery Factor (Table 6) for year 3.

Lines 16 through 21 (years 12 through 17) —production declines in constant annual increments selected so that total production equals the 3.36 total of Ultimate Recovery.

Lines 4 through 21, Col. (g) =Col. (e) times Col. (f).

SCHEDULE C.—*Total revenue and total cost components 1970–1974 average productivity*

	Lease acquisition costs (in cents)			
	Onshore and offshore (rate of take)		Onshore only (rate of take)	
	Constant	Variable	Constant	Variable
OEC initial price (cents per 1,000 ft.³)	63.07	68.77	36.45	61.56
Total revenues:[1]				
From initial price×(3.36)	211,915	231,067	189,672	206,842
From escalation	28,56	29,532	28,56	29,532
From liquid credit	28,392	28,392	28,392	28,392
Total	268,867	288,991	246,624	264,766
Total Costs:[2] investment:				
Exploratory, other	8,45	8,45	8,45	8,45
Overhead	3,56	3,56	3,56	3,56
Lease acquisition	11,38	11,38	5,84	5,84
Dry holes	13,27	13,27	13,27	13,27
Successful well	4,07	4,07	4,07	4,07
Other production facilities	2,12	2,12	2,12	2,12
Subtotal	42,85	42,85	37,31	37,31
Developmental:				
Successful well	26,031	26,031	26,031	26,031
Dry hole	6,396	6,396	6,396	6,396
Other production facilities	5,002	5,002	5,002	5,002
Subtotal	37,429	37,429	37,429	37,429
Return on investment	135,681	152,535	122,487	137,726
Royalty	38,476	41,696	34,917	37,830
Production operating expense	10,416	10,416	10,416	10,416
Regulatory expense	,672	,672	,672	,672
Return on working capital	3,393	3,393	3,393	3,393
Total	268,867	288,991	246,624	264,766

[1] "Total revenues" refers to the gross revenues from the production and sale of the entire 3.36 M ft³.
[2] "Total costs" refers to the entire exploratory investment cost for 1 M ft³, the entire developmental cost for 2.36 M ft³ and the entire production dependent-costs for the 3.36 M ft³ produced.

TABLE 13.—*Joint association survey costs*

[Millions of dollars]

Year	Successful gas well cost	Lease acquisition cost	Exploratory other	Exploratory overhead	Dry hole cost
(1)	(2)	(3)	(4)	(5)	(6)
1967	502	829	740	206	802
1968	494	1,578	770	204	826
1969	606	1,137	782	210	888
1970	618	714	728	189	873
1971	613	642	746	206	864
1972	802	1,722	766	239	1,006
1973	998	3,646	867	298	1,079

Source: Joint association survey.

(1)	Gas allocation factor (2)	Gas lease acquisition costs (millions of dollars) (3)	Gas other exploratory costs (millions of dollars) (4)	Successful well cost cents per 3.36 Mcf) (5)	Lease acquisition cost (cents per 3.36 Mcf) (6)	Other exploratory cost (cents per 3.36 Mcf) (7)
1970	0.3764	504	279	18.30	17.59	8.25
1971	.3800	432	293	18.15	12.79	8.06
1972	.3825	273	299	23.05	7.85	8.60
1973	.3704	288	270	30.64	7.30	8.29
Average (1970–73)					11.38	8.45

(2) From col. (4) of table 7.
(3) = Col. (3), table 13 (lagged 2 yr) × col. (2).
(4) = Col. (4), table 13 (lagged 3 yr) × col. (2).
(5) = Exploratory successful well cost, table 4 ÷ 2.36 × developmental successful well cost, table 4.
(6) = ((3) ÷ (2), table 13) × (5).
(7) = ((4) ÷ (2), table 13) × (5).

SCHEDULE A.—*Investment schedule; 1970–1974 average productivity onshore and offshore lease acquisition costs*

Line No.	Year	Ultimate recovery increment (1,000 ft³)	Exploratory investment		Developmental investment		Annual investment, col. (d) and col. (f)
			cents per 1,000 ft³	Total	cents per 1,000 ft³	Total	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	−3	0	12.01	12.01	0	0	12.01
2	−2	0	11.38	11.38	0	0	11.38
3	−1	0	19.46	19.46	0	0	19.46
4	0	1	0	0	15.86	10.468	10.468
5	[1] 1	.66	0	0	15.86	5.392	5.392
6	2	.34	0	0	15.86	3.806	3.806
7	3	.24	0	0	15.86	2.696	2.696
8	4	.17	0	0	15.86	2.696	2.696
9	5	.17	0	0	15.86	1.903	1.903
10	6	.12	0	0	15.86	1.903	1.903
11	7	.12	0	0	15.86	1.269	1.269
12	8	.08	0	0	15.86	1.269	1.269
13	9	.08	0	0	15.86	1.269	1.269
14	10	.08	0	0	15.86	.952	.952
15	11	.06	0	0	15.86	.793	.793
16	12	.05	0	0	15.86	.634	.634
17	13	.04	0	0	15.86	.476	.476
18	14	.03	0	0	15.86	.634	.634
19	15	.04	0	0	15.86	.476	.476
20	16	.03	0	0	15.86	.793	.793
21	17	.05	0	0	0	0	0
	Total			42.85		37.429	80.279
	Present value at year −3 at 15 pct						46.2547

[1] Production begins.

TABLE 16.—*Exploratory overhead costs*

Year	Factor	Dry hole costs (cents per 3.36 Mcf)	Exploratory overhead cost (cents per 3.36 Mcf)
(1)	(2)	(3)	(4)
1970	0.118	12.03	2.39
1971	.128	16.29	3.19
1972	.135	20.94	3.09
1973	.151	22.55	4.66
Average (1970–73)			3.56

(2) = (5), table 13 + ((4), table 13 + (6), table 13).
(3) = Exploratory dry hole cost, table 5, sheet 1 + 2.36 × developmental dry hole cost, table 5, sheet 2.
(4) = ((3) + (7), table 14) × (2).

NOTES ON THE TABLES IN THE ORIGINAL SUBMISSION

Table 2, Sheets 1, 2 and 3.

Productivity figures are in Mcf/foot.

Table 2, Sheet 1.

Footnote (a) and (b). Ultimate Recovery figures from Col. 1.

New Field, New Reservoir and Extension figures from Table 2, Sheet 4.

Pages 12 and 13 of the original submission provide details of the calculation and its rationale.

Table 2, Sheet 2.

Col. (1)—Source same as Table 1. The figures are the sum for those areas with no offshore activity.

Table 2, Sheet 3.

Col. (1)—Same source as Table 1. The figures are the sum for those areas with offshore activity.

Table 2, Sheet 4.

The figures are the sums for those areas with no offshore activity.

Table 2, Sheet 5.

The figures are the sums for those areas with offshore activity.

Table 3.

Col. (1) Total Successful footage, Review of Drilling Statistics, American Petroleum Institute, minus Col. (5), Table 2, Sheet 1.

Col. (2) From source for Table 1.

Col. (3) From Col. 1, Table 2, Sheet 4.

Col. (4) Rounded in Bcf from Col. (a) of Table 10.

The columns at the bottom should be labelled, from left to right, (5), (6), and (7).

Table 4.

Col. (1)—From Joint Association Survey data.

Table 5, Sheet 1.

Col. (1), (2) and (3)—From Review of Drilling Statistics.

Col. (5)—From Joint Association Survey data.

Table 5, Sheet 2.

First three columns—From Review of Drilling Statistics.

Fifth column—From Joint Association Survey data.

The notation "1967 cost/foot" should read "1976 cost/foot".

Table 7, Sheet 3.

First column—The sum over 1968–72 of the first column Table 7, Sheet 1 minus the sum over 1968–72 of the first column Table 7, Sheet 2.

Second column—The sum over 1970–74 of the second column of Table 7, Sheet 1 minus the sum over 1970–74 of the second column of Table 1, Sheet 2.

Third column—The sum over 1970–74 of the third column of Table 7, Sheet 1 minus the sum over 1970–74 of the third column of Table 7, Sheet 2.

[FR Doc.75-27942 Filed 10-20-75;8:45 am]

[Docket No. ER76-40]

NEVADA POWER CO.

Order Rejecting in Part, Accepting in Part and Suspending Rate Increase, Allowing Interventions, and Setting Procedures

OCTOBER 15, 1975.

On July 28, 1975 Nevada Power Company (Company) tendered for filing a rate increase to California-Pacific Utilities (Cal-Pac) at Henderson,[1] Nevada and Needles,[2] California. The rate increase would produce a revenue increase estimated at $948,441 for the year ending June 30, 1976. The Company asked for a proposed effective date "upon receipt of application".

By letter dated August 25, 1975 the Secretary informed the Company of certain deficiencies in its filing. These deficiencies were cured on September 17, 1975. Accordingly, we shall assign a proposed effective date of October 17, 1975 to the current filing (30 days after completion of the filing, section 205(d) of the Federal Power Act).

Notice of the Company's filing was issued on August 1, 1975, with protests and petitions to intervene due on or before August 15, 1975. A timely petition to intervene has been filed by Cal-Pac and an untimely notice of intervention has been filed by the Public Service Commission of Nevada. Good cause exists to allow intervention by both parties.

Cal-Pac included in its petition to intervene a request that the filing be rejected for failure to state the reasons for the proposed change. In connection with this request, Cal-Pac recited the recent history of the relationship between Cal-Pac and the Company. On November 1, 1975, the Company began charging rates filed in Docket No. E-8721. That case is pending before the Presiding Administrative Law Judge. In that docket, our Staff and Cal-Pac filed cases which justified approximately 50% of that $450,000 per year increase. Since May 21, 1975 the Company has been collecting rates filed in Docket No. E-9104 which are estimated to increase the Company's revenue by $1 million per year. Our Staff's filed case in that docket urges that no part of the increase in Docket No. E-9104 be allowed. Now the Company has filed for an additional nearly $1 million increase. In light of this history Cal-Pac believes that the Company's alleged need to attract capital is not a sufficient reason to serve as the purpose of a rate increase. Cal-Pac suspects that the rate increase is being made for purposes other than those stated and possibly for purposes contrary to the Federal Power Act.

The Commission recognizes the need of the electric industry as a whole to attract the capital necessary to continue to provide adequate service to the consuming public. With respect to this problem, we note that the Company has given notice of termination of service to Cal-Pac at Henderson in Docket No. E-9306 due to an alleged inability to attract capital for such service. Without prejudging the outcome of the previously mentioned cases, we think that the following disposition best serves the public interest. The need to attract additional capital is sufficient reason for a utility to increase its rates. However, in light of the serious questions raised by previous cases concerning the alleged financial requirements of Company, the comments received from Cal-Pac, and our own evaluation of the instant filing, we shall suspend the Company's rate increase for service at Needles for the full statutory period of five months.

However, with respect to Henderson, we shall reject the entire filing for failure to comply with Section 35.17(c) of our regulations. Section 35.17(c) makes it unlawful for any utility to file to change the rate schedule which has been continued in effect by the suspension of a previous change. In Docket No. E-9306 we suspended a notice of cancellation until November 1, 1975.[3] Cancellation is defined as a change in rate schedule by Section 2.4 of the Commission's Regulations. Thus, until November 1, 1975 the Company may not file to change the rate schedule in effect for Cal-Pac at Henderson.

With respect to Needles, examination of the filing reveals that a portion of it is based upon the inclusion of construction work in progress (CWIP) in the rate base which will not be in service at the end of the test period (in fact, the Company has used an end of period rate base). Recent Commission decisions have made it clear that the Commission will not currently allow utilities to base rates upon the inclusion of CWIP in rate base.[4] As we stated in the Order Denying Application For Rehearing,[5] Georgia Power Company, Docket No. E-9091, issued September 19, 1975:

> The majority rule of public utility regulation holds that the value of plant under construction cannot be included in the rate base until the plant is "used and useful" in providing service to jurisdictional customers.[6] We have consistently applied the "used and useful" rule throughout our formally reported final decisions.[6] Our Uniform System of Accounts for public utilities and licensees clearly reflects that principle,[7] although it has not been formally codified in a separate regulation, as is the case for gas pipeline companies, § 154.63(f), 18 CFR. (footnotes omitted)

Accordingly, we shall reject that portion of the Company's filing which is based upon the inclusion of CWIP in the rate base.

Further examination of the filing reveals that the Company has used an end of period rate base and allocation factors based on single week peaks. These methods raise issues which should be addressed by the parties to this case. Further the Company has alleged that it is in dire financial straits which have required it to delay much of its construction program. The Company has alleged a need for a rate of return of 11.84 percent including a 21.40 percent return on common equity. The Company states that it has one of the lowest market to book ratios in the electric industry and the high returns mentioned above are needed if the Company is to again attract the necessary capital for its construction program. The parties in this case should address the issues raised by such allegations.

Our review indicates that the proposed change for service at Needles has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend those changes for five months and establish hearing procedures to determine the justness and reasonableness of the Company's filing.

The Commission finds. (1) Good cause exists to allow the above named parties to intervene in this docket.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates, charges and conditions of service contained in the Company's rate increase filed July 28, 1975.

(3) Good cause exists to reject that portion of the Company's filing which relates to Needles which is based upon the inclusion of CWIP in the rate base.

(4) Good cause exists to accept for filing that portion of the Company's filing which relates to Needles not mentioned in paragraph 3, assign it a proposed effective date of October 17, 1975, and suspend it for five months.

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[1] Designated: Nevada Power Company Supplement No. 10 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 8).

[2] Designated: Supplement No. 10 to Rate Schedule FPC No. 1 (Supersedes Supplement No. 9).

[3] Order issued May 30, 1975.

[4] See e.g., Central Vermont Public Service Corporation, Docket No. E-9040, issued August 5, 1975; Green Mountain Power Corporation, Docket No. E-9446, issued June 13, 1975; New England Power Company, Docket Nos. E-9316 and E-9140, issued August 5, 1975; and Georgia Power Company, Docket No. E-9091, issued August 5, 1975.

[5] Pending review in Georgia Power Company v. FPC, No. 75-1940, D.C. Circuit, Denial of Application for Stay, issued October 3, 1975.

(5) Good cause exists to reject the Company's filing with respect to Henderson.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held on March 16, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rate charges and conditions of service contained in the Company's rate increase filed July 28, 1975.

(B) Pending a hearing and final decision thereon, with respect to Needles, that portion of the Company's filing which is not based upon the inclusion of CWIP in the rate base is hereby accepted for filing, suspended for five months and the use thereof deferred until March 17, 1976.

(D) The Company's filing of a rate increase to Henderson is hereby rejected.

(E) On or before February 3, 1976, the Commission Staff shall serve its prepared testimony and exhibits. On or before February 17, 1976, the Intervenors shall serve their testimony and exhibits. On or before March 2, 1976, Nevada shall serve its rebuttal testimony and exhibits.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission. *Provided however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

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

By the Commission.

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

[FR Doc.75-28252 Filed 10-20-75;8:45 am]

[Docket Nos. E-8641, E-8476, E-8251, E-8169]

NEW ENGLAND POWER CO.

Order Deferring Consideration of Initial Decision

OCTOBER 9, 1975.

On June 25, 1975, Presiding Law Judge Levant issued his initial decision in the above-entitled proceedings addressed to the limited issue of rate of return. The rate of return issue was heard on an expedited basis pursuant to the Commission's order issued herein on February 27, 1975. All other cost and related rate issues are the subject of separate hearings which have now been concluded and are presently before Judge Levant for initial decision. Briefs on exceptions to the June 25, 1975, initial decision on rate of return were served on July 25, 1975, and briefs opposing exceptions were served on August 14, 1975.

In its brief on exceptions, New England Power Company (NEPCO) requests that the Commission defer its consideration of the rate of return issue until the remaining cost of service issues are properly before the Commission for decision. NEPCO argues this procedure will enable the Commission to deal with the interest coverage issue "knowledgeably and comprehensively." NEPCO renewed its request in its brief opposing exceptions. The Commission staff in its brief opposing exceptions stated it has no objection to the requested procedure. NEPCO's Municipal customers in their brief opposing exceptions stated that while in their judgment no useful purpose would be served by deferral of the rate of return issue, nevertheless they did not oppose NEPCO's request.

We find that NEPCO's request for deferral is reasonable under the circumstances that hearings on all other issues have been completed, and they are now before the Administrative Law Judge for decision, and that no party will be prejudiced thereby, the requested deferral should be granted.

The Commission orders. (A) Consideration of the issue of rate of return in the above-entitled proceedings is hereby deferred until such time as the remaining issues are properly before the Commission for decision following the issuance of an initial decision thereon by the Presiding Judge.

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

By the Commission.

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

[FR Doc.75-28235 Filed 10-20-75;8:45 am]

[Docket No. CP74-290]

NORTHERN BORDER PIPELINE CO.

Amendment to Application

OCTOBER 8, 1975.

Take notice that on September 26, 1975, Northern Border Pipeline Company, a partnership, to be succeeded by Northern Border Pipeline Corporation (Applicant), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket No. CP74-290 a further amendment to its application filed in the subject docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport as a contract carrier natural gas in interstate commerce from the international border near Monchy, Saskatchewan, Canada, across approximately 1,619 miles to a point near Delmont, Pennsylvania, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.[1]

By its application, as amended, in this docket Applicant has proposed facilities designed to achieve average deliverabilities approximating 3.5 million Mcf of gas per day. Applicant states that because it now appears unlikely that 3.5 million Mcf of gas initially will be available for transportation, Applicant proposes to build and operate a single 42-inch pipeline with an operating pressure of 1,435 psig and an average deliverability of approximately 1.5 million Mcf of gas per day. This reduced deliverability is said to be consistent with the aggregate volume that prospective shippers expect to receive under their rights to negotiate the purchase of gas from producers operating in the Prudhoe Bay area of the North Slope of Alaska. Applicant claims that in the event that additional gas becomes availble for shipment by Applicant the employment of additional compression can increase the proposed pipeline's average deliverability to approximately 2.0 million Mcf of gas per day.

Accordingly, Applicant states that by the amended application it:

(1) Amends the description of facilities for which authorization is sought. The route of the facilities is the same as shown in Exhibit F of Applicant's original application although the size of the facilities has been changed. The facilities for which authorization is sought are,

(a) Approximately 1,619 miles of pipeline consisting of 1,138 miles of 43-inch diameter pipe, 305 miles of 36-inch pipe, and 176 miles of 24-inch pipe extending from the U.S.-Canadian boundary at a point near Monchy, Saskatchewan, southeasterly through the states of Montana, North Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, and West Virginia to a terminus near Delmont, Pennsylvania; and

(b) Twelve compressor stations with a total of 310,500 horsepower installed.

(2) Amends the projected date for commencement of operation of proposed

[1] The application was noticed in the FEDERAL REGISTER on June 14, 1974 (39 FR 20819), the first amendment thereto was noticed in the FEDERAL REGISTER on December 20, 1974 (39 FR 44092), and the second amendment thereto was noticed in the FEDERAL REGISTER on March 20, 1975 (40 FR 12711).

facilities from July 1, 1979, for the first year facilities and July 1, 1980, for second year facilities to July 1, 1980, for all facilities. Construction is scheduled to begin in the second quarter of 1978.

(3) Files Exhibit Z–1 showing flow diagrams, location of facilities, cost of facilities, and tariff and cost-of-service exhibits for a fully powered version of the system for which authorization is sought, which version, Applicant states, it does not presently propose to construct but puts forth for illustrative purposes only.

(4) Files amended Exhibits F (location of facilities), G, G–I and G–II (flow diagrams and flow diagram data), H (gas supply), K (cost of facilities), L (financing), N (revenue-expense-income), O (depreciation and depletion), and P(ii) (tariff).

With regard to estimated recoverable reserves and deliverability from the Prudhoe Bay area, Applicant states that it relies on and incorporates by reference, in addition to the data set forth in the application as supplemented, the following:

(a) The Master Gas Agreement and Joint Venture Agreement (both dated January 1, 1972) between Northern Natural Gas Company and B.B. Alaska filed November 29, 1972, with the Commission in Docket No. R–411;

(b) The Agreement between Columbia Gas Transmission Company and B.P. Oil Corporation dated as of August 23, 1971, filed as Exhibit R–5 in Docket No. RP72–36.

(c) The Advance Payment Agreement between Texas Eastern Transmission Corporation and Atlantic Richfield Company dated June 30, 1975, and filed in Docket No. CP76–48 and partial assignment thereof to Transwestern Pipeline Company dated July 31, 1975, and filed in Docket No. CP75–257 (consolidated for hearing with the application in the instant docket).

(d) The Gas Advance Payment Agreement between Panhandle Eastern Pipe Line Company and Atlantic Richfield Company dated as of May 30, 1974, filed with the Commission in Docket No. RP73–108, RP73–36, AP75–2, and PGA 75–4.

(e) The agreement between Natural Gas Pipeline Company of America and Exxon Corporation dated March 7, 1975, filed with the Commission in Docket No. CP75–257.

(f) The agreement between Michigan Wisconsin Pipe Line Company and Exxon Corporation dated February 5, 1975, filed with the Commission in Docket No. CP 73–43.

(g) The agreement between Northern Natural Gas Company and Exxon Corporation dated January 30, 1975, filed with the Commission on March 20, 1975.

Deliverability of each of the Prudhoe Bay producers is estimated to be as follows:

Producers	Estimated reserves	Deliverability
	Trillions of cubic feet per day	*Thousands of cubic feet per day*
Sohio-BP	7.1	666,000
Exxon	8.0	750,000
Arco	8.0	750,000
All others	.9	84,000
Total	24	2,250,000

The daily deliverability to each of the Northern Border member company shippers is stated as follows:

Company	Major producer/ percent of reserve committed	Commitment in thousands of cubic feet per day	Other producers—estimated percent of reserve committed	Commitment in thousands of cubic feet per day	Total commitment in thousands of cubic feet per day
Northern Natural Gas Co.	Exxon/25	187,500	12.5	10,500	198,000
Michigan Wisconsin Pipe Line Co.	do	187,500	12.5	10,500	198,000
Natural Gas Pipeline Co. of America.	Exxon/20	150,000	12.5	10,500	160,500
Panhandle Eastern Pipeline Co.	Arco/20	150,000	12.5	10,500	160,500
Columbia Gas Transmission Corp.	Sohio-BP/100	666,000	12.5	10,500	676,500
Transwestern Pipeline Co. and Texas Eastern Transmission Corp.	Arco/20	150,000	12.5	10,500	160,500
Total					1,554,000

According to Applicant the total input at Monchy will be 1,530,200 Mcf of gas per day. The difference between the input volumes at Prudhoe Bay and Monchy is claimed to be primarily due to fuel use during transportation.

Applicant's estimated total capital cost of the system including filing fees is approximately $1,347,000,000. Applicant states that capital requirements under its proposed financing plan would be met through the investment of equity by the Partners and through the concurrent issuance of various debt securities by Applicant. The revenues generated by the project are said to be sufficient to service the securities issued to finance it.

In the third full year of operation Applicant shows a rate of return of 12.5 percent and a return of $134.5 million.

The amendment indicates that, generally, transmission facilities will be depreciated on a straight-line basis at 4 percent.

Applicant states that for the purposes of this amendment it has been assumed that no Canadian gas will be available for import. However, Applicant indicates that some prospective shippers have existing contracts for the purchase of Canadian gas; and if export of such gas is authorized by the National Energy Board of Canada the facilities of Applicant would be available, and Applicant is willing to transport such gas from Monchy to eastern delivery points.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before October 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene or notices of intervention in the instant docket or in the proceeding in Docket No. CP75–96, et al., need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–28231 Filed 10–20–75;8:45 am]

[Docket No. RP75–89]

NORTHERN NATURAL GAS CO.
Motion To Have Suspended Tariff Sheets Go Into Effect

OCTOBER 14, 1975.

Take notice that on October 3, 1975, Northern Natural Gas Company (Northern) tendered for filing a Motion to Have Suspended Tariff Sheets Go Into Effect, together with attached Tariff Sheets and Appendices. Northern states that it had filed on April 11, 1975, revised tariff sheets proposing changes in its FPC Gas Tariff which would provide for an in-

crease in annual jurisdictional revenues of approximately $69,172,745, based upon sales volumes for the 12 month period ended December 31, 1974, as adjusted. Northern states that these tariff sheets were suspended by Commission Order issued May 16, 1975, in this docket, and the use thereof deferred until October 27, 1975.

In the October 3, 1975 filing, Northern states that it moves to make effective the interim rates and charges in this proceeding on October 27, 1975, when the suspension period ends. Northern states that it also filed an Agreement and Undertaking to comply with the terms and conditions of § 154.67 of the Commission's rules and regulations under the Natural Gas Act. Northern requests waiver of the notice requirements of 18 CFR 154.22 and such other regulations as are required to permit the requested effective date of October 27, 1975.

Northern states that copies of its filing were served by mail on all of its jurisdictional customers, all parties to this proceeding and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28248 Filed 10-20-75;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Tender of Tariff Sheets

OCTOBER 10, 1975.

Take notice that by letter dated September 24, 1975, Northern Natural Gas Company (Northern) tendered for filing the following tariff sheets for Northern's FPC Gas Tariff, Third Revised Volume No. 1, Initial Emergency Service Rate Schedule E-1.

Eighth Revised Sheet No. 1	Table of Contents
Original Sheet No. 4b	Original PGA-1
Original Sheet Nos. 45-48	Rate Schedule E-1

Northern states that its Initial Rate Schedule E-1 is not subject to suspension and is being effectuated by Northern as of July 11, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28240 Filed 10-20-75;8:45 am]

[Docket No. ER76-161]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Extension of Agreement for Service

OCTOBER 10, 1975.

Take notice that on October 2, 1975, Public Service Company of New Mexico (PNM) tendered for filing an agreement extending Rate Schedule FPC No. 24, to provide power transmission service for the State of Nevada, Division of Colorado River Resources (DCRR) for a period of one year to year thereafter until terminated.

PNM states that the amendment was negotiated to permit DCRR to continue obtaining capacity from the Department of Interior, Bureau of Reclamation, by enabling DCRR to return energy associated therewith to the Bureau from PNM. Additionally, PNM states that the amendment provides for PNM to supply surplus energy to DCRR apart from any capacity made available by the Bureau. PNM states that DCRR is requiring capacity from the Bureau and return energy by October 1, 1975. PNM therefore requests the Commission to waive its notice requirements and permit the extension of the original agreement between PNM and DCRR to become effective October 1, 1975.

PNM states that the proposed amendment for service has been agreed upon by the parties and that copies of the filing have been mailed to DCRR and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28241 Filed 10-20-75;8:45 am]

[Project No. 663]

PUERTO RICO WATER RESOURCES AUTHORITY

Order Waiving Penalties in Delinquency

OCTOBER 10, 1975.

Provision is made in the Commission's regulations, 18 CFR 11.31(e) (1975), for a penalty for delinquency in payment of annual charges pursuant to the Federal Power Act, unless such penalty is waived by the Commission for good cause shown.

Although the Commission on April 1, 1975 rendered timely bills to the Puerto Rico Water Resources Authority (Authority) covering the annual charges owing under its license for Project No. 663 for the calendar year 1974, a check in payment of these charges was not mailed to the Commission until June 25, 1975, and was not received until July 7, 1975. Accordingly, a $22.62 penalty was assessed for this delay in payment.

In its letter of July 2, 1975 to the Commission, the Authority presented a reasonable and logical explanation for the delay. It pointed out that it had responded to receipt of the Commission's bill for annual charges with a letter specifying its need for further information from the Commission. This letter was received by the Commission prior to the expiration of the 45-day period provided in 18 CFR 11.31(a) (1975), for payment of annual charges. The Commission's reply was mailed one day before the expiration of this time limit, and so could not have been received by the Authority soon enough to enable timely payment to be made. Under the circumstances, including the Authority's past record of payment of these charges for years prior to 1974, a waiver of the penalty for delinquency is appropriate.

The Commission finds. (1) Good cause has been shown in the explanation of the delay in paying annual charges for 1974 for Project No. 663.

(2) Waiver of the penalty for the late payment of these charges would not be inconsistent with the public interest.

The Commission orders. Payment of the penalty arising out of the Authority's delay in remitting payment of the annual charges owing under the license for Project No. 663 is hereby waived.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28242 Filed 10-20-75;8:45 am]

SOUTHWEST GAS CORP.

[Docket No. CP76-101]

Application

OCTOBER 9, 1975.

Take notice that on September 24, 1975, Southwest Gas Corporation (Ap-

plicant), PO Box 1450, Las Vegas, Nevada 89101, filed in Docket No. CP76-101 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas, received from Northwest Pipeline Corporation (Northwest), to Applicant to Applicant's priority 1 and 2 requirements customers pursuant to proposed Rate Schedule NES-1, as an emergency service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to a letter agreement between Applicant and Northwest dated August 7, 1975, Applicant would purchase from Northwest emergency gas service under Northwest's proposed Rate Schedule ES-1 to the extent that it is available from Pacific Gas Transmission. Applicant requests authorization in the instant application to sell and deliver on a best-efforts basis the volumes of natural gas so received under its proposed Rate Schedule NES-1 for the protection of firm priority 1 and 2 requirement customers. The service from Northwest would be in lieu of requesting protection of Applicant's priority 1 and 2 requirements customers from Northwest's general pipeline supply.

Applicant proposes to charge customers purchasing gas pursuant to Rate Schedule NES-1 31.29 cents per therm, which price is said to be designed to provide revenues to Applicant equal to the incremental cost of providing the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157 10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28236 Filed 10-20-75;8:45 am]

[Docket No. G-4616, etc.]

TEXACO INC., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 15, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4616..... D 9-26-75	Texaco, Inc., P.O. Box 3109, Midland, Tex. 79701.	Northern Natural Gas Co., North Hutchinson Field, Hutchinson County, Tex.	Nonproductive.	
C174-528..... C 9-25-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[1] [2] 61.25	14.65
C175-38..... C 9-26-75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Acreage in Lea County, N. Mex.	[3] 58.1810	14.73
C176-155..... A 9-15-75	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., Wattenberg Area, Denver-Julesburg Basin, Adams, Arapahoe, and Weld Counties, Colo.	[4] 57.37	14.65
C176-156..... A 9-15-75	Champlin Petroleum Co.....	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., DeLaney Rim Area, Sweetwater County, Wyo.	[4] 58.04	14.65
C176-174..... A 9-22-75	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line Co., NE Binger Field, Caddo County, Okla.	[3] [5] 75.41	14.73
C176-181..... (CS71-179) B 9-26-75	Herman Geo. Kaiser, Oil Producer, 4120 East 51st St., Tulsa, Okla. 74135.	Northern Natural Gas Co., Hansford Field, Hansford County, Tex.	Uneconomical.	
C176-182..... A 9-26-75	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc. Vermilion Block 282, Offshore Louisiana.	[3] 60.0	15.025
C176-184..... A 9-26-75	Ocean Production Co., et al., P.O. Box 61780, New Orleans, La. 70161.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Blocks 249 and 250, South Marsh Island Area, North Addition, offshore Louisiana.	[3] [6] 61.63	15.025
C176-185..... A 9-18-75	American Natural Gas Production Co., One Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co., Acreage in Caddo County, Okla.	[3] [5] 75.0	14.65
C176-186..... A 9-26-75	Pacific Lighting Gas Development Co., 720 West 8th St., Los Angeles, Calif. 90017.	Pacific Interstate Transmission Co., Apollo Field, Winkler County, Tex.; Taurus Field, Ward County, Tex.; Parsell and St. Clair Fields, Roberts County, Tex.; Potash Field, Eddy County, N. Mex.	[3] [5] 80.0	14.65
C176-187..... A 9-29-75	Ocean Production Co., et al.....	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., North Half Block 246, Ship Shoal Area, offshore Louisiana.	[3] [5] 55.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C176-189..... A 9-19-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	El Paso Natural Gas Co., Lahuerta and Golden Lane Fields, Eddy County, N. Mex.	[1] [8] 76.5	15.025
C176-190..... A 9-30-75	Bethlehem Steel Corp., Bethlehem, Pa. 18016.	Transcontinental Gas Pipe Line Co., Block 185 Area, South Timbalier Area, offshore Louisiana.	[8] 52.02	15.025
C176-191..... (G-18880) F 9-30-75	Bethlehem Steel Corp. (successor to Chevron Oil Co.).	Transcontinental Gas Pipe Line Co., Block 40, West Cameron Area, offshore Louisiana.	[7] 52.02	15.025
C176-192..... A 9-30-75	Florida Gas Exploration Co., 1100 Milam Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Co., Block 185 Area, South Timbalier Area, offshore Louisiana.	[8] 52.02	15.025
C176-193..... A 9-30-75	Dorchester Exploration, Inc., 807 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Transcontinental Gas Pipe Line Co., Block 185 Area, South Timbalier Area, offshore Louisiana.	[8] 52.02	15.025
C176-194..... A 10-1-75	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Grand Isle Block 45, offshore Louisiana.	[2] [8] 80.0	15.025
C176-195..... A 10-1-75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	El Paso Natural Gas Co., Cinta Roja (Morrow) Field, Lea County, N. Mex.	[8] 56.6213	14.73

[1] Includes 4.93¢/M ft³ upward British thermal unit adjustment and 1.49¢/M ft³ gathering allowance.
[2] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's General Policy and Interpretations.
[3] Includes 4.2985¢/M ft³ tax reimbursement, 1.3825¢/M ft³ upward British thermal unit adjustment and 1.5¢/M ft³ gathering allowance.
[4] Includes 0.05¢/M ft³ tax reimbursement and 6.6¢/M ft³ upward British thermal unit adjustment.
[5] Includes 2.14¢/M ft³ tax reimbursement and 5.18¢/M ft³ upward British thermal unit adjustment.
[6] Subject to upward and downward British thermal unit adjustment.
[7] Subject to downward British thermal unit adjustment.

[FR Doc.75-28272 Filed 10-20-75;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in Gas Tariff

OCTOBER 14, 1975.

Take notice that on September 30, 1975, Texas Gas Transmission Corporation (Texas Gas) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fifth Revised Sheet No. 91 and Seventh Revised Sheet No. 92.

Texas Gas states that its tariff filing relating to curtailment procedures reflects the priorities of service prescribed by Commission Order No. 467-B that are now in effect on the Texas Gas system. It further states that the filing is made at this time pursuant to the provisions of Article VIII of the Fourth Stipulation and Interim Agreement approved by the Commission's order issued September 3, 1975.

Since the tariff provisions relating to priorities of service expire on March 31, 1976, under the terms of the above-mentioned agreement, an effective date of April 1, 1976, for this filing is requested. In this connection, Texas Gas requests a waiver of § 154.22 of the Commission's regulations under the Natural Gas Act. In the event that the Commission decides to suspend any or all of the proposed tariff sheets, Texas Gas requests such earlier effective date as necessary so that they may be made effective, after suspension, on April 1, 1976.

Copies of the filing have been served upon Texas Gas' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed a notice or petition to intervene in this proceeding need not file again. The tariff filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28249 Filed 10-20-75;8:45 am]

[Docket No. CP76-3]

TRANSCO GAS SUPPLY CO.

Order Denying Application for Certificate of Public Convenience and Necessity

OCTOBER 14, 1975.

On July 2, 1975, Transco Gas Supply Corporation (Gasco or Applicant)[1] filed an application for a certificate of public convenience and necessity which, if approved, would authorize the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco).

Gasco states that it was formed for the primary purpose of contracting for supplies of natural gas from various suppliers pursuant to advance payment agreements and otherwise and then selling to Transco all gas purchased by Gasco under gas purchase contracts entered into by Gasco pursuant to advance payments agreements which Transco proposes to assign to Gasco or otherwise.

Under a cost of service tariff to be filed with the Commission, Gasco proposes to charge Transco a cost of service rate including: (a) The actual cost of gas purchased by Gasco; (b) return and income taxes on Gasco's rate base (including, among other things, outstanding advance payments) determined by multiplying such rate base by 13.99 percent (the same percentage as the return and income tax component currently provided in Transco's pending rate settlement in Docket Nos. RP74-48 and RP75-3) or such later percentage as may be reflected in any Transco rate filing; and (c) all other costs of Gasco on a cost of service basis. Transco would include the gas cost component of Gasco's charge in its PGA clause, and would file to amend its advance payment tracking provision in Docket Nos. RP74-48 and RP75-3 to permit tracking of advance payments assigned to or made by Gasco in the same manner as if made by Transco. All other components of Gasco's charge would be included in future Transco rate proceedings.

Gasco proposes to commence sales to Transco on October 1, 1975. Initially, Gasco would acquire gas for such sales from Shell Oil Company from Block 130, Ship Shoal Area, Offshore Louisiana.

The application explains that under the proposed arrangement Gasco would have greater ability to obtain funds for financing advance payment agreements than Transco because Gasco would not be subject to the restrictions in Transco's debt instruments. The application represents that at May 31, 1975, Transco had advance payments outstanding of some $103,300,000 and commitments to make additional advances amounting to several hundred million dollars but that the restrictions in Transco's long term debt instruments are expected to prevent it from borrowing the additional funds to make further advances in 1976 and beyond. The application states that implementation of the proposal would assure the continued availability to Transco's customers of vitally needed gas supplies.

The filing was noticed on July 22, 1975 with responses due on or before August 8, 1975. Several petitions to intervene were filed.[2]

Our review of Gasco's application indicates that it is not in the public interest and should not be approved. We find that the end result of the proposal would be to give Transco the right to permanently track advance payments from Gasco under the guise of purchased gas costs, and would thus circumvent the present advance payments program requirements and our implementation of

[1] Applicant states that Gasco is a newly formed corporation which has no existing operations, but that Gasco will be a "natural gas company" within the meaning of the Natural Gas Act upon commencement of the sales proposed herein. Both Gasco and Transco are 100 percent owned subsidiaries of Transco Companies, Inc.

[2] Petitions were filed by Elizabethtown Gas Company, Piedmont Natural Gas Company, Brooklyn Union Gas Company, Public Service Electric and Gas Company, Philadelphia Electric Company, Natural Gas Pipeline Company of America, Washington Gas Light Company, Columbia Gas Transmission Corporation and Pennsylvania Gas and Water Company.

tracking authority thereunder. We have only permitted permanent tracking authority for purchased gas and research and development costs,[3] as well as, in certain instances, demand charge rate adjustments. Tracking authority for other costs, such as advance payments, has only been granted as part of an approved rate settlement agreement wherein the Commission has reviewed all of the pipeline's costs including the cost item to be tracked, as well as revenues, and has determined that a tracking provision for such costs is proper for the period the settlement remains in effect; i.e., until the next major rate change, pursuant to Section 4 or 5 of the Natural Gas Act, becomes effective. At the time such a major rate change occurs, the Commission has required that the temporary tracking authority allowed by the settlement be terminated.[4]

In light of the above, we shall deny Gasco's application.

The Commission finds. (1) Good cause exists to deny Gasco's July 2, 1975, application.

(2) Participation in this proceeding by the aforementioned petitioners may be in the public interest.

The Commission orders. (A) Gasco's July 2, 1975, application for a certificate of public convenience in this docket is hereby denied.

(B) The aforementioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that these intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding.

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

By the Commission.

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

[FR Doc.75-28267 Filed 10-20-75;8:45 am]

[3] Sections 154.38(d) (4) and (5) of the Commission's Regulations.

[4] Order No. 499, 50 FPC 2111, issued December 29, 1973, in Docket No. RM74-4; Southern Natural Gas Company, —— FPC —— issued April 13, 1973, in Docket No. RP73-91, et al.; rehearing denied —— FPC ——, issued June 8, 1973; Northern Natural Gas Company, —— FPC, issued May 20, 1974, in Docket No. RP74-80; rehearing denied in pertinent part —— FPC —— issued July 15, 1974, Florida Gas Transmission Company, —— FPC —— issued May 29, 1974, in Docket No. RP74-80. Columbia Gas Transmission Corporation, —— FPC —— issued March 24, 1975, in Docket No. RP74-82; Columbia Gas Transmission Corporation, et al. —— FPC —— issued July 14, 1975, in Docket Nos. RP75-106 et al.

FEDERAL RESERVE SYSTEM

ABILENE CO.

Formation of Bank Holding Company

Abilene Company, Abilene, Kansas, 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 80 per cent or more of the voting shares of The Abilene National Bank, Abilene, Kansas. 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 November 17, 1975.

Board of Governors of the Federal Reserve System, October 14, 1975.

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

[FR Doc.75-28311 Filed 10-20-75;8:45 am]

CENTURY FINANCIAL CORPORATION OF MICHIGAN

Acquisition of Bank

Century Financial Corporation of Michigan, Saginaw, Michigan, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Second National Bank of Bay City, Bay City, Michigan. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 13, 1975.

Board of Governors of the Federal Reserve System, October 10, 1975.

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

[FR Doc.75-28312 Filed 10-20-75;8:45 am]

CHEMICAL BANK

Order Approving Application for Merger of Banks

Chemical Bank, New York, New York ("Chemical Bank"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Chemical Bank of Suffolk, National Association, Smithtown, New York ("Suffolk Bank"), under the charter and title of Chemical Bank. Incident to the proposed merger, the present offices of Suffolk Bank would become branch offices of the resulting bank.

As required by the Act, notice of the proposed merger, in a form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act.

Chemical Bank operates 248 domestic offices with aggregate deposits of approximately $13.6 billion.[1] These deposits represent 10 per cent of total domestic deposits in commercial banks in New York State and 11 per cent of such deposits in the New York Metropolitan market.[2] Suffolk Bank operates 13 offices and holds deposits of approximately $68 million, representing 0.01 per cent of total deposits in commercial banks in the State, and 0.1 per cent of such deposits in the relevant market. Both Chemical Bank and Suffolk Bank are subsidiaries of Chemical New York Corporation, New York, New York, a bank holding company with eight subsidiary banks with aggregate domestic deposits of approximately $13.8 billion. Since both banks involved in the subject proposal are subsidiaries of the same holding company consummation of the proposal would not eliminate any existing or potential competition, increase the concentration of banking resources, nor have an adverse effect on other banks within the relevant market. Therefore, the Board concludes that competitive considerations are consistent with approval of the merger.

It is expected that the merger will result in some improvement in the financial position of Chemical Bank as a result of increased operating efficiencies through the elimination of certain offices of the two banks that are presently in close proximity. Thus, the banking factors lend some weight toward approval of the application. Although Chemical Bank proposes no major changes in its services or operations as a result of the proposed merger, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. Accordingly, it is the Board's judgment that the proposed merger 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 sum-

[1] All banking data are as of June 30, 1975.

[2] The New York Metropolitan market, the relevant banking market for purposes of analyzing the competitive effects of the proposed merger, is approximated by New York City and Nassau, Putnam, Rockland, Westchester Counties, and western Suffolk County, all in New York; and nearby portions of New Jersey and Connecticut.

marized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-28313 Filed 10-20-75;8:45 am]

FIRST NATIONAL HOLDING CORP.

Proposed Acquisition of First Atlanta Life Insurance Company

First National Holding Corporation, Atlanta, Georgia, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First Atlanta Life Insurance Company, Phoenix, Arizona. Notice of the application was published on August 23, 1975 in The Arizona Republic, a newspaper circulated in Phoenix, Arizona, and in The Atlanta Constitution, a newspaper circulated in Atlanta, Georgia.

Applicant states that the proposed subsidiary would engage *de novo* in underwriting, as reinsurer, credit life and credit disability insurance directly related to extensions of credit by offices of Applicant's subsidiary, Gulf Finance Corporation of Mississippi. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 13, 1975.

Board of Governors of the Federal Reserve System, October 10, 1975.

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

[FR Doc.75-28314 Filed 10-20-75;8:45 am]

THE SUMIMOTO BANK LTD.

Acquisition of Bank

The Sumimoto Bank Limited, Osaka, Japan, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to exercise its preemptive rights to acquire additional shares of Central Pacific Bank, Honolulu, Hawaii ("Bank"). As a result of the exercise of those rights, the Applicant would continue to hold 13.7 per cent of the voting shares of Bank. 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 San Francisco. 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 November 13, 1975.

Board of Governors of the Federal Reserve System, October 10, 1975.

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

[FR Doc.75-28315 Filed 10-20-75;8:45 am]

WESTBANCO, INC.

Formation of Bank Holding Company

Westbanco, Inc., Westville, Illinois, 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 80 per cent or more of the voting shares of The First National Bank of Westville, Westville, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 13, 1975.

Board of Governors of the Federal Reserve System, October 10, 1975.

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

[FR Doc.75-28316 Filed 10-20-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-147]

ELECTRIC GOLF CARS FROM POLAND

Determination of Injury

SEPTEMBER 16, 1975.

On June 16, 1975, the United States International Trade Commission received advice from the Department of the Treasury that electric golf cars from Poland are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on June 20, 1975, the Commission instituted investigation No. AA1921-147 under section 201 (a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such electric golf cars into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER of June 26, 1975 (40 FR 27079). The hearing was held on July 29 and 30, 1975.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined by a vote of 5 to 1 (Commissioner Moore dissenting) that an industry in the United States is being injured by reason of the importation of electric golf cars from Poland that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF COMMISSIONERS LEONARD, MINCHEW, BEDELL, AND PARKER[1]

In our opinion, an industry in the United States is being injured by reason of the importation into the United States of electric golf cars from Poland which are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. The reasons in support of this determination are set forth below.

Injured industry

The imported articles found to be sold at LTFV by the Department of the Treasury and the imported articles covered by the Commission's notice of investigation in this proceeding are electric golf cars (units powered by electric

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Wallich.

[1] Commissioner Ablondi concurs in the result.

storage batteries). However, in making the determination in this case, the industry we have concluded is being injured consists of the producing facilities in the United States devoted to the manufacture of gasoline golf cars (units powered by internal combustion engines) as well as electric golf cars.[2] There are 13 producers of golf cars in the United States. Some of these producers make both gasoline and electric golf cars; the remaining producers make only electric golf cars. The domestic facilities used and many of the production processes involved are the same for both electric and gasoline golf cars. To say there is an electric golf car industry separate and apart from the gasoline golf car industry would be to artificially and arbitrarily segment directly competitive articles made in integrated facilities in an integrated industry.

The LTFV imports

Treasury's LTFV determination is based upon an examination of all entries of electric golf cars imported from Poland during the 10-month period December 1973 through September 1974. Treasury found that 100 percent of the sales were made at LTFV and that the margins of dumping[3] were substantial, exceeding 20 percent. Moreover, the Commission's investigation disclosed that these margins of dumping were in most instances large enough to account for the entire amount by which the LTFV imports undersold domestically produced golf cars.

Market penetration and lost sales

The first indication of injury to the golf car industry in the United States is that industry's lost sales reflected in the penetration of the U.S. market by the LTFV imports. Polish golf cars, which first entered the U.S. market in 1971, rapidly increased as a share of the U.S. market for all golf cars from zero percent in 1970 to 12 percent in 1974 and to 18 percent in January–June 1975. The number of units imported increased annually from 959 cars in 1971 to 6,897 cars in 1974; imports increased again during January–June 1975, when they were about 60 percent greater than during January–June 1974. The rapid increase in imports was accompanied by a leveling off of U.S. production of golf cars in 1974 and a precipitous decline in U.S. output during January–June 1975.

The import penetration cited above occurred in the presence of a ready demand for golf carts. Golf courses, the purchasers of very nearly all golf cars, have a need and a desire for golf cars and are going to buy cars, regardless of their origin. The fact that they bought the substantial number of imported golf cars sold at LTFV indicated above meant that they did not buy domestic golf cars. There were virtually no other imports available to the U.S. market. Clearly, the market penetration by the LTFV imported merchandise meant lost sales to the domestic industry and, therefore, injury to the domestic industry.

Loss of profits

While lost sales of the magnitude indicated by the import penetration discussed above is sufficient to result in a determination of injury under the Antidumping Act, injury to the domestic golf car industry is also present in the form of reduced profits following not only as a result of the lost sales but more directly as a result of an inability to raise prices enough to cover sharply rising costs.

Golf cars imported from Poland have consistently undersold domestically produced cars by varying and usually significant margins. As indicated previously, the margins of dumping found in this case by Treasury were in most instances large enough to account for the entire amount by which LTFV imports undersold domestically produced golf cars. Such sales, in the face of a constant demand, necessarily had an adverse competitive impact on U.S. producers and affected their ability to relate their selling prices more closely to the rapidly increasing costs of manufacturing during a period of great inflation in such costs. Domestic producers could not increase their prices in 1974 (after price controls had been lifted) and January–June 1975 to fully offset their increased costs without risking an additional loss of market share to LTFV imports.

Data obtained by the Commission from five large U.S. producers of golf cars, which firms account for the great bulk of total U.S. production, show that the aggregated net operating profits of these producers declined from about $4.8 million per year during 1971–73 to a net operating loss of $0.1 million in 1974 and a loss of $0.9 million for January–June 1975. Further, 1974 and January–June 1975 were marked by announcements that two large U.S. producers of golf cars would discontinue production of these articles. This drastic change in the profitability of the domestic producers is attributable in part to a loss of market share to LTFV imports and to an inability of the domestic producers to raise their prices sufficiently to cover higher costs and return a reasonable profit in the face of lower priced LTFV imports in the U.S. market.

Causation

Notwithstanding the effective distribution and service organization employed by the domestic industry, as well as the comparable quality of the imported and domestic golf cars, the imported Polish golf cars have made substantial inroads into the U.S. market. While a segment of the U.S. industry, i.e., gasoline golf car production, may well have been affected by the energy shortage in 1973 and 1974, and while there is other evidence that labor and management difficulties may have existed for some producers, nevertheless, the successful marketing of the imported golf cars is largely attributable to their significantly lower prices made possible by substantial dumping margins. Thus, the injury suffered by the domestic golf car industry in the form of a reduced share of the market and a declining profit position is "by reason of," as such phrase is used in the Antidumping Act, the importation of the golf cars from Poland sold at LTFV.

Conclusion

On the basis of the foregoing, an affirmative determination is required; an industry in the United States is being injured by reason of the importation into the United States of electric golf cars from Poland which are being, or are likely to be, sold at LTFV.

In view of the foregoing, I have concluded that an industry in the United States is not being, nor is likely to be injured by reason of the importation of golf cars from Poland sold in the United States at less than fair value. Therefore, I have made a negative determination in this case.

As a postscript, on behalf of the millions of patrons of "the ancient and honorable game" of golf, I am saddened by the decision of the majority. Not only do I believe it is in error, but I am chagrined by the thought that its probable result will be an increase in golf car fees at hundreds of golf courses throughout the land.

By order of the Commission.

Issued: September 16, 1965.

KENNETH R. MASON,
Secretary.

[FR Doc.75-28284 Filed 10-20-75;8:45 am]

[2] See the discussion of industry in *Look-in Amplifiers and Parts Thereof from the United Kingdom*, USITC Publication 736, p. 4, July 1975.

[3] The margins in this case were figured by determining the difference between the purchase price of the Polish golf cars and a constructed value based upon golf cars produced in Canada by the Marathon Golf Car Co.

NATIONAL ENDOWMENT FOR THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

OCTOBER 15, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C. on November 6 and 7, 1975.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. The session of the proposed meeting on November 6, 1975 and the afternoon session on November 7,

1975, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (3), (4), and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on November 7, 1975 will convene at 9 a.m. and will be open to the public. The agenda for the morning session will be as follows:

II. MINUTES OF THE PREVIOUS MEETING

III. REPORTS

A. Summary of Recent Business and Introduction of New Staff Members.
B. Appropriations for FY 1976.
C. Chairman's Grants.
D. Report on American Issues Forum.
E. Application Report.
F. Gifts and Matching Report.
G. Council Luncheon Fund.
H. Resolution of Condolence to the Family of Henry Allen Moe, First Chairman of NEH and to the Family of Stephen J. Wexler, Counsel, Special Subcommittee on the Arts and the Humanities.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-28299 Filed 10-20-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Research.

Date: November 6 and 7, 1975.

Time: 9 a.m. on 11/6, 9:30 a.m. on 11/7.

Place: RM. 540, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Leonard F. Gardner, Executive Secretary, Advisory Committee for Research, Rm. 302, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4278. Anyone who plans to attend should notify Mr. Gardner prior to the meeting.

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 Committee: To provide advice and counsel concerning research activities and potential in the United States and consult on problems in the administration of research support.

Tentative Agenda: November 6

9 a.m.—Introductory Remarks and Response to Recommendations by Task Groups, Chairman.

9:20 a.m.—Tentative Plans for NSF Advisory Committee Structure in 1976, Deputy Director, NSF.

10:30 a.m.—Report by Task Group No. 10—The Social Sciences as a Research Area in the National Interest, Chairman, TG 10.

Noon—Recess.

1:15 p.m.—Report by Task Group No. 13—Larger But Fewer Research Grants Research Equipment, Chairman, TG 13.

Progress Report by Task Group No. 12—Evaluation of a Post Grant Experiment (IBP), Chairman, TG 12.

Report by Task Group No. 11—Review and Evaluation of Committee Operation, Chairman, TG 11.

5 p.m.—Adjourn.

November 7

9:30 a.m.—NSF Reorganization. Further Discussion of NSF Advisory Committee Structure, Director, NSF.

11 a.m.—As needed, Continued Discussion of Task Group Reports and Plans for 1976.

Noon—Recess.

1 p.m.—Continuation of morning discussions.

3 p.m.—Adjourn.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 16, 1975.

[FR Doc.75-28336 Filed 10-20-75;8:45 am]

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science Education. Date: November 6 and 7, 1975. Time: 9 a.m. each day. Place: Rm. 543, 1800 G Street, NW., Washington, D.C. Type of meeting: Open.

Contact person: Ms. Frances Watts, Staff Assistant, Directorate for Science Education, Rm. 600-W, National Science Foundation, Washington, D.C. 20550, telephone (202) 282-7930. Anyone who plans to attend should contact Ms. Watts by October 31.

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 committee: To provide advice and recommendations concerning the impact of all Foundation activities (including research; scientific information; international programs; as well as, specifically, "education" programs) relating to education in the sciences in U.S. schools, colleges and universities.

Tentative agenda: Thursday, November 6 (9 a.m. to 5 p.m.)

1. Welcoming Remarks by Acting Assistant Director for Science Education.
2. Reorganization of Science Education Directorate.
3. Discussion on New Science Education Programs: A. Comprehensive Assistance to Undergraduate Science Education (CAUSE), B. Research Initiation and Support (RIAS).
4. Discussion of: A. Proposed Program—Science for Citizens, B. Development of the Women in Science Program.

FRIDAY, NOVEMBER 7 (9 a.m. to 3:30 p.m.)

1. Administrative Matters.
2. Needs Assessment for Education in the Sciences.
3. Remarks by the Director, NSF.
4. Review of Science Education Programs and Options for the Future.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 16, 1975.

[FR Doc.75-28335 Filed 10-20-75;8:45 am]

ADVISORY PANEL FOR SOCIAL PSYCHOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social Psychology. Date: November 6 and 7, 1975. Time: 9 a.m. each day. Place: Rm. 517, National Science Foundation, 1800 G Street, NW., Washington, D.C. Type of meeting: Closed.

Contact person: Dr. Roland W. Radloff, Program Director for Social Psychology, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5714.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in social psychology.

Agenda: Review and evaluate research proposals that have been assigned to the Social Psychology Program.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b), (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of section 10(d) of Pub. L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 16, 1975.

[FR Doc.75-28337 Filed 10-20-75;8:45 am]

CONFERENCES ON RESEARCH INITIATION AND SUPPORT

Meetings; Correction

In FR Doc. 75-27559 appearing on page 48188-48189 of the issue for Tuesday, October 14, 1975, (Vol. 40—No. 199) the telephone number listed for members of the public to call if they wish to attend any of the conferences is incorrect. The correct number is (202) 282-7932.

FRED K. MURAKAMI,
Management Analysis Officer.

OCTOBER 16, 1975.

[FR Doc.75-28338 Filed 10-20-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE PALO VERDE NUCLEAR PLANT, UNITS 1, 2, AND 3

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Palo Verde Nuclear Plant, Units 1, 2, and 3 will hold a meeting on November 5, 1975 in Room 1046, 1717 H St. NW., Washington, D.C. The purpose of this meeting is to continue its review of the application of Arizona Public Service Company for a permit to construct this plant.

The agenda for the subject meeting shall be as follows:

Wednesday, November 5, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to: 1) explore preliminary opinions regarding the proposed plant construction and site, 2) discuss suggestions and recommendations advanced by members of the Subcommittee in regard to ways and means to develop most effectively those remaining items of information which are required to form the basis for a Subcommittee recommendation to the full Committee, and 3) develop a detailed plan for coverage of all agenda items during the follow-on meeting with representatives of the NRC Staff and Applicant.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representattives of the Nuclear Regulatory Commission (NRC) Staff and Arizona Public Service Company and their consultants concerning the apwplication for a construction permit for the Palo Verde Plant.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 29, 1975 to Mr. G. Quittschreiber, ACRE, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, AZ 85004.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 4, 1975 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 12, 1975 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, AZ 85004. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after February 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 16, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-28414 Filed 10-20-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides will hold a meeting on Novem-

ber 5, 1975 in Room 1062, 1717 H Street NW., Washington, D.C. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, November 5, 1975, 9:00 a.m. until about 11:30 a.m. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following items:

1. Regulatory Guide 1.89, Rev. 1, "Qualification of Class IE Equipment for Nuclear Power Plants," Draft 2, dated July 1, 1971.

2. Regulatory Guide 1.94, Rev. 1, "Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants."

3. Regulatory Guide 1.96, Rev. 1, "Design of Main Steam Isolation Valve Leakage Control Systems for Boiling Water Nuclear Power Plants."

In connection with the above agenda items, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and 11:30 a.m. on November 5 to consider matters related to the above reviews. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed sessions with the NRC Staff and any consultants at about 11:30 a.m. until the close of business to discuss the following working papers:

1. "Criteria for Safety-Related Electric Power Systems for Nuclear Power Plants," Revision 1 to Regulatory Guide 1.

2. "Preoperational Startup Test Programs for Water Cooled Reactor Power Plants," Revision 1 to Regulatory Guide 1.68.

3. "Design Limits, Loading Combinations, and Supplementary Criteria for Class I Linear Type Component Supports," Regulatory Guide 1.XX.

4. "Criteria for Plugging Degraded Pressurized Water Reactor Steam Generator Tubes," Regulatory Guide 1.XX.

5. "Protection of Nuclear Power Plants Against Industrial Sabotage," Revision 1 to Regulatory Guide 1.17.

6. "Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants," Revision 1 to Regulatory Guide 1.26.

7. "Seismic Design Classification," Revision 2 to Regulatory Guide 1.29.

This portion of the meeting may include Executive Sessions both before and after the closed sessions with the NRC Staff.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process and that other closed sessions will be held to discuss and exchange views on working papers (5 U.S.C. 552 (b)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding Regulatory Guides 1.89, 1.94, and 1.96 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20555.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 29, 1975 to Mr. G. Quittschreiber, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 4, 1975 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 12, 1975 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after February 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 16, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-28413 Filed 10-20-75;8:45 am]

[Docket Nos. STN 50-528, 50-529, 50-530]

ARIZONA PUBLIC SERVICE CO., ET AL. (PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2 AND 3)

Order for the Third Prehearing Conference

Notice is hereby given confirming the telephone conference call on October 2, 1975, that a Third Prehearing Conference will be held in the above-captioned proceeding on Thursday, October 23, 1975, at 10:30 a.m., Courtroom No. 4, 7th Floor Federal Building, 230 North First Avenue, Phoenix, Arizona.

At the time the above-mentioned telephone conference was initiated, the purpose of the then proposed prehearing conference was to make final preparation for a hearing on site suitability and environmental matters.

During the telephone conference, it was disclosed by counsel for Applicant that the 15.4 percent interest in the PVNGS of Tucson Gas and Electric Company (T.G. & E.) has been sold to Southern California Edison Company (SCE), and that, while the existing transmission facilities are adequate to carry SCE's share of power from Unit 1 of PVNGS, a new transmission line will be required to supply SCE with its share of power from Units 2 and 3 of PVNGS. Currently, the new transmission line (identified as Project 4 by Applicant) is planned to connect with existing facilities of APS approximately 100 miles from the PVNGS. More details are supplied in a filing of Applicant dated October 10, 1975.

Counsel for Applicant stated that Applicant is quite desirous of obtaining a Construction Permit by May 1, 1976, and hope that hearings can be scheduled so as to enable the Board to render its opinions with this date in mind.

In view of the above, at the Third Prehearing Conference there will be considered the effect of change of ownership and the addition of Project 4 on the times for hearings. If possible, plans will be made for a complete hearing on site suitability and environmental matters. If this is not possible, the holding of a bifurcated hearing on these matters will be considered and decided.

The gist of the telephone conference on the subject of discovery was that discovery will be substantially complete by the time of the Third Prehearing Conference. Intervenor Cardamone promised to have his answers in the mail during the weekend of October 4 and 5.

Such other matters as will expedite the proceeding will be dealt with at the Third Prehearing Conference.

Issued at Bethesda, Maryland, this 15th day of October 1975.

By order of the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc.75-28195 Filed 10-20-75;8:45 am]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses No. DPR-38, DPR-47 and DPR-55 issued to Duke Power Company (the licensee) for operation of the Oconee Nuclear Station, Units 1, 2 and 3 (the facility), located in Oconee County, South Carolina.

The amendments would revise the provisions in the Technical Specifications relating to the capacity for storage of new or spent fuel in Oconee Unit No. 3 spent fuel pool. The proposed modifications would increase the storage capacity from 216 to 474 fuel assemblies by replacing the existing storage racks with those of a design capable of accommodating an increased number of assemblies, in accordance with the licensee's application for amendment dated September 12, 1975.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 20, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. Troy B. Conner, Conner, Hadlock & Knotts, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated September 12, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #No. 1, Division of Reactor Licensing.

[FR Doc.75-28196 Filed 10-20-75;8:49 am]

[Docket Nos. 50-514, 50-515]

PORTLAND GENERAL ELECTRIC CO. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 AND 2)

Schedule for Evidentiary Hearing

The evidentiary hearing for the above proceeding will resume at 10:00 a.m., local time, on Monday, December 1, 1975, at the following location:

U.S. Court of Appeals Courtroom, The Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oregon 97204.

Members of the public are invited to attend this hearing.

IT IS SO ORDERED.

Dated at Bethesda, Maryland this 14th day of October 1975.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.75-28197 Filed 10-20-75;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment discontinues the Baily Cove Intensive Study on resident benthic fauna, includes the mixing zone criteria in accordance with the Atomic Safety and Licensing Appeal Board's decision, and deletes several of the sampling stations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commissions' 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 applications for amendment dated September 18, 1974, and June 2, 1975, and (2) Amendment No. 15 to License No. DPR-36 with Change No. 23. Both of these items are available for public inspection at the Commissions' Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of item (2) 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 14th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch 4, Division of Reactor Licensing.

[FR Doc.75-28198 Filed 10-20-75;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Nuclear Power Station located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

This amendment revises the provisions in the Technical Specifications to allow plugging of two flux detector thimbles.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice or 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 September 22, 1975, (2) Amendment No. 17 to License No. DPR-3 with Change No. 122, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581.

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 14th day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-28199 Filed 10-20-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations, and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70, Revision 2, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—LWR Edition," identifies the principal information that should be provided by applicants in safety analysis reports for light-water-cooled reactors and provides a uniform format for presenting the information. This edition, which will replace the October 1972 issue (Revision 1), reflects changes in the NRC staff's information needs and review procedures. Revision 2 of the Standard Format was developed in parallel with and is keyed to the Standard Review Plans prepared by the NRC's Office of Nuclear Reactor Regulation. Use of Revision 2 of the Standard Format and the Standard Review Plans will contribute to a more uniform, effective, and efficient licensing process. Revision 2 incorporates, among other things, changes previously announced in Regulatory Guides 1.70.1 through 1.70.38. Accordingly, these guides will be withdrawn.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.70 will, however, be particularly useful in updating Revision 2 of the Standard Format if received by December 19, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Because of the size of Regulatory Guide 1.70 (Revision 2), copies will not be available from the U.S. Nuclear Regulatory Commission. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Document No. NUREG-75/094, paper copy: $10.00; microfiche: $2.25) Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 14th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-28200 Filed 10-20-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Revision 15; Amendment 4]

ASSISTANT BRANCH MANAGER

Delegation of Authority

Delegation of Authority No. 30, Revision 15 (40 FR 11165, as corrected 14134), as amended (40 FR 20691, 26317, and 40217 as corrected 41862), is hereby further amended to delegate certain authorities to the Biloxi, Mississippi Branch Office. This amendment also includes an inadvertent omission of "Branch Counsel" from Part VIII, Section B, paragraph 3 of Amendment 3.

As amended, Delegation of Authority No. 30, Revision 15, reads as follows:

* * * * *

PART I.—*Financing program*

SECTION A—LOAN APPROVAL AUTHORITY

	Approve	Decline
1. *Business and handicapped assistance loans (Small Business Act (SBAct)).* * * *		
b. Assistant branch manager for F. & I., Biloxi branch office only	$200,000	$300,000
2. *Economic opportunity loans (EOL) (SBAct).* * * *		
h. Assistant branch manager for F. & I., Biloxi branch office only	50,000	50,000
3. *Product disaster and economic injury disaster loans (SBAct).* * * * up to the following amounts (SBA share):		
a. *Direct and immediate participation loans:* * * *		
(8) Assistant branch manager for F. & I., Biloxi branch office only	200,000	
b. *Guaranty loans:* * * *		
(8) Assistant branch manager for F. & I., Biloxi branch office only	500,000	
4. *Sections 7(b)(3), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8), and 7(g) Loans (SBAct).* * * *		
a. *Direct and immediate participation loans:* * * *		
(8) Assistant branch manager for F. & I., Biloxi branch office only	300,000	
b. *Guaranty loans:* * * *		
(8) Assistant branch manager for F. & I., Biloxi branch office only	500,000	

SECTION B—OTHER FINANCING AUTHORITY FOR ALL TYPES OF LOANS CONTAINED IN SECTION A ABOVE

1. *Loan participation agreements.* * * *
g. Assistant branch manager for F. & I., Biloxi branch office only

2. *Loan authorizations*
a. * * *
(8) Assistant branch manager for F. & I., Biloxi branch office only

b. * * *
(8) Assistant branch manager for F. & I., Biloxi branch office only

3. *Disbursement period extension.* * * *
a. Without limitation: * * *
(6a) Assistant branch manager for F. & I., Biloxi branch office only

* * * * *

4. *Service Charges.* * * *
(8) Assistant branch manager for F. & I., Biloxi branch office only

PART II.—*Disaster program*

* * * * * *

SECTION A—DISASTER LOAN AUTHORITY

	Home loans	Business loans
1. *Direct and immediate participation 7(b)(1) physical disaster loans (SBAct).*		
a. * * *		
(1) *Home loans:* * * *		
(i) Assistant branch manager for F. & I., Biloxi branch office only		
(2) *Business loans:* * * *		
(i) Assistant branch manager for F. & I., Biloxi branch office only	$500,000	
2. *Guaranteed Physical Disaster Loans 7(b)(1) (SBAct).* * * *		
(i) Assistant branch manager for F. & I., Biloxi branch office only	100,000	$500,000
3. *Direct and immediate participation economic injury disaster loans (SBAct).* * * *		
(i) Assistant branch manager for F. & I., Biloxi branch office only		300,000
4. *Guaranteed economic injury disaster loans (SBAct).* * * *		
(i) Assistant branch manager for F. & I., Biloxi branch office only		500,000
5. *Processing representative.* * * *		
(f) Assistant branch manager for F. & I., Biloxi branch office only		

* * * * * *

7. *Disaster loan authorizations.*
a. * * *
(7) Assistant branch manager for F. & I., Biloxi branch office only
(8) Disaster branch manager
b. * * *
(8) Assistant branch manager for F. & I., Biloxi branch office only
(9) Disaster branch manager
8. *Disbursement period extension on disaster loans.* * * *
a. * * *
(7a) Assistant branch manager for F. & I., Biloxi branch office only

* * * * * *

PART IV.—*Portfolio management (PM) program*

SECTION A—PORTFOLIO MANAGEMENT, SERVICING, COLLECTION, AND LIQUIDATION AUTHORITY

1. * * *
EXCEPT:
a. * * *
b. * * *
c. * * *
d. * * *
(6) Assistant branch manager for F. & I., Biloxi branch office only.
(7) Chief, PM division, Biloxi branch office only.

* * * * * *

PART VIII.—*Legal services*

* * * * * * *

SECTION B—LOAN CLOSING AUTHORITY

1. ***
2. ***
3. ***
h. Branch counsel.
i. Attorney, branch office.

Effective date: October 21, 1975.

DANIEL T. KINGSLEY,
Associate Administrator for Operations.

[FR Doc.75-28193 Filed 10-20-75;8:45 am]

HELENA DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Helena District Advisory Council will hold a public meeting at 1 p.m., Wednesday, November 5, 1975, at the Montana Club, Fuller Street and Sixth Avenue, Helena, Montana, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Ottley R. Tschache, P.O. Box 1690, Helena, Montana 59601, (406) 585-5429.

Dated: October 10, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-28187 Filed 10-20-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-225]

INTERNATIONAL RESISTANCE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 10, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of International Resistance Company, Burlington, Iowa, a division of TRW, Incorporated, Cleveland, Ohio (TA-W-225). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with metal film and carbon film resistors produced by International Resistance Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a sub-

stantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28319 Filed 10-20-75;8:45 am]

[TA-W-115]

MIDWEST HANDBAG CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-115; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 14, 1975 in response to a worker petition received on that date which was filed by management and the Textile Workers Union of America on behalf of workers formerly producing ladies' handbags.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 37276) on August 26, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Midwest Handbag Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Midwest Handbag Company became totally or partially separated in the first half of 1975. Employment declined 73 percent in the first half of 1975 compared to the like period in 1974. The plant closed in June, 1975. Average weekly hours worked declined 16 percent in the first half of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales, in units, at the Midwest Handbag Company declined 83 percent in the first half of 1975 compared to the like period in 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with plastic handbags produced at the Midwest Handbag Company increased, in value, from $29.6 million in 1971 to $43.0 million in 1974. Imports, in quantity, of plastic handbags increased 37.1 million units in 1971 to 40.0 million units in 1973. In 1973 Midwest's only customer began switching to imported ladies' plastic handbags.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of ladies' handbags at Midwest was caused by the loss of sales to competitive imports. In 1973, Midwest's sole customer began switching completely to imports. In subsequent years, Midwest was unable to manufacture the style of handbag desired by its customer at the import price. The company was unsuccessful in its attempts to find new customers; consequently, it ceased all production and closed the plant in June 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' handbags contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

All hourly, piecework, and salaried workers employed at the Midwest Handbag Company who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-28322 Filed 10-20-75;8:45 am]

[TA-W-223]

OREGON STEEL MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 10, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Oregon Steel Mills, Portland, Oregon, a division of Gilmor Steel Corporation, Portland, Oregon TA-W-223). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with flat rolled steel products produced by Oregon Steel Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28320 Filed 10-20-75;8:45 am]

[TA-W-224]

TOWN AND COUNTRY SHOES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 10, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Teamsters Union on behalf of the workers and former workers of Sedalia, Missouri plant of Town and Country Shoes, Incorporated, St. Louis, Missouri (TA-W-224). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Town and Country Shoes, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28321 Filed 10-20-75;8:45 am]

[TA-W-109]

WARWICK ELECTRONICS, INC.

Determination Concerning Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-109; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 11, 1975 in response to a worker petition received on August 11, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing color televisions and stereos at the Forrest City plant of Warwick Electronics, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36635) on August 21, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Warwick Electronics, its customers, the Electronic Industry Association, the U.S. International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at the Electronics plant of Warwick Electronics declined 43 percent in the first half of 1975 compared to the first half of 1974. The average number of production workers at the Components plant of Warwick Electronics declined 20 percent in the first half of 1975 compared to the first half of 1974.

Sales or production, or both, have decreased absolutely. Unit production of portable color television receivers at the Forrest City plant declined 3 percent in 1974 compared to 1973. Sales value and unit production of portable color television receivers at the Forrest City plant declined 49 percent and 50 percent respectively in the first half of 1975 compared to the first half of 1974. Sales value and unit production of console color televisions at the Forrest City plant declined 8 percent and .2 percent respectively in 1974 compared to 1973. Sales value and unit production of console color televisions at the Forrest City plant declined 66 percent and 67 percent respectively in the first six months of 1975 compared to the first six months of 1974. Both sales value and unit production of console stereo phonographs at the Forrest City plant declined 42 percent in 1974 compared to 1973. Sales value and unit production of console stereo phonographs at the Forrest City plant declined 82 percent and 81 percent respectively in the first six months of 1975 compared to the first six months of 1974.

Increased imports contributed importantly. Imports of color television re-

ceivers like or directly competitive with those produced at the Forrest City Electronics plant increased from 917 million units in 1970 to 1,459 million units in 1973, then declined to 1,303 million units in 1974. The ratio of imports to domestic consumption and production increased from 16.3 percent and 18.9 percent, respectively in 1973 to 18.4 percent and 21.7 percent, respectively in 1974. Imports of console color televisions are believed to be negligible. Imports of console phonographs like or directly competitive with those produced at the Forrest City Electronics plant decreased from 119,000 units in 1973 to 93,000 units in 1974. The ratio of imports to domestic production decreased from 10.5 percent in 1973 to 9.8 percent in 1974.

The Forrest City, Arkansas facilities of Warwick Electronics, Inc. consists of the Electronics plant and the Components plant. The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of portable color television receivers at the Forrest City Electronics plant was caused by the increased purchases of competitive imports by the major customer of Warwick's products. However, production lines at the Electronics plant were interchangeable for the production of portable television receivers, console television receivers and console stereos. The evidence further indicates that the separation of workers at the Components plant engaged in production of cabinets for console color televisions and console stereo phonographs resulted from a decline in sales caused by a shift in consumer demand for these products.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with portable color television receivers produced at the Forrest City Electronics plant contributed importantly to the total or partial separation of all of the workers of that plant. I further conclude that increases of imports like or directly competitive with the cabinets produced at the Forrest City Components plant did not contribute importantly to the total or partial separation of workers at that plant.

Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months prior to April 3, 1975, the effective date of the new vision of the Act, I make the following certification:

All hourly and salaried workers employed at the Forrest City, Arkansas Electronics plant of Warwick Electronics, Inc., who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-28323 Filed 10-20-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 890]

ASSIGNMENT OF HEARINGS

OCTOBER 16, 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 115841 Sub 489, Colonial Refrigerated Transportation, Inc., now being assigned December 9, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 136669 Sub 4, Processed Beef Express, Inc., now being asignsed December 10, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 130262, Crimson Travel Service, Inc. d/b/a Crimson Travel Service, now assigned October 20, 1975, at Boston, Massachusetts, is postponed indefinitely.

MC 33446 Sub 3, The Redifer Bus Company, now assigned November 12, 1975, at Cleveland, Ohio; will be held in Room 455 Federal Building, 1240 East 9th Street.

MC 52861 Sub 39, Wills Trucking, Inc., now assigned November 19, 1975, at Columbus, Ohio; will be held in Room 235 Federal Office Building, 85 Marconi Boulevard.

MC 106644 Sub 198, Superior Trucking Company, Inc. and MC 135813 Sub 5, Parr Trucking Service, Inc., now being assigned December 11, 1975 (2 days), at Louisville, Kentucky, in a hearing room to be designated later.

MC 126305 Sub 69, Boyd Brothers Transportation Co., Inc., now being assigned December 16, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 116014 Sub 73, Oliver Trucking Company, Inc., now being assigned December 17, 1975 (3 days), at Louisville, Kentucky, in a hearing room to be designated later.

MC 128273 Sub 186, Midwestern Distribution, Inc., now being assigned December 15, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 111422 Sub 7, O. D. Anderson, Inc., now being assigned December 10, 1975 (3 days), at Youngstown, Ohio; in a hearing room to be designated later.

MC 8958 Sub 29, The Youngstown Cartage Co., now being assigned December 15, 1975 (1 day), at Columbus, Ohio; in a hearing room to be designated later.

MC 116763 Sub. 306, Carl Subler Trucking, Inc., now being assigned December 16, 1975 (2 days), at Columbus, Ohio; in a hearing room to be designated later.

MC 114273 Sub 229, CRST, Inc., now assigned November 4, 1975, at Denver, Colorado, is cancelled and application dismissed.

MC 119632 Sub 61, Reed Lines, Inc., now being assigned December 18, 1975 (2 days) at Columbus, Ohio; in a hearing room to be designated later.

AB-43 Sub 4, Illinois Central Gulf Railroad Company Abandonment Between Silver Creek, Lawrence County, and Mendenhall, Simpson County, Mississippi, now assigned October 16, 1975 at Mendenhall, Mississippi, is canceled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28326 Filed 10-20-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 16, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 5, 1975.

FSA No. 43063—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., (No. 2), for itself and interested rail carriers. Rates on general commodities, from ports and terminals in the Mediterranean Sea of Mamara, Atlantic coast of Spain, Portugal and Morocco and the Bay of Biscay, to railroad terminals at U.S. Pacific coast ports.

Grounds for relief—Water competition.

Tariff—American Export Lines, Inc., Westbound Mediterranean Pacific Coast joint container tariff I.C.C. No. 2, F.M.C. No. 169. Rates are published to become effective on November 14, 1975.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28325 Filed 10-20-75;8:45 am]

[AB 46 (Sub-No. 7); AB 7 (Sub-No. 12)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Certain Lines in Iowa

AB 46 (Sub-No. 7); Chicago, Rock Island and Pacific Railroad Company abandonment between West Union and Linn Junction, Iowa in Fayette, Buchanon, and Linn Counties, Iowa; AB 7 (Sub-No. 12); Chicago, Milwaukee, St. Paul and Pacific Railroad Company

abandonment between Hopkinton and Jackson Junction in Delaware, Clayton, Fayette and Winneshiek Counties, Iowa.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicants be, and they are hereby, directed to publish the appended notice in a newspaper of general circulation in Fayette, Buchanan, Linn, Delaware, Clayton and Winneshiek Counties, Iowa, on or before October 31, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 6th day of October 1975.

By the Commission, Commissioner Brown.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 46 (Sub-No. 7)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN WEST UNION AND LINN JUNCTION, IOWA IN FAYETTE, BUCHANAN, AND LINN COUNTIES, IOWA

[AB 7 (Sub-No. 12)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN HOPKINTON AND JACKSON JUNCTION IN DELAWARE, CLAYTON, FAYETTE AND WINNESHIEK COUNTIES, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated October 6, 1975, it has been determined that the proposed abandonments by the Chicago, Rock Island and Pacific Railroad Company of its Branch line extending 70.58 miles between West Union and Linn Junction in Fayette, Buchanan, and Linn Counties, Iowa and the Chicago Milwaukee, St. Paul and Pacific Railroad Company of a portion of its branch extending 79.07 miles between Hopkinton and Jackson Junction in Delaware, Clayton, Fayette, and Winneshiek Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that traffic volume on both lines is low, consequently the environmental effects attendant to the diversion of traffic from rail to motor carrier upon abandonment should be minimal. No economic or industrial projects exist which are dependent on continued operation of the subject lines. A variety of transportation alternatives are available in the region including barge, motor carrier, and rail.

[FR Doc.75-28329 Filed 10-20-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 16, 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 Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 31, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 13250 (Sub-No. E1), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: J. H. ROSE TRUCKING LINES, INC., P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West Sixteenth St., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, and (B) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, over irregular routes; (18) between points in Nevada, on the one hand, and, on the other, points in Oklahoma, Pennsylvania, Tennessee, and Texas (Utah and Texas; Utah, Texas, and Oklahoma; Arizona, Utah, and Texas; or Arizona and Utah)*; (31) between points in Georgia, on the one hand, and, on the other, points in Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming (Texas; Texas and Utah; or Texas and Arizona)*; (E) *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (F) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (19) between points in Washington, on the one hand, and, on the other, points in Wyoming (Idaho)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to include (31) in parts A & B above; and to clarify the destination territory and gateway in (19) in parts E & F above; and to correct the destination in (18) in parts A & B.

No. MC 15558 (Sub-No. E5), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products;* (1) from points in Maryland and Delaware to points in Illinois, Indiana, and Michigan; (2) from those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 62,

thence along U.S. Highway 62 to the Pennsylvania-New York State line, to those points in the Lower Peninsula of Michigan, those in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line, and those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Illinois State line; (3) from points in Pennsylvania to those points in the Upper Peninsula of Michigan, those in Illinois on and south of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line, and those in Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Illinois State line.

(4) From those points in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, to points in Michigan and those in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line; and (5) from those points in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 32, thence along Virginia Highway 32 to the North Carolina-Virginia State line to points in Indiana and those in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub-No. E7), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave. Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products;* (1) from those points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line, to points in New York; (2) from those points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 20, thence along U.S. Highwy 20 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line; and (3) from those points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13 to Lake Erie, to New York, N.Y. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub-No. E14), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Delaware, Maryland, and the District of Columbia, on the one hand, and, on the other, those points in the Lower Peninsula of Michigan and those in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, and between points in New Jersey, Delaware, Maryland, Massachusetts, and the District of Columbia, on the one hand, and, on the other, those points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, and those in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Brideport, Ohio.

No. MC 15558 (Sub-No. E20), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods;* (1) between points in Pennsylvania, on the one hand, and, on the other, those points in the Upper Peninsula of Michigan, those in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Iowa State line, those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, those in Kentucky on, north, and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and those in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 27 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Tennessee-Georgia State line.

(2) Between those points in Pennsylvania, on, south, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Wisconsin, those in the Lower Peninsula of Michigan, those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line and those in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Iowa State line, those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, those in Kentucky on, north, and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and those in Tennessee on and west of a line beginning at the

Tennessee-Kentucky State line and extending along U.S. Highway 27 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Tennessee-Georgia State line.

(2) Between those points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Wisconsin, those in the Lower Peninsula of Michigan, those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line and those in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Iowa State line; and (3) between those points in Pennsylvania on, north, and west 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 U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Kentucky on, south, and east of a line beginning at the Kentucky-Virginia State line, and extending along U.S. Highway 421 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and those in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub-No. E22), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between those points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, on the one hand, and, on the other, those points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub-No. E24), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Columbus, Ohio, on the one hand, and, on the other, those points in West Virginia, on, north, and east of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 7 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 27817 (Sub E9), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, (1) from points in Delaware, and that part of Maryland on and east of U.S. Highway 15, to points to Kentucky (Baltimore, Md., Winchester, Va., the plantsite of Musselman Fruit Products, Division of Pet, Ind., at Inwood, W. Va., and Morgan County, W. Va.)*; and to points in Ohio and West Virginia (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Ind., at Inwood, W. Va.)*; (2) from points in that part of Virginia on and north of U.S. Highway 60 to points in Ohio (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.)*; (3) from points in Virginia (except points in the Del Marina Peninsula) to points in West Virginia (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.)*; (4) from points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along the Susquehanna River to Harrisburg, thence along U.S. Highway 322 to the Pennsylvania-New Jersey State line, to points in Ohio (except Ashtabula, Lake, Warren, and Geauga Counties, Ohio), (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Ind. at Inwood, W. Va.)*; (5) from points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along the Susquehanna River to Harrisburg, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, to points in West Virginia (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.)*; and to points in Kentucky (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va., and Morgan County, Va.)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 29079 (Sub-No. E40), (Correction), filed January 23, 1975, published in the FEDERAL REGISTER September 11, 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 & H, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities;* (13) between points in Lenawee, Monroe, and Washentaw Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, McDonough, Fulton, Peoria, Woodford, McLean, DeWitt, Piatt, Champaign, and Vermilion Counties, and St. Louis, Mo. 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. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E43), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: DALLAS & MAVIS FORWARDING, CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks,* and *self-propelled building, construction, and moving machinery*, which because of weight and size require special equipment and handling, and *self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks,* and *self-propelled building, construction, and moving machinery*, each weighing 15,000 pounds or more; (1) from points in New York, . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E47), (correction), filed May 31, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Road construction* and *earth moving machines and equipment* (except trailers designed to be drawn by a truck tractor), the transportation of which because of size or weight require the use of special equipment, and *self-propelled road construction*, and *earth moving machines and equipment*, each weighing 15,000 pounds or more; (1) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and New York to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Oregon, Washington, and California. The purpose of this filing is to eliminate the gateways of those points in that portion of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and South Bend, Ind. The purpose of this partial correction is to correct the destination territory. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E62), (correction), filed May 16, 1974, published September 16, 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: *Contractor's equipment*, the transportation of which because of size or weight require the use of special equipment; (6) between points in Wisconsin, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan and extending along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to Lake Huron; and *contractors' equipment*, between points in Wisconsin, on the one hand, and, on the other, points in Ohio (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line) *, and between points in New Jersey, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine (New York) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial description above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E93) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER June 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, restricted to dump-truck bodies, from those points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line, . . . those in Nebraska on and west of U.S. Highway 281, those in South Dakota on and west of U.S. Highway 281, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Marion, Ohio, and points within five miles thereof. The purpose of this partial correction is to clarify the destination areas and the gateway. The remainder of this letter-notice remains as previously published.

No. MC 37218 (Sub E6), filed May 31, 1974. Applicant: VIRGINIA CAROLINA FREIGHT LINES, INC., P.O. Box 4988, Martinsville, Va. 24112. Applicant's representative: T. C. Clark (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in West Virginia within 150 miles of Wythe County, Virginia, on the one hand, and, on the other, points in the District of Columbia, North Carolina, Virginia, points in Maryland within 55 miles of Gaithersburg, Maryland, and points in that part of Pennsylvania bounded by a line beginning at Philadelphia, Pennsylvania, and extending along U.S. Highway 611 to Easton, Pennsylvania, thence along a line extending from Easton through Albany, Pennsylvania, to Pine Grove, Pennsylvania, thence along a line extending from Pine Grove through Linglestown, Pennsylvania, to Harrisburg, Pennsylvania, thence along U.S. Highway 230 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to Lancaster, Pennsylvania and thence along U.S. Highway 30 to point of beginning, also points in that part of Pennsylvania south of U.S. Highway 1 between Philadelphia, Pennsylvania, and Morrisville, Pennsylvania, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of points in Virginia within 150 miles of Wythe County, Virginia. Points in Virginia within 55 miles of Gaithersburg, Maryland and Baltimore, Maryland.

No MC 41406 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (a) between points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 30 to Sugar Grove, thence along Illinois Highway 56 to Chicago, thence along Interstate Highway 90 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Indiana, . . .; (c) between points in Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Indiana on, north, and east of a line . . .; (d) between points in Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to Bloomington, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 30; and (e) between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway to Galesburg, thence to junction U.S. Highway 6, thence along U.S. Highway 6 to Joliet, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Indiana . . . The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this partial correction is to clarify the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E7), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from Middletown, Ohio, to points in Wisconsin west and north of Vernon, Juneau, Adams, Marquette, Waushara, Waupaca, Shawano, Oconto, and Marinette Counties, including points within these counties. The purpose of this filing is to eliminate the gateway of the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill. The purpose of this correction is to correct typographical errors above.

No. MC 41406 (Sub-No. E15), (correction), filed May 15, 1974, published in the FEDERAL REGISTER September 22, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building and construction materials, from those points in . . . thence along U.S. Highway 218 to Cedar Rapids, Iowa, thence along U.S.

Highway 151 to junction Iowa Highway 13, thence along Iowa Highway 13 to Marquette, Iowa, to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateway of the plant-site of Jones & Laughlin Steel Corporation located in Putnam County, Ill. The purpose of this partial correction is to correct a typographical error above. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E16), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 22, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (c) from points in Illinois (except points in Jo Daviess, Stephenson, Winnebago, Lake, Kane, Boone, DeKalb, Ogle, Carroll, Whiteside, McHenry, Lee, Rock Island, Mercer, Henry, and Bureau Counties), to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this partial correction is to delete the exception and to correct a typographical error. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E17), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (a) from Kokomo, Ind., . . . The purpose of this filing is to eliminate the gateway of Gary, Ind. (Chicago, commercial zone, and Portage, Ind.). The purpose of this partial correction is to delete the exception. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E23), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209; (b) from points in Morgan, Macon, Sangamon, Christian, Mason, Montgomery, Macoupin, and Madison Counties, Ill., and that part of St. Clair County, Ill., on and north of Illinois Highway 161 (including East St. Louis, Ill.), to points in Defiance, Fulton, Hancock, Henry, Lucas, Paulding, Putnam, Williams, and Wood Counties, Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone. The purpose of this partial correction is to correct the highway description above. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E81), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, by reason of their size or weight, requires the use of special equipment, . . . thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Michigan, and between points in West Virginia, on the one hand, and, on the other, those points in the Upper Peninsula of Michigan on and north of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Brooke, Hancock, Marshall, and Ohio Counties, W. Va., Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and, on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 61825 (Sub-No. E201), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies*, used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 10 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 72, thence along Wisconsin Highway 72 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line to points in Maryland on and south of a line beginning at the Virginia-Maryland State line near Washington, D.C., thence along the Washington, D.C., boundary line to U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E202), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 10 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 72, thence along Wisconsin Highway 72 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E203), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line, thence along the Carroll-Patrick County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42

to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E204), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along U. S. Highway 10 to junction U. S. Highway 63, thence along U. S. Highway 63 to junction Wisconsin Highway 72, thence along Wisconsin Highway 72 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to junction Wisconsin Highway 64 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 221 to junction Virginia Highway 94 thence along Virginia Highway 94 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the Rockingham-Shenandoah County line, thence along the Rockingham-Shenandoah County line to junction Virginia Highway 260, thence along Virginia Highway 260 to junction U.S. Highway 211, thence along U.S. Highway 211 to the Virginia-Maryland State line, and points located north and west of a line beginning at the North Carolina-Virginia State line, thence along the Carroll-Patrick County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E205), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on and north of a line beginning on Lake Michigan and extending along U.S. Highway BR 94 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 39, thence along Michigan Highway 39 to the United States-Canada International Boundary line to points in Virginia bounded by a line beginning at the North Carolina-Virginia State line, thence along the Henry-Pittsylvania County line to the Franklin-Pittsylvania County line, thence along the Franklin-Pittsylvania County line to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 43, thence along Virginia Highway 43 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 13, thence along Virginia Highway 13 to junction Virginia Highway 681, thence along Virginia Highway 681 to junction Virginia Highway 38, thence along Virginia Highway 38 to junction Virginia Highway 153, thence along Virginia Highway 153 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 627, thence along Virginia Highway 627 to junction Virginia Highway 703, thence along Virginia Highway 703 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 35, thence along Virginia Highway 35 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 653, thence along Virginia Highway 615 to junction Virginia Highway 616, thence along Virginia Highway 616 to junction U.S. Highway 13, thence along U.S. Highway 13 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line, to the point of beginning. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E206), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va., 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on, north, and west of a line beginning at Lake Michigan and extending along the Black River to U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 27, thence along U.S. Highway to junction Michigan Highway 61, thence along Michigan Highway 61 to junction U.S. Highway 23, thence along U.S. Highway 23 to Tawas City, Mich., thence across the Tawas Bay to Lake Huron to points in Virginia bounded by a line beginning at the North Carolina-Virginia State line and extending along the Patrick-Henry County line to Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 664, thence along Virginia Highway 664 to junction Virginia Highway 151, thence along Virginia Highway 151 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 238, thence along Virginia Highway 238 to junction U.S. Highway 17, thence along U.S. Highway 17 to the York River, thence along the York River and Chesapeake Bay to the Atlantic Ocean.

Thence along the Atlantic Shore to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to U.S. Highway 13, thence along U.S. Highway 13 to junction Virginia Highway 616, thence along Virginia Highway 616 to junction Virginia Highway 653, thence along Virginia Highway 653 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 35, thence along Virginia Highway 35 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Virginia Highway 703, thence along Virginia Highway 703 to junction Virginia Highway 627, thence along Virginia Highway 627 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 153, thence along Virginia Highway 153 to junction Virginia Highway 38, thence along Virginia Highway 38 to junction Virginia Highway 681, thence along Virginia Highway 681 to junction Virginia Highway 13, thence along Virginia Highway 13 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 56, thence

along Virginia Highway 56 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 43, thence along Virginia Highway 43 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 40, thence along Virginia Highway 40 to the Franklin-Pittsylvania County line, thence along the Franklin-Pittsylvania County line to the Henry-Pittsylvania County line, thence along the Henry-Pittsylvania County line to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E207), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on, north and west of a line beginning at Lake Huron extending along U.S. Highway 23 to junction Michigan Highway 61, thence along Michigan Highway 61 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Michigan, to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along North Carolina Highway 109 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction North Carolina Highway 68, thence along North Carolina Highway 68 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line, and west of a line beginning at the South Carolina-North Carolina State line extending along North Carolina Highway 38 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 22, thence along North Carolina Highway 22 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E208), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., PO Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along North Carolina Highway 38 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 22, thence along North Carolina Highway 22 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub. No. E209), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., PO Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on and north of a line beginning at Lake Huron extending along Michigan Highway 90 to junction Michigan Highway 24, thence along Michigan Highway 24 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction Michigan Highway 47, thence along Michigan Highway 47 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 115, thence along Michigan Highway 115 to Lake Michigan, thence across Lake Michigan to Green Bay, thence to the Wisconsin-Michigan State line, thence along the Wisconsin-Michigan State line to Lake Superior, to points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 17 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, and west of a line beginning at the Atlantic Ocean extending along U.S. Highway 21 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 303, thence along South Carolina Highway 303 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 102, thence along South Carolina Highway 102 to junction South Carolina Highway 742, thence along South Carolina Highway 742 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E210), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on and north of a line beginning at Lake Michigan extending along Michigan Highway 43 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 14, thence along Michigan Highway 14 to junction Michigan Highway 39, thence along Michigan Highway 39 to the United States-Canada International Boundary line, to points in South Carolina on and east of a line beginning at the Atlantic Ocean extending along U.S. Highway 21 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 303, thence along South Carolina Highway 303 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 102, thence along South Carolina Highway 102 to junction South Carolina Highway 742, thence along South Carolina Highway 742 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E211), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa on and west of a line beginning at the Iowa-Missouri State line extending along Iowa Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 146, thence along Iowa Highway 146 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 118, thence along Iowa Highway 118 to junction U.S. Highway 20, thence along U.S. Highway 20 to

junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line, to points in Maryland on and south of a line beginning at the Virginia-Maryland State line extending along the Washington, D.C., boundary line to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateway of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E212), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., PO Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa on and west of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 144, thence along Iowa Highway 144 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, to Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E213), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., PO Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa to points in Virginia on, east and south of a line beginning at the North Carolina-Virginia State line extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC-61825 (Sub-No. E214), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa on, north and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 96, thence along Iowa Highway 96 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line to points in North Carolina on and west of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line, and points on and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 521 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E215), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to junction U.S. Highway 29/70, thence along U.S. Highway 29/70 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E216), filed May 13, 1974, Applicant: ROY STONE TRANSFER CORP., PO Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa to points in South Carolina on and east of a line beginning at the Atlantic Ocean extending along the South Santee River to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 45, thence along South Carolina Highway 45 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction South Carolina Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction South Carolina Highway 377, thence along South Carolina Highway 377 to junction South Carolina Highway 261, thence along South Carolina Highway 261 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction South Carolina Highway 341, thence along South Carolina Highway 341 to junction South Carolina Highway 403, thence along South Carolina Highway 403 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 102, thence along South Carolina Highway 102 to junction Carolina Highway 742, thence along South Carolina Highway 742 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E592), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, Prince George, Southampton, Surry, and Suxxex Counties, Va., including independent Cities bounded by the above named Counties, and Chesapeake, Nansemond, Norfolk, Princess Anne, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E593), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and*

steel products, between points in Belmont County, Ohio on the one hand, and, on the other, points in Almance, Anson, Bladen, Brunswick, Carteret, Caswell, Chatham, Columbia, Craven, Cumberland, Duplin, Durham, Edgecomb, Franklin, Granville, Greene, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Randolph, Richmond, Robeson, Sampson, Scotland, Stanly, Union, Vance, Wake, Warren, Wayne and Wilson Counties, N.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E594), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Guernsey County, Ohio, on the one hand, and, on the other, points in North Carolina except points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Lincoln, McDowell, Macon, Madison Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E613), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 6th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Monroe County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Jefferson, and Morgan Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E614), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Crawford, Mercer, Armstrong, Erie, Venango, Beaver, Forest, Warren, Butler, Greene, Washington, Clarion, and Lawrence Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E615), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Boone, Lincoln, Pleasants, Wayne, Cabell, Logan, Putnam, Wirt, Jackson, Mason, Ritchie, Wood, Kanawha, Mingo, and Roane Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E616), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Columbiana County, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clearfield, Crawford, Clinton, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, Warren, Washington, and Westmoreland Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va.

No. MC 61825 (Sub E617), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Stark County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, Mercer, McKean, Potter, Tioga, Venango, Warren, Washington and Westmoreland Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E618), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Harrison County, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Fayette, Greene, Washington and Westmoreland Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E619), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. BOX 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Carroll County, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and points in Pennsylvania except points in Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Forest, Lawrence, Mercer, Venango, and Warren Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va.

No. MC 61825 (Sub E620), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. BOX 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in North Carolina except points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, McDowell, Macon, Madison, Mitchell, Polk, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 64932 (Sub E139), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from the plant sites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill., to those points in Kentucky on and west of a line beginning at the Illinois-Kentucky State line and extending along Kentucky Highway 91 to junction U.S. Alt. Highway 41, to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 73828 (Sub E2), filed July 8, 1974. Applicant: D & R MOVING & TRUCKING, INC., 249 Evans Ave., Oceanside, N.Y. 11572. Applicant's representative: Bruce J. Robbins, Suite 1515, One Lefrack City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, I.(a) between points in Connecticut, Massachusetts and Rhode Island, on the one hand, and, on the other, points in that part of New Jersey and Pennsylvania within 100 miles of Columbus Circle, New York, N.Y., and on and south of U.S. Highway 78. I(b) between points in New Jersey (except points in Sussex, Warren, Passaic, Hunterdon Counties and points in that part of Mor-

ris County west of Interstate Highway 87), and points in that part of Pennsylvania on and south of U.S. Highway 1 and within 100 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in that part of New York on and west of a line beginning at the United States-Canada International Boundary line, thence along New York Highway 30 to junction New York Highway 17, to the New York-Pennsylvania State line and on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62, to junction U.S. Highway 52, to the Niagara River, to Lake Ontario. II. between points in that part of Maryland, Virginia and the District of Columbia on and east of U.S. Highway 1, on the one hand, and, on the other, points in that part of Nassau and Suffolk Counties, N.Y., within 100 miles of Columbus Circle, New York, N.Y., and points in that part of Connecticut, New Jersey, and New York on and east of U.S. Highway 9W and within 100 miles of Columbus Circle, New York, N.Y. III. between points in that part of Fairfield County, Conn., on and south of a line beginning at the New York-Connecticut State line, thence along Connecticut Highway 123, to junction unnumbered highway, thence along unnumbered highway to N. Wilton, thence along Connecticut Highway 33 to junction Connecticut Highway 106, thence along Connecticut Highway 106 to junction Connecticut Highway 53, thence along Connecticut Highway 53 to junction Connecticut Highway 107, thence along Connecticut Highway 107 to junction unnumbered highway, thence along unnumbered highway to Redding Ridge, thence along Connecticut Highway 58 to Long Island Sound, on the one hand, and, on the other, points in that part of New York on and west of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 94842 (Sub-No. E1) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: ROBERT CROCKET, INC., 102 Crescent Ave., Chelsea, Mass. 02510. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * The purpose of this filing is to eliminate the gateway of points in Massachusetts. The purpose of this partial correction is to correct the gateway. The remainder of this letter-notice remains as previously published.

No. MC 106497 (Sub-No. E2) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: PARKHILL TRUCK CO., P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Ohio, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Oregon, Texas, Wyoming, and Washington. The purpose of this filing is to eliminate the gateways of Indiana and Wyoming. The purpose of this correction is to correct the destination states.

No. MC 106603 (Sub E38), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials, restricted to roofing and roofing materials*, from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along Ohio Highway 18 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 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 Ohio-West Virginia State line, to those points in Missouri within 10 miles of the west bank of Mississippi River. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E39), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing and roofing materials, from those points in Ohio bounded by a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 18, thence along Ohio Highway 18 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to the point of beginning and those bounded by a line beginning at Mansfield and extending along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 39, thence along Ohio Highway 39 to the point of beginning, to those points in Missouri within ten miles of the west bank of the Mississippi River beginning at St. Louis, Mo., and extending along the Mississippi River to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E40), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing and roofing materials, from those points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line, and south of a line beginning at the Ohio-Indiana State line and extending 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 Ohio-West Virginia State line to those points in Missouri within ten miles of the west bank of the Mississippi River beginning at U.S. Highway 54 and extending along the Mississippi River to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E41), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing materials, from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending 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 Ohio-West Virginia State line to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateway of Joliet, Ill.

No. MC 106603 (Sub-No. E42), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, from Lockland, Ohio, to those points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission (Vandalia, Ill.) *, and from the plantsite of Certain-Teed Products Corporation at Avery, Ohio, to those points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined

by the Commission (Indiana and Vandalia, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106603 (Sub-No. E43), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials, restricted to roofing and roofing materials*, from points in Indiana on and north of U.S. Highway 6 (except the plantsite of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind.), to those points in Missouri within 10 miles of the west bank of the Mississippi River. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 107993 (Sub E4), filed June 4, 1974. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 20096, Dallas, Tex. 75220. Applicant's representative: Joseph Willis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. *Plastic pipe* or *plastic tubing* which is *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *machinery, materials, equipment*, and *supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, or *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells. (A) between points in Arizona, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Florida, that part of Kentucky in and east of Mason, Robertson, Nicholas, Bourbon, Clark, Madison, Rockcastle, Pulaski, Wayne, and Clinton Counties, points in Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Virginia, and Vermont. (B) Between New Mexico, on the one hand, and, on the other, points in Georgia, Florida, North Carolina, South Carolina, and that part of Virginia in and east of King George, Caroline, Hanover, Henrico, Chesterfield, Dinwiddie, and Brunswick Counties; (C) between Louisiana, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Montana, that part of North Dakota in and west of Adams, Stark, Dunn, Mountrail, Burke, and Helfinger Counties, points in Oregon, Utah, Washington, and that part of Wyoming in and west of Sweetwater, Fremont, Natrona, Johnson, and Sheridan. II. *Plastic pipe and plastic tubing*, other than those commodities specified in (I) above, the transportation of which, because of size or weight, require the use of special equipment, (A) between points in Arizona, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Florida, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Virginia, and Vermont; (B) between points in New Mexico, on the one hand, and, on the other, points in Georgia, Florida, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 108207 (Sub-No. E40) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from points in California, New Mexico, Texas, and Arizona to Louisville, Ky., and Pittsburg, Pa. The purpose of this filing is to eliminate the gateway of Mt. Pleasant, Tex. The purpose of this correction is to correct the gateway.

No. MC 113855 (Sub-No. E118), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts*, and *sign accessories*, which, because of size or weight, require the use of special equipment; (1) from points in Washington and Oregon (except Douglas, Klamath, Lake, Coos, Curry, Josephine, and Jackson Counties), to points in New Mexico, Colorado, and Arizona (except Yuma County) (Clearfield, Utah)*; (2)(A) from points in California north of Monterey, San Benito, Fresno, and Inyo Counties, to points in Colorado; (B) from points in California in and south of Monterey, San Benito, Fresno, and Inyo Counties, to points in Colorado on and north of U.S. Highway 24; and (C) from points in California north of Alameda, San Joaquin, Calaveras, and Alpine Counties, to points in New Mexico north and east of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 60 to junction U.S. Highway 85, thence along U.S. Highway 85 to the United States-Mexico International Boundary line (Clearfield, Utah)*; (3) from points in Idaho to points in Arizona, Colorado, and New Mexico (Clearfield, Utah)*; (4)(A) from points in Nevada on and north of U.S. Highway 6 to points in Colorado; (B) from points in Nevada south of U.S. Highway 6 to points in Colorado on, north, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 40 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line; and (C) from points in Nevada to points in Wyoming and Montana (Clearfield, Utah)*;

(5) from points in Wisconsin, Iowa, Michigan, Ohio, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, District of Columbia, points in Illinois on and north of Illinois Highway 9, points in Indiana on and north of Indiana Highway 26, points in West Virginia on, north, and east of U.S. Highway 60, and points in Virginia on and north of U.S. Highway 60 and on and east of U.S. Highway 29, to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line (Clearfield, Utah)*; (6) from points in North Dakota to points in Arizona (except Cochise County) (South Dakota and Clearfield, Utah)*; (7) from points in South Dakota to points in Arizona on, north, and east of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 66 to junction Arizona Highway 77, thence along Arizona Highway 77 to junction U.S. Highway 89, thence along U.S. Highway 89 to the United States-Mexico International Boundary line (Clearfield, Utah)*; and (8) from points in Minnesota to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along Wisconsin Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line (points in Minnesota within 50 miles of Sioux Falls, S. Dak.; South Dakota; and Clearfield, Utah)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 108207 (Sub-No. E51) (correction), filed May 31, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products*, from Columbus Junction, Iowa, to points in New Mexico, Arizona, California, Texas, Louisiana, Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Texas, Oklahoma, and Arkansas. The purpose of this correction is to expand the gateways.

No. MC 113855 (Sub-No. E13), filed May 30, 1974. Applicant: INTERNA-

TIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Track-propelled passenger and cargo vehicles, and attachments* for such vehicles, which because of size or weight, require the use of special equipment, restricted that, or provided that, the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee or both, and (2) *Self-propelled, track-propelled passenger, and cargo vehicles*, each weighing 15,000 pounds or more, and related attachments when moving in connection therewith; (a) from points in Idaho, Washington, and Oregon to points in Texas, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, and South Carolina; (b) from points in Nevada on and north of U.S. Highway 6 to points in Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, and Texas (except west of U.S. Highway 385); (c) from points in Nevada to points in South Carolina, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, points in Florida on and east of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico, and points in Georgia on, north, and east of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 280 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line;

(d) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine Counties to points in Texas on, east, and north of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 87 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Gulf of Mexico and points in Oklahoma, Kansas, Arkansas, Louisiana, Alabama, Florida, Georgia, and South Carolina; (e) from points in Tuolumne, Mariposa, Merced, Madera, San Benito, Monterez, Fresno, Kings, Tulare, Mono, Santa Barbara, and San Luis Obispo Counties, Calif., to points in Kansas on and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, points in Alabama on and north of U.S. Highway 84, and points in Florida, Georgia and South Carolina; (f) from points in Kern, Ventura, Los Angeles, and Orange Counties, Calif., and those points in San Bernadino and Riverside Counties, Calif., on and west of U.S. Highway 395, to points in South Carolina; Miami, Fla.; points in Kansas on and north Interstate Highway 70, points in Alabama on and north of U.S. Highway 278, and points in Georgia on, north, and east of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 278 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Florida-Georgia State line; and (g) from points in San Diego County, Calif., to points in Kansas on and north of U.S. Highway 24, and points in South Carolina on, north, and east of Interstate Highway 26. The purpose of this filing is to eliminate the gateway of Logan, Utah.

No. MC 114855 (Sub-No. E54), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size or weight, require the use of special equipment, and *related machinery, parts*, and *related contractors' materials, and supplies*, when their transportation is incidental to the transportation by the specified commodities (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Missouri; and (b) between points in Minnesota on, north, and west of Minnesota Highway 60, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 69 to junction Missouri Highway 10, thence along Missouri Highway 10 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E72), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts*, and *related contractors' materials and, supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) Self-propelled articles, each weighing 15,000 pounds or more and *related* machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Colorado and North Dakota, on the one hand, and, on the other, points in New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, and the District of Columbia [South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.]*; and (b) between points in North Dakota, and the one hand, and, on the other, points in West Virginia and Kentucky (South Dakota and Elgin, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E79), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, (except boats), which because of size or weight require the use of special equipment, *and related machinery, parts, and related contractors' materials, and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in California, on the one hand, and, on the other, points in North Dakota (Utah or Nebraska, and South Dakota)*; (b) between points in Oregon, on the one hand, and, on the other, points in South Dakota (Utah or Montana)*; (c) between points in Oregon, on the one hand, and, on the other, points in Nebraska, Iowa, Missouri, Illinois, Ohio, Kentucky, West Virginia, Pennsylvania, New Jersey, Massachusetts, Connecticut, New York, Rhode Island, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia (Utah)*; (d) between points in Oregon, on the one hand, and, on the other, points in Kansas (Utah and South Dakota)*; (e) between points in Oregon, on the one hand, and, on the other, points in Minnesota (Utah and South

Dakota, or Montana, points in South Dakota east of the Missouri River and North Dakota)*; (f) between points in Oregon, on the one hand, and, on the other, points in Michigan and Wisconsin (Utah; or Montana and points in South (g) between points in Washington, on the one hand, and, on the other, points in Nebraska, Iowa, Illinois, Missouri, Kentucky, Indiana, Ohio, West Virginia, Virginia, North Carolina, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia (Utah; or Montana and points in South Dakota east of the Missouri River)*;

(h) between points in Washington, on the one hand, and, on the other, points in Minnesota (Montana, points in South Dakota east of the Missouri River and North Dakota)*; (i) between points in Washington, on the one hand, and, on the other, points in Michigan and Wisconsin (Utah; or Montana and points in South Dakota east of South Dakota Highway 73)*; (j) between points in Nevada, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, the District of Columbia, and South Dakota (Utah)*; (k) between points in Nevada, on the one hand, and, on the other, points in North Dakota and Minnesota (Utah and South Dakota)*; (l) between points in Idaho, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia (Utah)*; (m) between points in Idaho, on the one hand, and, on the other, points in Wisconsin (Utah or Montana or Montana and South Dakota)*; (n) between points in Idaho, on the one hand, and, on the other, points in Minnesota (Utah and South Dakota; Montana and points in South Dakota east of the Missouri River or North Dakota)*; and (o) between points in Idaho, on the one hand, and, on the other, points in Iowa (Utah or points in South Dakota east of the Missouri River)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E80), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials, and supplies*, when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in California, on the one hand, and, on the other, (i) points in South Dakota (Nebraska)*, and (ii) points in Minnesota (Iowa or Nebraska, and points in Minnesota within 50 miles of Sioux Falls, S. Dak.)*; (b) between points in Utah, on the one hand, and, on the other, points in North Dakota and Minnesota (South Dakota)*; and (c) between points in Montana, on the one hand, and, on the other, points in Iowa, Ohio, and Pennsylvania (points in South Dakota east of the Missouri River)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E85), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight, require the use of a special equipment, and *related machinery, parts, and related contractors' materials, and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) (1) between points in North Dakota, on the one hand, and, on the other, points in New York in and east of Monroe, Livingston, and Steuben Counties, points in Maryland (except in and west of Frederick County), points in Virginia on and east of U.S. Highway 301, and points in North Carolina in and east of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties; (ii) between points in North Dakota on and west of U.S. Highway 83 to points in North Carolina west of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties, and east of U.S. Highway 15, and points in South Carolina on and east of U.S. Highway 52 (South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania, on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.); (b) between points in South Dakota, on the one hand, and, on the other, points in New York on and east of U.S. Highway 15, points in Maryland (except Garrett County), the District of Columbia, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 87 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, and points in Virginia east of Alleghany, Rockbridge, Bedford, and Pittsylvania Counties (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring to junction U.S. Highway 15 thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.) (Massachusetts)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E97), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities* (except boats), which because of size or weight require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers), between points in Idaho, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81 (Utah, Montana, or Wyoming, and points in South Dakota east of the Missouri River)*; (B) (1) *Heavy machinery and other contractors' materials, supplies, and equipment* which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported

on trailers), between points in Idaho, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 283 (Montana or Wyoming, and points in South Dakota east of South Dakota Highway 73) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E100), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* (except boats), which because of size or weight require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Oregon and points in Washington (except Pend Oreille, Stevens, Ferry, Spokane, and Lincoln Counties), on the one hand, and, on the other, points in Colorado on, east, and north of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateways of Utah and South Dakota.

No. MC 113855 (Sub-No. E110), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bulldozers, tractors* (except truck tractors), *mining machinery, air-power locomotives, scrapers, filter machines*, and *power loading and unloading machinery*, restricted to commodities which because of size or weight require special equipment, and *related attachments and parts*, moving in connection therewith, and (2) *Self-propelled articles* as described in (1) above, each weighing 15,000 pounds or more, and related machinery and parts moving in connection therewith (restricted to commodities transported on trailers); (a) from points in Orgeon to points in Mississippi, Alabama, Florida, Georgia, South Carolina, and Tennessee; (b) from points in Nevada to points in Florida, Georgia, South Carolina, Tennessee, and Alabama; (c) from points in Nevada (except Clark County), to points in Mississippi; (d) from points in California in and north of Ventura, Kern, and Inyo Counties, to points in Alabama and Florida; and (e) from points in California on and north of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 74, thence along California Highway 74 to the Pacific Ocean, to points in Georgia, South Carolina, Alabama (except Choctaw, Washington, Mobile, Baldwin, and Clarke Counties), and points in Florida east of U.S. Highway 319. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 113855 (Sub-E111), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) airplant loading, maintenance and baggage handling equipment, which by reason of size or weight requires the use of special equipment, and (2) self-propelled airplane loading, maintenance and baggage handling equipment, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (A) from points in Oregon on and west of U.S. Highway 97 to points in Arizona, Texas, Arkansas, Louisiana, Alabama, Georgia, Florida, South Carolina, and points in Oklahoma on and south of Interstate Highway 40. (B) from points in Washington to points in Arizona on and south of a line beginning at the California-Arizona State line and extending along U.S. Highway 60 to junction U.S. Highway 70 to the Arizona-New Mexico State line. (C) from points in Washington on and west of Interstate Highway 5 to points in Arizona, Louisiana, Florida, South Carolina, points in Arkansas on and south of U.S. Highway 82, points in Texas on and south of a line beginning at the Arkansas-Texas State line and extending along Interstate Highway 30 to junction Interstate Highway 20, to junction Interstate Highway 10 to the Texas-New Mexico State line, points in Alabama on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to junction Interstate Highway 85 to the Georgia-Alabama State line, and points in Georgia on and south of U.S. Highway 80. (D) from points in Nevada on, south, and west of a line beginning at the Nevada-California State line and extending along U.S. Highway 40 to junction U.S. Highway 95, to junction U.S. Highway 50, to the Nevada-California State line, to points in Texas, Arkansas, Louisiana, Alabama, Georgia, South Carolina, and points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 283 to junction Oklahoma Highway 51 to the Oklahoma-Texas State line. (E) from points in Nevada on, west, and north of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 40 to the Nevada-California State line, to points in California. The purpose of this filing is to eliminate the gateway of San Leandro, Calif.

No. MC 113855 (Sub-E113), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *power brooms, gravel spreaders, and road rollers*, which because of size or weight require the use of special equipment, and (2) *self-propelled power brooms, gravel spreaders, and road rollers*, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (A) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and South Carolina. (B) from points in Mariposa, Merced, Madera, Fresno, San Benito, Monterey, Kings, and Tulare Counties, Cal., to points in Alabama on and north of U.S. Highway 82, points in Florida east of the Ochlocknee River, points in Georgia on and north of U.S. Highway 82 and on and east of U.S. Highway 19, and points in South Carolina. (C) from points in Mono and Inyo Counties, Cal., to points in Alabama, Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of Pocatello, Idaho.

No. MC 113855 (Sub-E114), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) materials handling equipment which because of size or weight requires the use of special equipment, (2) self-propelled materials handling equipment, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), and (3) agricultural implements, agricultural machinery, soil and beach cleaners, farm tractors, and tractor attachments, restricted to materials handling equipment, (A) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine counties, to points in Arizona (except Yuma County) and points in New Mexico, Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Alabama, Georgia, South Carolina, and Florida. (B) from points in Tuolumbe, Mariposa, Merced, San Benito, Fresno, Madera, Tulare, Kings, San Luis Obispo, and Santa Barbara Counties, Calif., to points in Colorado, Kansas, Arkansas, Alabama, Louisiana, Georgia, South Carolina, Florida, points in Oklahoma on and north of Oklahoma Highway 51 and on and east of U.S. Highway 75, and points in Texas on and east of Interstate Highway 35. (C) from points in Mono and Inyo Counties, Calif., to points in Kansas, Arkansas, Louisiana, Alabama, Georgia, South Carolina, Florida, points in Oklahoma on and north of Interstate Highway 40 and on and east of U.S. Highway 281, and

points in Texas on and east of Interstate Highway 35. The purpose of this filing is to eliminate the gateway of Sparks, Nevada.

No. MC 113855 (Sub-E115), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Material handling equipment*, which because of size or weight requires the use of special equipment, and (2) *self-propelled material handling equipment*, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (1) (A) from points in Oregon on and west of U.S. Highway 97 to points in Kansas, Arkansas, Oklahoma, New Mexico, points in Colorado on and south of Interstate Highway 70, points in Texas north of Interstate Highway 20, and points in Alabama north of U.S. Highway 80. (B) from points in Oregon on and west of U.S. Highway 395 to points in Arizona, points in Texas on and south of Interstate Highway 20, points in Georgia north of U.S. Highway 80, and points in South Carolina west of U.S. Highway 1. (C) from points in Oregon to points in Louisiana, Florida, those points in Georgia and Alabama on and south of U.S. Highway 80 and points in South Carolina east of U.S. Highway 1. (2) (A) from points in Washington to points in Arizona. (B) from points in Washington on and west of Interstate Highway 5 and north of U.S. Highway 12, to points in New Mexico on and south of U.S. Highway 66 and on and east of U.S. Highway 85, points in Colorado on and east of Interstate Highway 25 and on and south of Colorado Highway 96, points in Kansas on and east of U.S. Highway 83 and on and south of U.S. Highway 40 and points in Oklahoma, Texas, Louisiana, Alabama, Arkansas, Georgia, South Carolina, and Florida.

(C) From points in Washington east of Interstate Highway 5 and on and west of U.S. Highway 97, points in New Mexico on and south of U.S. Highway 60, Texas, Louisiana, Alabama, points in Arkansas, on and south of Interstate Highway 40, points in Georgia, South Carolina, and Florida. (D) from points in Washington on and east of U.S. Highway 97 to points in Grant, Hildalgo, Luna, Sierra, Dona Ana, and Otero Counties, N. Mex.; (E) from points in Washington on and west of Interstate Highway 5 and on and south of U.S. Highway 12 to points in Colorado on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line and points in Kansas, New Mexico, Oklahoma, Texas, Arkansas, Louisiana, Alabama, Georgia, South Carolina, and Florida; (3) (A) from points in Idaho, in, north, and west of Owyhee, Elmore, Boise, Valley, and Idaho Counties, to points in Arizona on and south of Interstate Highway 10; and (B) from points in Canyon, Ada, Boise, Gem, Payette, Washington, Adams, and Valley Counties, Idaho, to New Orleans, La., points in Florida, and those points in Mississippi and Alabama on and south of U.S. Highway 90. The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC 113855 (Sub-No. E117), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements, tractors, attachments, and parts* which because of their size or weight require the use of special equipment, and related machinery and parts the transportation of which is incidental thereto, and (2) Self-propelled agricultural machinery, implements, tractors, and attachments, each weighing 15,000 pounds or more and related machinery, tool, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers); (a) from points in Oregon to points in Florida, South Carolina, Georgia, Alabama, Mississippi, and Tennessee; (b) from points in Oregon on and west of Interstate Highway 5 to points in Louisiana and Arkansas; (c) from points in Washington to points in South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Louisiana, Arkansas, and points in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico; (d) from points in Washington on and north of a line beginning at the Pacific Ocean and extending along U.S. Highway 12 to junction Washington Highway 8, thence along Washington Highway 8 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 18, thence along Washington Highway 18 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Washington-Idaho State line, to points in Oklahoma on and east of U.S. Highway 283, and points in Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line, and on and west of the line described in (c) above.

(e) From points in Washington south of the line described in (d) above, to points in Oklahoma on and east of U.S. Highway 81; (f) from points in Idaho to points in South Carolina, Georgia, Florida, and Alabama; (g) from points in Idaho in and north of Adams, Valley, and Lehmi Counties to points in Mississippi, Tennessee, Louisiana, and Arkansas; (h) from points in Idaho in, west, and south of Elmore, Boise, Gem, and Washington Counties to points in Mississippi on, north, and east of Mississippi Highway 27 and points in Tennessee; (i) from points in Idaho in, east, and south of Clark, Butte, Custer, Blaine, Camas, Gooding, and Twin Falls Counties to points in Mississippi on, east, and north of U.S. Highway 78 and points in Tennessee east of the Tennessee River; and (j) from points in Idaho on and north of Interstate Highway 90 to those points in Texas and Oklahoma on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of Montana or Wyoming, points in South Dakota east of the Missouri River or east of South Dakota Highway 73, and Gwinner, N. Dak.

No. MC 113855 (Sub-No. E129), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems* and *parts for irrigation systems* (except iron and steel articles), restricted to commodities requiring the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee or both; (a) from points in New York on and east of U.S. Highway 15 to points in Arizona; (b) from points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New Jersey, to points in Kansas on and west of U.S. Highway 81; (c) from points in Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, to points in Oklahoma on and west of U.S. Highway 283 and points in Texas on and west of U.S. Highway 83; (d) from points in Vermont and New Hampshire to points in New Mexico and Texas; (e) from points in Maine to points in Kansas, Oklahoma, New Mexico, Arizona, and points in Texas on and west of U.S. Highway 83; (f) from points in Massachusetts, Rhode Island, and Connecticut, to points in New Mexico and Arizona; and (g) from points in New Jersey to those points in Oklahoma and Texas and west of U.S. Highway 83, and points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania

on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.), South Dakota, and Douglas County, Nebr. (except Omaha and points in the commercial zone thereof.

No. MC 113855 (Sub-No. E155), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and (II) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities transported on trailers (except boats, aircraft, aircraft parts, aircraft engines, missiles, missile parts, missile propelling parts, missile engines, self-propelled street sweepers, tension wire stringing equipment, truck concrete mixers, trenching machines, lift trucks, front end shovel loaders, trucks, automobiles, buses, trailers, and machinery and equipment used in the maintenance, servicing, repair, and operation of airplanes); (A)(1) from points in Washington on and west of U.S. Highway 97 to points in Mississippi, (2) from points in Washington east of U.S. Highway 97 to points in Mississippi on and south of U.S. Highway 80, and (3) from points in Washington on and west of Interstate Highway 5 to points in Tennessee on and south of U.S. Highway 64; (B)(1) from points in Oregon to points in Mississippi, and (2) from points in Oregon on and west of U.S. Highway 97 to points in Tennessee; (C)(1) from points in Idaho on and south of Interstate Highway 80N to points in Mississippi on and south of Interstate Highway 20, and (2) from points in Boundary County, Idaho, to points in Mississippi on and south of U.S. Highway 84; and (D)(1) between points in Nevada on, west, and south of a line beginning at the Nevada-Oregon State line and extending along Nevada Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, on the one hand, and, on the other, points in Tennessee, and (2) between points in Nevada east and north of the line described in (1) above, on the one hand, and, on the other, points in Tennessee on and south of U.S. Highway 164. The purpose of this filing is to eliminate the gateway of California.

No. MC 114552 (Sub E100), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina, on and east of a line commencing at the North Carolina-Virginia State line, and extending along North Carolina Highway 49 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-South Carolina State line, to points in Arkansas, on and west of a line commencing at the Arkansas-Louisiana State line, and extending along Arkansas Highway 7 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E101), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina, on and east of a line commencing at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E102), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending U.S. Highway 258 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Kentucky on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E103) filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Kentucky on and west of U.S. Highway 31E. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E104), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along Interstate Highway 85 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-South Carolina State line, to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E105), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing ma-*

terials (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E106), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composion board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Indiana, on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E107), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Georgia State line, to points in Ohio. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E108), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the Pamlico River, and extending along U.S. Highway 264 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in West Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E109), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 70 to junction U.S. Highway 117, thence along U.S. Highway 117 to the Corncake Inlet, and Wayne County, N.C., to points in Virginia. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E111), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line, to points in New Jersey. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E112), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 50 to junction North Carolina Highway 27, thence along North Carolina Highway 27 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line, to points in Florida. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E113), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 421 to junction U.S. Highway 401, thence along U.S. Highway 401 to the North Carolina-Virginia State line, to points in Florida on and south of Florida Highway 50, or on and west of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E115), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials* and *supplies*

as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 421 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line, to points in Alabama on and west of a line beginning at the Alabama-Tennessee State line, and extending along Interstate Highway 65 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E116), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials* and *supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 421 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-Virginia State line to points in Alabama. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E117), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 58 to junction North Carlina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line, to points in South Carolina, on and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 701 to junction South Carolina Highway 261, thence along South Carolina Highway 261 to junction South Carolina Highway 513, thence along South Carolina Highway 513 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Alternate Highway 17, thence along U.S. Alternate Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E118), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 70 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the North Carolina-Virginia State line to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 321 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E119), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials* and *supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 55 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Virginia State line to points in South Carolina. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E120), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S. C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *Gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials* and *supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 50 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the North Carolina-Virginia State line, to points in Georgia. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E121), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 50 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line, to points in Georgia, on and west of a line beginning at the Georgia-Florida State line, and extending along Interstate Highway 75 to junction Georgia Highway 18, thence along Georgia Highway 18 to junction Georgia Highway 100, thence along Georgia Highway 100 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E122), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition*

board, urethane and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 421 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the North Carolina-Virginia State line to points in Georgia, on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateways of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E123), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials*, and *roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 421 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line, to points in Tennessee on and west of Tennessee State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E126), filed August 25, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-South Carolina State line, to points in Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E127), filed August 25, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials*, and *roofing* and *roofing material and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 401, thence along U.S. Highway 401 to the North Carolina-South Carolina State line to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28324 Filed 10-20-75;8:45 am]

[Notice 117]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 14, 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 CFR 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 on or before November 5, 1975. 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 52657 (Sub-No. 731TA), filed October 3, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: James Bouril (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (other than those designed to be drawn by passenger automobiles), in initial movements in truckaway service, and *materials, supplies and parts* (except commodities in bulk), used in the manufacture, assembly or servicing of commodities described above, when moving in mixed loads and on the same shipments with such commodities, from Morgantown, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morgan Trailer Mfg., Co., Harold K. Dark, Traffic Manager, Joanna Road, P.O. Box 258, Morgantown Pa. 19543. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 63417 (Sub-No. 80TA), filed October 6, 1975. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile facing or flooring, clay or earthenware*, glazed or not glazed, with or without backing; *quarriers flooring, paving or promenade; china bathroom fixtures; cement, grout, and sundry items* necessary for tile installation and maintenance, from Jackson, Tenn., to points in Mississippi and Louisiana, for 180 days. Supporting shipper: American Olean Tile Co., 1000 Cannon Ave., Lansdale, Pa. 19446. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave., SW., Roanoke, Va. 24011.

No. MC 83217 (Sub-No. 66TA), filed October 6, 1975. Applicant: DAKOTA EXPRESS, INC., 550 E. 5th St., South, S. St. Paul, Minn. 55075. Applicant's representative: Bill White (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Frozen potatoes products, from Clark, S. Dak., to points in Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Washington, D.C., and Wisconsin, for 180 days. Applicant also has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Food Corporation, Clark, S. Dak. 57225. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 104523 (Sub-No. 59TA), filed October 6, 1975. Applicant: HUSTON TRUCK LINE, INC., 235 Maple Street, P.O. Box 17, Friend, Nebr. 68359. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite*, from Missoula, Mont., to Canadian, Tex., and points in Kansas, Oklahoma and Wyoming. Restriction: Restricted to traffic originating at the plantsite or facilities of Montana Barite Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Duane L. Reber, General Manager, Montana Barite Company, P.O. Box 3296, Missoula, Mont. 59801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 107743 (Sub-No. 36TA), filed October 6, 1975. Applicant: SYSTEM TRANSPORT, INC., 11707 E. Montgomery Drive, P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products* and millwork, from Albany and White City, Oreg., and Spokane, Wash., to Missoula, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sirco Manufacturing, Inc., 1919 North Ave., West, Missoula, Mont. 59801. 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 110191 (Sub-No. 27TA), filed October 3, 1975. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, Va. 23502. Applicant's representative: D. L. Turner, P.O. Box 1006, Norfolk, Va. 23501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cork and materials* requiring further processing (except commodities in bulk, from Norfolk, Va., and points within 50 miles of Norfolk to Maryland, New Jersey, New York, Pennsylvania, and Robinson, Ill., Ohio and Michigan, for 180 days. Supporting shippers: Southland Cork Company, 2601 E. Indian River Road, Chesapeake, Va. 23501. Sheller-Globe Corporation, Mitchell & Smith Division, 8900 Hampton Blvd., Norfolk, Va. 23505. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 112617 (Sub-No. 334TA), filed October 2, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsite of Cargill, Inc., (Exxon Asphalt Terminal), near Louisville, Ky., to points in Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Labriola, General Transportation Manager, Cargill, Inc., Salt Det., Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 P.O. Bldg., Louisville, Ky. 40202.

No. MC 115331 (Sub-No. 398TA), filed October 2, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry sand and foundry molding sand treating compounds*, in bulk, in tank vehicles, from Granite City, Ill., to Albertsville and Birmingham, Ala.; Chattanooga and Pulaski, Tenn., and Blytheville, Ark.; (2) *Foundry moulding sand treating compounds and bentonite clay*, in bulk, in tank vehicles, from Sandy's Ridge, Ala., and Aberdeen, Miss., to Granite City, Ill., for 180 days. Supporting shipper: American Colloid Co., P.O. Box 228, Skokie, Ill. 60076. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 12th St., St. Louis, Mo. 63101.

No. MC 115921 (Sub-No. 7TA), filed October 6, 1975. Applicant: CHEMICAL SALT SERVICE, INC., 54 Waltham Ave., Springfield, Mass. 01109. Applicant's representative: C. F. Forgue, 110 N. Wacker Drive, Chicago, Ill. 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump trucks, from South Shaftsbury, Vt., and Cuttingsville, Vt., to points in Washington and Resselaer Counties, N.Y., under a continuing contract with Morton Salt Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton Salt Company, 110 North Wacker Drive, Chicago, Ill. 60606. Send protest to: J. D. Perry, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 338 Federal Bldg. & U.S. Courthouse, Springfield, Mass. 01130.

No. MC 118142 (Sub-No. 103TA), filed October 6, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) From Boardman, Oreg., and Othello, Wash., to Alexandria and Shreveport, La., and Houston, Tex.; (2) from Castrobille, Calif., to Tulsa, Okla., and Shreveport, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: VIP Sales Company, Inc., 4673 South 83rd East Ave., Tulsa, Okla. 74145. Gourmet Food Products, Inc., P.O. Box 37, Boardman, Oreg. 97818. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 118178 (Sub-No. 24TA), filed October 7, 1975. Applicant: BILL MEEKER, P.O. Box 11184, Wichita, Kans. 67202. Applicant's representative: Bill Meeker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cornmeal products* edible, from Wichita, Kans., to Tampa and Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Casa Fiesta Products, Inc., 1801 South Mead, Wichita, Kans. 67211. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 127283 (Sub-No. 8TA), filed October 2, 1975. Applicant: SILICA SAND TRANSPORT, INC., Box 212, Routes 47 and 71, Yorkville, Ill. 60560. Applicant's representative: Albert A. Andrin, 180 North LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filter sand*, from Muscatine, Iowa, to Chicago, Ill., and New Lenox, Ill., under a continuing contract with Harold G. Bos, d.b.a. Bos Sand Co., for 180 days. Supporting shipper: Harold G. Bos, d.b.a. Bos Sand Co., 9500 S. Avers, Evergreen Park, Ill. 60642. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 133350 (Sub-No. 3TA), filed October 7, 1975. Applicant: AQUA GULF CORPORATION, 84 Bloomfield Ave., Staten Island, N.Y. 10310. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or in trailers (except motor vehicles and commodities in bulk), between the facilities of the Puerto Rico Maritime Shipping Authority, at Port Elizabeth, N.J., on the one hand, and, on the other, New York, N.Y., and points in

Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.Y. Restriction: Said operations are restricted to transportation having a prior or subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are 15 supporting statements to the instant application, which are attached hereto. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 139302 (Sub-No. 3 TA), filed October 6, 1975. Applicant: KREUGER TRUCKING CO., INC., 1580 William St., Buffalo, N.Y. 14206. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete floor/roof slabs and allied products*, from Ports of Entry on the International Boundary line, between the United States and Canada at Niagara Falls and Buffalo, N.Y., to points in New York State on and west of Interstate Route 81, for 180 days. Supporting shipper: General Concrete of Canada, Ltd., 500 Centennial Parkway, Hamilton, Ontario L8H 7L2. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 139340 (Sub-No. 2 TA), filed October 3, 1975. Applicant: CONRAD YELVINGTON DISTRIBUTORS, INC., 800 Big Tree Road, P.O. Box 1686, Daytona Beach, Fla. 32015. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay pipe;* (2) *Joint materials;* (1) from Ocala, Fla., to Gulfport, Miss., and (2) from Gulfport, Miss., to Ocala, Fla., under a continuing contract with United States Concrete Pipe Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Concrete Pipe Company, 2121 East Ohio Bldg., Cleveland, Ohio 44114. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 139697 (Sub-No. 2 TA), filed October 6, 1975. Applicant: EDWARD BRUCE WAGONER, doing business as DELIGHT TRANSPORTATION COMPANY, 1100 Dover Road, West Memphis, Ark. 72301. Applicant's representative: Morton E. Kiel, Suite 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as are dealt in by a manufacturer of garden tractors, and materials, supplies and equipment used in the conduct of such business (except commodities in bulk), between South Bend, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, West Virginia, Ohio, Kentucky, Tennessee, Illinois, Wisconsin, Missouri, Iowa, Michigan, Minnesota, Texas, New Mexico, Arizona, California, Alabama, Arkansas, Colorado, Florida, Kansas, Louisiana, Mississippi, and Oklahoma, under a continuing contract with Wheel Horse Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wheel Horse Products, Inc., 515 West Ireland Road, South Bend, Ind. 46614. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 140010 (Sub-No. 4 TA) (Correction), filed August 12, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished as corrected this issue. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road, NE., Atlanta, Ga. 30326. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and components of furniture* (except commodities in bulk), from the plantsite and storage facilities of Universal Furniture Industries, Inc., in Fulton County, Ga., to points Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; (2) *Damaged, refused, returned or rejected furniture and components of furniture* (except commodities in bulk), from points in the destination states named in (1) above, to the origin named in (1) above, under a continuing contract with Universal Furniture Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Furniture, 115 Villanova Dr., SW., Atlanta, Ga. 30336. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309. The purpose of this republication is to add the territorial description, which was omitted in the previous publication.

No. MC 141252 (Sub-No. 1 TA), filed October 2, 1975. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas, Las Vegas, Nev. 89102. Applicant's representative: E. Ronald Kropacek, 1500 West Covina Parkway, Suite 208, West Covina, Calif. 91790. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and supplies* used in the installation thereof, from the plantsite of Hohns-Manville Products Corporation, at or near Apex, Nev., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johns-Manville Products Corporation, P.O. Box 14186, Las Vegas, Nev. 89114. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 141306 (Sub-No. 1 TA), filed September 30, 1975. Applicant: DAVWAY TRUCKING, INC., 3085 S. W. Rosemont Road, West Linn, Oreg. 97068. Applicant's representative: Lawrence W. Thomas (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat*, from Stanwood, Wash., to the Port of Entry of the United States-Canada International Boundary, at or near Detroit, Mich., under a continuing contract with Florence Packing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Florence Packing Co., 24711 Florence Road, Stanwood, Wash. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97203.

No. MC 141355 (Sub-No. 1 TA), filed October 2, 1975. Applicant: GEORGE J. LAUBNER, doing business as GEE EL TRUCKING Co., 800 Wilhemina Court, Palm Bay, Fla. 32905. Applicant's representative: George J. Laubner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated aircraft engines, parts and propellers-indedicated semi-trailers* equipped with air-ride suspension-logistic track-decking-cargo shoring beams and cargo load holders, between Williamsport, Pa., Lancaster, Pa., Baltimore, Md., and their commercial zones and Vero Beach, Fla. The above authority is restricted to traffic moving under a continuing contract or contracts with Piper Aircraft Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Piper Aircraft Corporation, P.O. Box 1328, Vero Beach, Fla. 32960. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141356 (Sub-No. 1TA), filed September 26, 1975. Applicant: LONE PINE TRUCKING COMPANY, 11831 Vose St., North Hollywood, Calif. 91605. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores, and chemicals*, dry, in bulk, between points in Inyo County, Calif.; Mono County, Calif., and those in San Bernardino County, Calif., east of U.S. Highway 395, restricted to shipments having a subsequent movement in interstate commerce by rail, for 180 days. Supporting Shippers: American Perlite Company, 11831 Vose St., North Hollywood, Calif. 91605. Morrison & Weatherly, P.O. Box 296, Lone Pine, Calif. 93545. Victor Char-

trand & Labar Whittle, dba, Vogue Engineering, P.O. Box 845, Beverly Hills, Calif. 90213. Send protests to: Mildred I. Price, Transportation Assistant, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141357 TA (Correction), filed September 25, 1975, published in the FEDERAL REGISTER issue of October 10, 1975, and republished as corrected this issue. Applicant: SHANUS, INC., 232 N. 1st St., Minneapolis, Minn. 55401. Applicant's representative: Gene P. Shanus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fleshings, a by-product or residue of hides*, from South St. Paul, Minn. to Sioux City, Iowa and Green Bay, Wis., for 180 days. Supporting shipper: Twin City Hide, Inc., 491 Malden, S. St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to correct the docket number which was previously published in error.

No. MC 141362 (Sub-No. 1TA), filed October 1, 1975. Applicant: GEORGE A. SPARKS, doing business as ESCONDIDO TRUCK & EQUIPMENT, 630 Daisy, Escondido, Calif. 92027. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed supplement*, in bulk, from Protein Resources, Inc., shipping facilities at or near San Marcos, Calif., to Cattle Feed Lots located in Maricopa and Yuma Counties, Ariz.; (2) *Cottonseed meal*, in bulk, from Casa Grande and Phoenix, Ariz., to Prohoroff Poultry Farms, Inc., at or near San Marcos, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Protein Resources, Inc., 380 S. Twin Oaks Valley Rd., San Marcos, Calif. 92069. Prohoroff Poultry Farms, Inc., 380 S. Twin Oaks Valley Rd., San Marcos, Calif. 92069. 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 141375 TA, filed October 1, 1975. Applicant: CLARENCE E. LEKO, 668 Surrey Ave., St. Paul, Minn. 55106. Applicant's representative: Robert E. Swanson, 1211 S. 6th St., Stillwarer, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive sanding machinery, and equipment material supplies and parts* used in the manufacture and assembly thereof, between the plantsite of Timesavers, Inc., at Minneapolis, Minn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Timesavers, Inc., for 180 days. Supporting shipper: Timesavers, Inc., 5270 Hanson Court, Minneapolis, Minn. 55422. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141376 TA, filed October 3, 1975. Applicant: CERTARO TRUCKING COMPANY, 492 12th Ave., Paterson, N.J. 07514. Applicant's representative: Eugene M. Malkin, 277 Park Ave., New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, commercial, and institutional fixtures, cabinets, shelving and seating; hospital beds and hospital equipment; and material, equipment and supplies used in the manufacture thereof*, between Plainfield, Conn.; Jamestown, N.Y.; Warren, Pa.; Michigan City, Inc., and ports of entry on the United States-Canadian International boundary lines at Buffalo, Rouses Point, and Niagara Falls, N.Y.; and Detroit and Port Huron, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Inter Royal Corporation, for 180 days. Supporting shipper: Inter Royal Corporation, One Park Ave., New York, N.Y. 10016. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commision, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

APPLICATION OF PASSENGERS

No. MC 124935 (Sub-No. 6TA), filed September 29, 1975. Applicant: ALMEIDA BUS LINES, INC., 1091 Kempton St., New Bedford, Mass. 02741. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations beginning and ending at Tiverton, R.I., Fall River and New Bedford, Mass., and extending to tracks of Greyhound Racing Association at Seabrook, N.H., and Plainfield, Conn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 39 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster St., Providence, R.I. 02903.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28327 Filed 10-20-75;8:45 am]

[AB 75 (Sub-No. 1)]

RICHMOND TERMINAL RAILWAY CO.

Abandonment of Its Entire Line of Railroad Including Broad Street Station, in Richmond, Virginia

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant, be and it is hereby, directed to publish the appended notice in a newspaper of general circulation in the city of Richmond, Va., on or before October 29, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 26th day of September 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 75 (Sub-No. 1)]

RICHMOND TERMINAL RAILWAY CO.

ABANDONMENT OF ITS ENTIRE LINE OF RAILROAD INCLUDING BROAD STREET STATION, IN RICHMOND, VIRGINIA

The Interstate Commerce Commission hereby gives notice that by order dated September 26, 1975, has been determined that the proposed abandonment by the Richmond Terminal Railway Company of its entire line of railroad extending from the connection with the tracks of the Richmond, Fredericksburg, and Potomac Railroad to the Broad Street Station, and including abandonment of the station itself, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignifi-

cant because rail passenger service to the Broad Street Station is scheduled to terminate in late 1975 upon completion by Amtrack of a new passenger facility in the Glendale section of Henrico County. Abandonment and contemplated sale of rail properties to the State of Virginia will be fully consistent with redevelopment plans in downtown Richmond. Steps will be taken to protect the architectural and historical integrity of the Broad Street Station. In this regard the procedural requirements mandated by the National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq., will be fully complied with.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 13, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28328 Filed 10-20-75;8:45 am]

federal register

TUESDAY, OCTOBER 21, 1975

PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

CANNED AND PRESERVED FRUIT AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Interim Effluent Limitations and Guidelines, and Proposed Performance and Pretreatment Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 444-5]

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On March 21, 1974, EPA promulgated a regulation adding Part 407 to Title 40 of the Code of Federal Regulations (39 FR 10862). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved fruits and vegetables point source category. The regulation set forth below will amend 40 CFR Part 407, canned and preserved fruits and vegetables processing industry point source category, and will be applicable to "large" (as defined in the regulation below) existing sources for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for "medium" size existing sources in the subcategories described in these interim final regulations based on the best practicable control technology currently available and for "medium" and "large" existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources, and pretreatment standards for existing sources and for new sources.

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) General methodology.

The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste watre. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impacts, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering

aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the canned and preserved fruits subcategory (Subpart F), canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

(i) Categorization. The canned and preserved fruits and vegetables processing industry was divided into three discrete subcategories for the purpose of developing effluent limitations. These subcategories coincide with a breakdown of the category according to raw material, organic and volumetric waste load, processing operations, and processing capacity as outlined in the Development Document for the canned and preserved fruits and vegetables processing industry category. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitation shall be set by proration of limitations for each commodity or subcategory based on the total production covered by each commodity or subcategory.

(1) Subpart F—Canned and Preserved Fruits Subcategory.

The chemical composition and physical character of fruits are different from either vegetables or food specialties. The processing of fruits involves a unique sequence of unit operations which results in an organic and volumetric waste load unlike that from vegetable production processes or from food specialty processes. The water usage and organic waste load resulting from fruit processing varies with the type of fruit processed. Accordingly, separate limitations have been established for twenty-two different fruit commodities and styles within the canned and preserved fruits subcategory. These commodities and styles include the following fruits: apricots; caneberries; sweet, sour and brined cherries; cranberries; dried fruit; grape juice canning and pressing; olives; canned and frozen peaches; pears; fresh and processed pickles and pickle salting stations; pineapples; plums; raisins; strawberries; and peeled tomatoes and tomato products.

While the technical analysis determined that separate limitations were needed for twenty-two different types of fruits within the canned and preserved fruits subcategory, an economic analysis determined that separate limitations were needed for three plant sizes within each commodity or style. The economic study was based on price effects, sales, investment, international trade, and other factors. As a result of the analysis on representative model plant groups, potential plant impacts were found to differ among small, medium and large size plants. Accordingly, no limitations have been established at this time for small plants which process less than 2,000 tons per year, and separate limitations have been established for large plants and proposed for medium size plants for each of the twenty-two different fruit commodities and styles.

The canned and preserved fruits subcategory consisting of these three size groups within each of the twenty-two commodities and styles is substantiated through analyses with respect to cost of raw materials, production processes, finished products, the treatability of wastes, and the size, age and location of plants.

(2) Subpart G—Canned and Preserved Vegetables Subcategory.

The chemical composition and physical character of vegetables are different from either fruits or food specialties. The processing of vegetables involves a unique sequence of unit operations which results in an organic and volumetric waste load unlike that from fruit production processes or from food specialty processing. The water usage and organic waste load resulting from the processing of vegetables varies with the type of vegetable. Thus, separate limitations have been established for twenty-six different vegetable commodities and styles within the canned and preserved vegetables subcategory. These commodities and styles include the following vegetables: asparagus; beets; broccoli; brussels sprouts; carrots; cauliflower; canned and frozen corn; dehydrated onions and garlic; dehydrated vegetables; dry beans; lima beans; mushrooms; canned onions; canned and frozen peas; pimentos; sauerkraut canning and cutting; canned and frozen snap beans; canned and frozen spinach; squash; sweet potatoes; and canned white potatoes.

While the technical analysis determined that separate limitations were needed for twenty-six different types of vegetables within the canned and preserved vegetable subcategory, an economic analysis determined that separate limitations were needed for three plant sizes within each commodity or style. The economic study was based on price effects, sales, investment, international trade, and other factors. As a result of the analysis on representative model plant groups, potential plant impacts were found to differ among small, medium and large size plants. Accordingly, no limitations have been established at this time for small plants which process less than 2,000 tons per year, and separate limitations have been established for large plants and proposed for medium size plants for each of the twenty-six different vegetable commodities and styles.

The canned and preserved vegetables subcategory consisting of these three size groups within each of the twenty-six commodities and styles is substantiated through analyses with respect to cost of raw materials, production processes, finished products, the treatability of wastes, and the size, age and location of plants.

(3) Subpart H—Canned and Miscellaneous Specialties Subcategory.

The chemical composition and physical character of food specialties are different from either fruits or vegetables. The production of food specialties involves a unique sequence of unit operations which results in an organic and volumetric waste load unlike that resulting from fruit or vegetable processing. The water usage and organic waste loads resulting from the production of food specialties varies with the type of specialty produced. Therefore, separate limitations have been established for ten specialty products within the canned and miscellaneous specialties subcategory. These commodities include the following specialties: added ingredients; baby food; potato, corn and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressings; soups; and tomato-starch-cheese canned specialties.

While the technical analysis determined that separate limitations were needed for ten different types of specialty products within the canned and miscellaneous specialties subcategory, an economic analysis determined that separate limitations were needed for three plant sizes within each commodity or style. The economic study was based on price effects, sales, investment, international trade, and other factors. As a result of the analysis on representative model plant groups, potential plant impacts were found to differ among small, medium and large size plants. Accordingly, no limitations have been established at this time for small plants which process less than 2,000 tons per year, and separate limitations have been established for large plants and proposed for medium size plants for each of the ten different specialty products.

The canned and miscellaneous specialties subcategory consisting of these three size groups within each of the ten specialty products is substantiated through analyses with respect to finished products, production processes, raw materials, the treatability of wastes, and the size, age and location of plants.

(ii) Waste characteristics.

The significant pollutant parameters in waste waters resulting from the fruits, vegetables, and specialties processing subcategories of the canned and preserved fruits and vegetables industry category include biochemical oxygen demand (BOD5), total suspended nonfilterable solids (TSS), pH and fecal coliforms. Oil and grease is also a significant pollutant in the specialties subcategory.

Several other waste water pollutants are found in these processing waste waters but these pollutants are considered to be of lesser importance because available data has indicated these pollutants are normally removed when BOD5 or TSS are removed or they occur in insignificant quantities.

Waste water from process steps such as peeling, trimming, slicing, transporting, blanching, and cooking, and water from periodic clean-up procedures are the principle waste water streams in fruit and vegetable processing. Some

process waste water occurs in the food specialty subcategory such as potato and other chip processing, but most of the waste results from clean-up operations. Raw waste load data have been collected on waste waters for each commodity in each subcategory of this industry, and information assembled on the treatment procedures required for the waste waters.

Raw waste loads vary from day to day and from season to season. A plant's waste management program should be designed with sufficient flexibility to handle the problems inherent in the industry due to expected raw material quality variations. Management should discuss unpredictable events such as drought and insect damage with regulatory personnel, and formulate an emergency plan to handle a situation where uncontrollable significant deterioration in raw material quality overwhelms the treatment facility.

(iii) Origin of waste water pollutants in the canned and preserved fruits and vegetables processing industry category.

Many of the process steps used in the canning, dehydrating or freezing of fruits, vegetables or specialties are common to the industry as a whole. Typically, the raw materials are received, washed and sorted to prepare them for subsequent processing. Some commodities are then peeled when the end product style is to be a solid form (slices, cubes or powder). If the final product is to be a juice or liquid, the peel may not be removed. Subsequent process steps following the peel removal in which water may be used are trimming, slicing, blanching, cooling, cooking, and can washing or cooling. Water transport may be used in one or more parts of the process and clean-up is common to each processing operation. Non-contact cooling water is used in most of these commodities in each subcategory and it is generally segregated from process water and handled separately with minimal or no treatment necessary. The character of the process waste clean-up waters are similar in that they contain biodegradable organic matter. Thus, the in-plant control measures and end-of-process treatment techniques are similarly effective in controlling and treating all fruit, vegetable or specialty processing wastes.

(iv) Treatment and control technology.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is: (a) the best practicable control technology currently available; (b) the best available technology economically achievable; and (c) the best demonstrated control technology, processes, operating methods or other alternatives. The best practicable control technology currently available includes standard in-plant control practices and "end-of-process" treatment for process waste water. In-plant procedures to control pollution include strict management control over housekeeping and water use practices, minimization of the intake of water by reuse and recirculation of waste waters, and dry clean-up procedures before washdown. The "end-of-process" technology includes materials recovery through screening and, for some commodities, sedimentation or flotation, and organic reduction through biological treatment, either aerated or aerobic lagoons, or activated sludge. An alternative to biological treatment for processors with sufficient quantities of suitable and available land is land treatment such as spray irrigation. However, this alternative is not available to plants processing brined products because of the high dissolved solids content in the process waste water.

Specific technology currently being utilized by plants in each subcategory include good in-plant housekeeping practices, materials recovery (usually screening and sometimes primary sedimentation or flotation to recover usable by-product solids or grease) and biological treatment. The treatment systems range from simple lagoon operations through an array of mechanically aerated modifications to activated sludge with final clarification. This range of technology was evaluated and the performance of all concepts was found to result in high quality effluents. Best practicable control technology currently available (BPCTCA) has been clearly documented as biological treatment. The various subcategories of fruit, vegetable, and specialty processing plants include treatment systems using at least aerobic or aerated lagoons. More capital intensive biological systems such as activated sludge treatment would achieve the same or better performance and would thus be an additional alternative within BPCTCA. Those plants not meeting the limitations are estimated to require modifications to existing facilities in the form of additional lagoons or the equivalent (i.e. modifications such as mechanical aeration or additional aerobic treatment). For example, some plants have treatment using an aerated lagoon but overall performance of the treatment at these plants is below accepted norms in BOD5 removal for this treatment system. In this case, the addition of an aerated chamber, increased aeration capacity, or other modifications may be reasonably expected to upgrade overall treatment system performance to required levels.

Best available technology economically achievable (BATEA) is substantially the same for all subcategories. Principal modifications for BPCTCA to achieve BATEA are in treatment and control to optimize in-plant water and waste management controls. The end-of-process technology includes BPCTCA biological treatment—either aerated or aerobic lagoons, or activated sludge—plus multimedia filtration. Filtration is a technology that has been demonstrated in both the fruits and vegetables subcategories and can be readily transferred to the similar biological effluents from the specialties subcategory. Reductions in the raw organic load (expressed as BOD5) and the final organic and suspended solids load are commensurate with levels at or near reductions already achieved by several plants in the fruits, vegetables, and specialties subcategories.

There is an additional fifty percent of the fruit and vegetable industry that is presently using land treatment. Therefore many plants are presently achieving an effluent reduction greater than required by the application of the best available control technology economically achievable and most have no discharge of pollutants to navigable waters. This technology is used with and without holding ponds in all regions of the country.

The application of technology for greatly reduced water use is not required for this industry but would facilitate land disposal. Experience has shown that good management practices assure that land disposal and irrigation systems can be maintained commensurate with crop need and soil tolerance.

Treatment required to achieve the best available demonstrated control technology, processes, operating methods or other alternatives for new sources is the same as from best available control technology economically achievable.

Solid residue and sludge are potential problems because of the need for periodic disposal. Solid waste is being handled by processors in most subcategories as animal feed. In some cases, however, solid waste cannot be handled as feed and wastes must be handled properly to assure no landfill or associated problems develop.

Best practicable control technology as known today, requires disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) Cost estimates for control of waste water pollutants. The costs associated with the control and treatment technologies have been considered in an economic impact analysis discussed in (vii) below. Costs per individual plant for meeting the 1977 limitations with aerated lagoons varied from $40,000 for small plants to as much as $565,000 for a large plant. The corresponding annual costs ranged from $9,000 to $156,000. Activated sludge costs were higher, ranging from $162,000 to $1,809,000 with the cor-

responding annual costs from $36,000 to $364,000. The investment costs for spray irrigation ranged from $46,000 to $880,000.

Based on 275 plants discharging to navigable waters through aerated lagoons, the total industry investment to meet the 1977 limitations would be $33.5 million and the total annual cost would be $9.7 million. However, plants less than 1,816 kkg (2,000 tons) per year are excluded from achievement of effluent limitations, and also most plants have some type of treatment currently in-place. When these factors are considered, the total industry investment cost is estimated to be $24.5 million and the annual cost is estimated to be $7.6 million.

The estimated cost to meet BATEA limitations is estimated to be about $40 million with annual costs about $10 million. These costs do not make any allowance for treatment currently in-place and do not include filtration for plants less than 9,080 kkg (10,000 tons) per year.

Thus the total industry cost to meet BPCTCA and BATEA limitations with aerated lagoons is almost $65 million and the annual cost is about $17.6 million.

(vi) Energy requirements and non-water quality environmental impacts.

The energy requirements associated with the control and treatment technologies have been considered. The estimated energy consumption of the recommended technologies is discussed and listed in Section VIII of the Development Document. The added energy requirements asosciated with the operation of the treatment facilities are expected to constitute only a small fraction of total plant energy consumption.

The maintenance of air quality, in terms of particulates, will be unaffected by the recommended waste water treatment technologies. Odor from landfills can be a problem, and from lagoons and oxidation ponds when not operated or maintained properly. However, covers or enclosures can be used in some cases if a localized problem exists.

Principal noise sources at treatment facilities are mechanical aerators, air compressors, and pumps. By running air compressors for diffused air systems below their rated critical speed and by providing inlet and exhaust silencers, noise effects can be effectively reduced. In no proposed installation would noise levels exceed the guidelines established in the Occupational Safety and Health Standards of 1972.

(vii) Economic impact analysis. Plants processing less than 2,000 tons of raw materials per year are not covered by the interim final or proposed limitations. These plants were excluded because neither aerated lagoons nor activated sludge waste treatment systems were economically feasible. Because direct dischargers affected by the proposed and interim final limitations represent a small fraction of total industry production, they may be unable to pass pollution control costs on to the consumer in the form of higher prices.

Only plants producing more than 10,000 tons per year of raw materials will be affected by the interim final limitations. Profitability of these plants may fall to an average return on investment of 4.8 percent from a current average return of 6.3 percent. Impacts on production, industry growth, employment, balance of trade and local economies are not expected to be significant.

The proposed BPCTCA limitations for plants processing between 2,000 and 10,000 tons per year (medium size plants) may cause 10 plants to close. The incremental costs necessary to meet BATEA limitations are minimal, and as a result, no additional closures are expected. 800 jobs could be lost due to plant closures in this segment. Production losses will be less than 0.5 percent of total current production. Proposed BATEA limitations for plants processing more than 10,000 tons per year may result in 3 plant closures. Approximately 450 jobs could be lost, but total production losses will be insignificant. However, community and regional impacts could be serious. Many fruit and vegetable processing plants are located in small towns and rural areas. Single plants generally employ 80 to 150 persons and serve as a market for local farmers. Closure of one plant in a small town could result in severe local economic dislocations. Although exports of fruit and vegetable products will not be affected by these limitations, the existing trend of increasing imports of such products such as mushrooms, strawberries, blueberries and tomato paste could be accentuated.

The projection for possible closures expected to result from proposed and interim final limitations are based on the assumption that most plants will be able to install aerated lagoons. Aerated lagoons are the lower cost alternative, but applicable only in situations where land is available. However, if all plants find it necessary to use the activated sludge option due to unavailability of land, closures from BPCTCA might rise to as many as 33 and an additional 23 shutdowns could result from BATEA. The EPA especially invites comment on this issue.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A-107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certification. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying these regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification. As previously mentioned, the capital investment and annualized costs associated with compliance to this regulation are estimated to be less than these amounts.

The supplementary report entitled "Economic Analysis of Interim Final Effluent Guidelines—Fruit and Vegetable Processing Industry" contains estimates of the cost of pollution control requirements and an analysis of the possible effect of the interim final and proposed regulation on prices, production levels, employment, communities in which processors are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy consumption implications of the interim final and proposed regulations.

The report entitled "Development Document for Interim Final and Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Fruits, Vegetables and Specialties Processing Segments of the Canned and Preserved Fruits and Vegetables Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Public Information Reference Unit, Room 2404, 401 M Street, SW., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. The supplementary analysis prepared for EPA of the possible economic effects of the interim final and proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division (WH-552), 401 M Street, SW., Washington, D.C. 20460, Attn: Distribution Officer.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation.

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the canned and preserved fruits and vegetables processing industry point source category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all

State and U.S. Territory Pollution Control Agencies; (3) other public agencies, interest groups, and associations; Ohio River Valley Sanitation Commission; Delaware River Basin Commission; U.S. Department of the Interior; U.S. Department of Commerce; U.S. Department of Health, Education, and Welfare; The Conservation Foundation; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; American Institute of Chemical Engineers; American Frozen Food Institute; National Canners Association; American Dehydrated Onion and Garlic Association; National Kraut Packers Association; Pickle Packers International, Inc.; Mushroom Processors Association; Associated Pimento Canners; Canners League of California; Potato Chip Institute International; and numerous processors.

The following responded with comments: Effluent Standards and Water Quality Information Advisory Committee; National Canners Association; National Kraut Packers Association; Pickle Packers International; Mushroom Processors Association; Agripac, Inc.; Artichoke Industries, Inc.; Beaver Valley Canning Co.; Carnation Company; Comstock Foods, Borden, Inc.; Dean Foods Co.; Duffy-Mott Co., Inc.; Flavorland Foods, Inc.; Frito-Lay, Inc.; General Foods Corp.; Gentry International, Inc.; Gerber Products Co.; Green Giant Co.; Grocery Store Products Co.; Humpty-Dumpty Potato Chip Co.; Kennett Canning Co.; Kraft Foods; Lakeside Packing Co.; Larsen Co.; Meridian Foods, Inc.; North Carolina Dept. of Natural and Economic Resources; Ocean Spray Cranberries, Inc.; Snyders Potato Chips; Stayton Canning Co. Coop; Stokely-Van Camp, Inc.; Jones-Normel Foods, Inc.; Welch Foods, Inc.; State of Florida; State of Vermont; State of Colorado Department of Health; Vlasic Foods, Inc.; West Foods, Inc.-Castle & Cooke; Basic Vegetable Products, Inc.; Redi Foods; Sterling Cooperative, Inc.; Hunt Wesson Foods, Inc.; U.S. Dept. of Transportation; Campbell Soup Co.; California Vegetable Concentrates Inc.; American Dehydrated Onion & Garlic Assn.; U.S. Dept. of the Interior; American Frozen Food Institute; Michigan Water Resources Commission; Heinz Co.; Del Monte Corp.; Tillie Lewis Foods, Inc.; and University of Georgia, College of Agriculture.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

1. A number of commenters expressed concern about the use of the log normal distribution and suggested that its use was simply a device utilized to make up for the inadequacies in the analysis of the collected data.

The EPA prepared a data distribution analysis to determine the natural distribution of the major waste water parameters. A standard normal distribution model was studied and found to be inadequate for most cases because the range of data was large and the data tended to be skewed with a few relatively large values. Also, the normal distribution allowed for negative values which do not occur in actuality for the pollutant parameters being examined. The log normal distribution was investigated and found to describe the raw waste data collected from this industry segment better than the normal distribution. It was determined that more than 75 percent of the flow ratios and 85 percent of the BOD5 ratios were described better by the log normal distribution than by the normal distribution. The log normal distribution is the distribution commonly used for only positive values which are skewed right to allow for a few large values. The set of the logarithms of values in the distribution conforms to the normal distribution and standard, readily available, statistical techniques can be employed. Because the log normal distribution model described the data distribution better than the normal distribution, the log normal distribution was used to establish the raw waste loads within each subcategory.

2. The comment was made that the use of the mean of the log normal distribution to establish raw waste loads would require some processors to install in-plant controls or install technology in addition to BPCTCA to meet the 1977 limitations.

The raw waste loads for each commodity were based on the mean of the log normal distribution of all the available data for each commodity and each sample was weighted equally. The utilization of the mean value represents a waste load that is typical of processing plants with a concern for water and waste conservation practices. Most plants below the mean waste load have achieved this load through becoming aware of and implementing common, normally practiced in-plant water and waste management techniques, such as turning off hoses and faucets when not in use. These good housekeeping practices are commonly employed at most of these plants and have become an integral part of effective plant management. Plants with waste loads above the mean value are capable of readily achieving the mean waste load with effective plant management and the associated concern for water usage and waste management. No installation of specialized internal or external technology in addition to good in-plant practices is necessary. The variation experienced in the collected water and waste loading data for similar process configurations among different plants indicate that waste loads can be significantly reduced without adversely affecting the quality of the product. Throughout the various subcategories, about 130 plants or about 50 percent of all surveyed plants report they presently achieve the established mean raw waste loads. Thus, the log mean value is the most representative value and the best value for the typical waste load generated from the processing of the fruit and vegetable commodities found in these subcategories.

3. One commenter suggested that if the logarithmic distribution was used to characterize raw waste loads, then local enforcement groups should require compliance on the basis of logarithmic averages of treated effluent data.

On the basis of this comment, the Agency reexamined the effluent treatment data used in the development of the limitations. Over twenty biological treatment systems were evaluated using both arithmetic and logarithmic averages. These averages were then used to develop limitations. It was determined that the treatment plant performance will be the same whether compliance is on the basis of logarithmic averages or arithmetic averages. The limitations based on arithmetic averages are greater than limitations based on logarithmic averages because the arithmetic averages of the treated effluent data are greater than the logarithmic averages. The treatment plant performance, however, remains the same. Thus, effluent limitations can be established which require compliance on the basis of arithmetic or logarithmic averages. In order to simplify enforcement activities, limitations have been developed from arithmetic averages of existing treatment system effluent data and compliance is based on the simpler arithmetic average.

4. The comment was made that in most biological systems it cost as much to remove from 85 percent to 95 percent BOD5 removal as it does to remove the entire first 85 percent of BOD5.

The cost data in the development document shows that this statement is not accurate for most industry wastewater. For low-strength wastes, about 200 mg/l BOD5, the commenter's statement has some justification and EPA limitations and costs are based on only 85 percent BOD5 removal. For higher strength wastes, such as 2,000 mg/l BOD5, EPA limitations and costs are based on approximately 95 percent BOD5 removal. Various degrees of BOD5 removal efficiency are obtained with biological treatment systems by controlling the aeration contact period and/or the concentration of active microorganisms. While better removal efficiencies cannot be achieved in the same system when the BOD5 loading is increased, it is possible to achieve higher percent reductions of stronger BOD5 wastes by providing longer detention time, more air and more microorganisms. In an activated sludge system, there is a decreasing percentage increase in costs to go from 85 percent to 95 percent as the waste strength increases. Thus, the increased cost to treat from 85 to 95 percent for low strength wastes could be almost the same as the cost to remove the first 85 percent BOD5, but for high strength wastes, the additional cost is only a small fraction of the cost to remove the first 85 percent BOD5.

5. The objection was raised that factors such as size and age of plant, processes employed, engineering aspects, process changes, raw material quality, costs and non-water quality impacts have been inadequately considered because these factors are not reflected in the recommended limitations.

Each of these factors has been considered in the establishment of the effluent limitations as summarized in the Development Document. Factors such as age, size and location of processing plants were studied in the subcategorization section and no significant relationship could be found between waste loads and any of the factors. Factors such as the processes employed and engineering aspects were also investigated in the subcategorization section and resulted in the segmentation of over fifty commodities and commodity products within the three industry subcategories. This segmentation resulted in different limitations for each of these commodities in the subcategories. The quality of raw material was studied but no correlation could be established between different raw material qualities and raw waste loads. The quality of the raw material does influence the selection of certain end products and this is reflected by different limitations for different product styles. The study of these factors has also resulted in the inclusion of data from as many years as possible in the establishment of raw waste loads and the effluent limitations. Other factors such as cost, economic impact and non-water quality impacts had substantial influence on the selection of BPCTCA and BATEA. As a result of these impacts, aerated lagoons, not activated sludge, were utilized for BPCTCA, and filtration was not utilized for all plants for BATEA. These impacts also prevented establishment of limitations for pollutants such as color and total dissolved solids. Thus, these factors have been considered; they have impacted the development of the recommended limitations, and they are, therefore, reflected in the limitations.

6. The criticism was made that limitations for BOD5 and TSS were established in a simplistic manner without adequately evaluating the demonstrated removals achieved with current technology.

The contractor's recommended limitations for BOD5 and TSS were established based on performance data from several aerated lagoons and activated sludge treatment systems. Nevertheless, this comment was reviewed by the Agency with the result that more treatment data was collected and the data was intensely analyzed with available statistical methods. As explained earlier, the effluent data was summarized using the normal distribution model. Regression and correlation analyses were completed along with "enveloping techniques" to determine the most reasonable methodology to establish BOD5 and TSS limitations. The resulting methodology utilizes the performance data and variability from over twenty biological treatment systems to determine the treatment performance data necessary for the establishment of the effluent limitations. Thus, the limitations have been established in a sophisticated manner utilizing results from numerous industry treatment systems.

7. A number of commenters termed the differences between daily and thirty day maximum limitations unrealistic due to day-to-day variability in raw waste loads, treatment plant variability and weather variability factors.

The analysis of the available treatment performance data showed that daily maximums were higher than those predicted in the contractor's report. While it is reasonable to expect some of the variability to be reduced before 1977 as a result of improved management control and familiarity with in-plant and treatment operations, the performance data currently available suggests higher daily maximums and thus the proposed limitations are less stringent than the recommendations in the contractor's report. However, this increased variability is not necessarily associated with weather effects, but may be due to inadequate control of sludge wasting, lack of necessary supplemental nutrients, or inadequate aeration and mixing. Treatment plants in all climates were included and many of the best are located in extremely cold locations. Thus, this impact has been considered and included in this industry segment.

The monthly and daily variability were studied in detail for treatment plants at single and multi-commodity plants. It was determined that the seasonal influence of the industry, the length of the processing season, its multi-commodity make-up, the variability in waste loads between commodities and within the same commodity, its treatment tendencies, and water quality restrictions emphasized the need for an annual BOD5 and TSS limitation in addition to the maximum thirty day and daily limits. Thus, an annual limitation has been included which is based on the annual performance of over twenty biological treatment systems.

8. The comment was made that the wet sampling for many commodities was inadequate or unrepresentative of typical performance. The criticism was also made that some historical data was unscientifically evaluated for inclusion or exclusion from the data base.

As a result of this criticism, the Agency has contacted each processor that submitted data, has reviewed the data for reliability and accuracy, and has detailed whether the data was included or excluded, and why. Wet sampling data was included in this review and most were found to be accurate and representative. Only a few percent of the collected data, both wet sample and historical data, was determined to be unreliable and thus excluded. With regard to the criticism that more wet sampling should have been conducted for some commodities, it was determined that about thirty of the fifty commodities needed to be sampled because of available data and the secondary processing nature of some commodities. Some of the commodities could not be sampled because of the short processing time available. The wet sampling program, however, was effective and further substantiated industry supplied data for thirty commodities in the subcategories.

9. The criticism was made that the development of BATEA limits assuming a 45 percent reduction in water usage and BOD5 generation was unfair and undemonstrated. Also, no economic assessment was made and no recognition was made of food safety and sanitation requirements.

The Agency has reviewed the contractor's recommendation of a 45 percent reduction for water usage and BOD5 for BATEA and has determined that such a reduction is appropriate for some commodities within each subcategory, but not appropriate for other commodities. Accordingly, the BATEA water usage and BOD5 raw waste values are different and are based on the mean minus one standard deviation value of the log normal distribution model for plant means. These raw waste characteristics are presently achieved by about 70 plants or over 25 percent of the surveyed plants in the industry. In the development of the BATEA values each plant mean was given equal weight to insure that at least one plant in each subcategory would achieve the water usage and BOD5 loads. For a few commodities, no plants achieved the predicted loads and in these cases the best plant was selected to establish the BATEA water usage and BOD5 values.

While a detailed economic assessment has not been made, available information indicates that this cost does not represent a significant capital expenditure and would not present a severe impact. In many cases, energy savings and materials recovery might pay for the program. Additional cost data on in-plant water and waste reduction program is requested to aid in future impact assessments.

With regard to food safety and sanitation requirements, the broad distribution of demonstrated water usage and waste loads within each commodity indicate that the expected BATEA reduction would not be affected. Review of present and future food safety and sanitation standards indicates that the BATEA raw waste values are not expected to change.

10. The comment was made that some plant data contains a mixture of process waste water and cooling water which results in inaccurate water usage data.

The problem of mixed process and cooling water data has been reviewed by the Agency and an attempt has been made to obtain from plant sources estimates of the cooling water contribution to the total water usage data reported. Any inclusion of mixed data would result in conservative estimates of raw waste loads and thus less stringent limitations. Furthermore, the effluent limitations guidelines apply to process waste water only. It is expected that cooling water can be handled separately and in many cases discharged directly. Many plants are presently handling cooling water in this manner. Thus, the utilization of data containing a mixture of process waste water and cooling water is not a significant concern.

11. One commenter specifically requested that frozen commodity styles be further investigated for additional subcategorization.

The Agency reviewed all the data for each subcategory commodity and per-

formed statistical analyses to determine whether differences could be determined and correlated with any of a number of factors including product style. For example, wastes from collard, turnip, mustard, spinach and kale greens could not be statistically differentiated while wastes from caneberries were shown to be statistically different from wastes from strawberries and cranberries. Eleven commodities in all subcategories were further segmented due to differences in product style and production processes, including five fruit and vegetable commodities which were separated into canned and frozen product styles.

12. The comment was made that effluent limitations were established for some commodities even though no BPCTCA biological treatment was demonstrated for these commodities.

The Agency recognized that BPCTCA would not be demonstrated for every commodity in every subcategory. Biological treatment was, however, demonstrated for commodities in every subcategory. In addition to these biological treatment systems, the Agency examined a wide range of biological treatment information from other segments of the food industry, from joint industrial and municipal biological treatment systems, and from pilot plant, laboratory, demonstration projects and other experimental data from various biological treatment processes. It was determined that all industry commodities in all three subcategories produced a biodegradable waste water that was essentially a mixture of organic and suspended materials. Even operations such as brining or products such as dressings or mayonnaise had been demonstrated to be successfully treated in a biological treatment system. Because of the similarity in waste character of commodities within the fruit and vegetable industry and because of the similar treatability demonstrated in biological treatment systems within the industry, it is appropriate to establish limitations for all commodities based on the performance data of biological treatment systems in the fruits and vegetables industry.

13. The comment was made that a proposed spray irrigation system to be built by a municipality would cost more than the contractor's report predicted.

As explained in the Development Document, costs do vary in relation to many variables and thus cost estimates are made for model plants which should be typical for the industry. It is possible that an example system could cost more than would be estimated by EPA. Spray irrigation costs assume a fixed application rate, fixed distance to spray field, a fixed spray field distribution system, and fixed construction costs. A specific example, especially a municipal system, could deviate from EPA assumptions and report a different cost. Therefore, the EPA estimates are reasonable and accurate for typical industry plants.

14. A number of commenters expressed concern that the best practicable control technology would result in a treated effluent with a pH over 9.0.

Several industry members have submitted aerated lagoon effluent data that indicates that the natural biological activities in the lagoons result in occasional discharges with the pH in excess of 9.0. The Agency has reviewed this information and other lagoon effluent data and has observed that some lagoons exceed a pH of 9.0 and others do not. Nevertheless, it is apparent from the data that the natural biological activity of a lagoon may result in wastewater discharges with pH in excess of 9.0. Accordingly, the Agency has recommended a maximum pH limit of 9.5.

15. Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent limitations generally.

The committee's proposal is under evaluation as a contribution toward future refinements of limitations for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train* et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than October 5, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, Effluent Guidelines Division (WH–552), 401 M Street, SW., Washington, D.C. 20460. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, 401 M Street, SW., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received within thirty days of publication of this interim final regulation in the FEDERAL REGISTER will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1975 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 407 is hereby revised as set forth below.

Dated: October 3, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart F—Canned and Preserved Fruits Subcategory

Sec.

407.60 Applicability; description of the canned and preserved fruits subcategory.
407.61 Specialized definitions.
407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Canned and Preserved Vegetables Subcategory

407.70 Applicability; description of the canned and preserved vegetables subcategory.
407.71 Specialized definitions.
407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart H—Canned and Miscellaneous Specialties Subcategory

407.80 Applicability; description of the canned and miscellaneous specialties subcategory.
407.81 Specialized definitions.

Sec.
407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314 (b) and (c); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart F—Canned and Preserved Fruits Subcategory

§ 407.60 Applicability; description of the canned and preserved fruits subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following fruit products; apricots; caneberries; sweet, sour and brined cherries; cranberries; dried fruit; grape juice canning and pressing; olives; canned and frozen peaches; pears; fresh and processed pickles, and pickle salting stations; pineapples; plums; raisins; strawberries; and peeled tomatoes and tomato products. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitation shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "apricots" shall include the processing of apricots into the following product styles: canned and frozen, pitted and unpitted, peeled and unpeeled, whole, halves, slices, nectar, and concentrate.

(c) The term "caneberries" shall include the processing of the following berries: canned and frozen blackberries, blueberries, boysenberries, currants, gooseberries, loganberries, ollalieberries, raspberries, and any other similar cane or bushberry but not strawberries or cranberries.

(d) The term "cherries, sweet" shall include the processing of sweet cherries into the following products: sweet frozen and canned, pitted and unpitted, whole, halves, juice and concentrate.

(e) The term "cherries, brined" shall include the processing of brined cherries into the following products: canned, bottled and bulk, sweet and sour, pitted and unpitted, bleached, sweetened, colored and flavored, whole, halved and chopped.

(f) The term "cranberries" shall mean the processing of cranberries into the following products: canned, bottled, and frozen, whole, sauce, jelly, juice and concentrate.

(g) The term "dried fruits" shall mean the processing of dried fruits into the following products: air, vacuum, and freeze dried, pitted and unpitted, blanched and unblanched, whole, halves, slices and other similar styles of apples, apricots, figs, peaches, pears, prunes, canned extracted prune juice and pulp from rehydrated and cooked dehydrated prunes; but not including dates or raisins.

(h) The term "grape juice canning" shall mean the processing of grape juice into the following products: canned and frozen, fresh and stored, natural grape juice for the manufacture of juices, drinks, concentrates, jams, jellies, and other related finished products but not wine or other spirits. In terms of raw material processed 1000 kg (1000 lb) of grapes are equivalent to 834 liters (100 gallons) of grape juice.

(i) The term "grape pressing" shall mean the washing and subsequent handling including pressing, heating, and filtration of natural juice from all varieties of grapes for the purpose of manufacturing juice, drink, concentrate, and jelly but not wine or other spirits. In terms of raw material processed 1000 kg (1000 lb) of grapes are equivalent to 834 liters (100 gallons) of grape juice.

(j) The term "olives" shall mean the processing of olives into the following products: canned, all varieties, fresh and stored, green ripe, black ripe, spanish, sicilian, and any other styles to which spices, acids, and flavorings may have been added.

(k) The term "peaches, canned" shall mean the processing of peaches into the following products: canned, all varieties, peeled, pitted and unpitted, whole, halves, sliced, diced, and any other cuts, nectar, and concentrate but not dehydrated.

(l) The term "peaches, frozen" shall mean the processing of peaches into the following products: frozen, all varieties, peeled, pitted and unpitted, whole, halves, sliced, diced, and any other cuts but not dehydrated.

(m) The term "pears" shall mean the processing of pears into the following products: canned, peeled, halved, sliced, diced, and any other cuts, nectar and concentrate but not dehydrated.

(n) The term "pickles, fresh" shall mean the processing of fresh cucumbers and other vegetables, all varieties, all sizes from whole to relish, all styles, cured after packing.

(o) The term "processed" shall mean the processing of pickles, cucumbers and other vegetables, all varieties, sizes and types, made after fermentation and storage.

(p) The term "pickles, salt stations" shall mean the handling and subsequent preserving of cucumbers and other vegetables by salt and other chemical additions necessary to achieve proper fermentation for the packing of processed pickle products, and subsequent tank soaking.

(q) The term "pineapples" shall mean the processing of pineapple into the following products: canned, peeled, sliced, chunk, tidbit, diced, crushed, and any other related piece size, juice and concentrate. It also specifically includes the on-site production of by-products such as alcohol, sugar or animal feed.

(r) The term "plums" shall mean the processing of plums into the following products: canned and frozen, pitted and unpitted, peeled and unpeeled, blanched and unblanched, whole, halved, and other piece size.

(s) The term "raisins" shall mean the processing of raisins into the following products: dried grapes, all varieties, bleached and unbleached, which have been cleaned and washed prior to packaging.

(t) The term "strawberries" shall mean the processing of strawberries into the following products: canned and frozen, whole, sliced, and pureed.

(u) The term "tomatoes peeled" shall mean the processing of tomatoes into canned, peeled, whole, stewed, and related piece sizes.

(v) The term "tomatoes, products" shall mean the processing of tomatoes into the following products: canned, peeled and unpeeled paste, concentrate, puree, sauce, juice, catsup and other simliar formulated items requiring various other pre-processed food ingredients.

(w) The term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(x) The term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceeds 9,080 kkg (10,000 tons) per year.

§ 407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either

more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval shall meet only the annual average BOD5 limitations.

BOD5 EFFLUENT LIMITATIONS

Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots	2.98	1.94	1.26
Caneberries	0.78	0.51	0.33
Cherries:			
Sweet	1.09	0.71	0.47
Sour	1.70	1.09	0.74
Brined	2.77	1.81	1.19
Cranberries	1.68	1.09	0.71
Dried fruit	1.83	1.19	0.78
Grape juice:			
Canning	1.02	0.67	0.45
Pressing	0.22	0.14	0.09
Olives	5.31	3.47	2.29
Peaches:			
Canned	1.81	1.18	0.78
Frozen	0.80	0.52	0.36
Pears	1.71	1.12	0.75
Pickles:			
Fresh pack	1.19	0.78	0.51
Process pack	1.39	0.91	0.62
Salt stations	0.20	0.14	0.10
Pineapples	1.78	1.16	0.75
Plums	0.68	0.44	0.29
Raisins	0.41	0.27	0.18
Strawberries	1.75	1.13	0.73
Tomatoes:			
Peeled	1.20	0.78	0.50
Products	0.48	0.31	.19
English units (lb/1,000 lb of raw material)			
Apricots	2.98	1.94	1.26
Caneberries	0.78	0.51	0.33
Cherries:			
Sweet	1.09	0.71	0.47
Sour	1.70	1.09	0.74
Brined	2.77	1.81	1.19
Cranberries	1.68	1.09	0.71
Dried fruit	1.83	1.19	0.78
Grape juice:			
Canning	1.02	0.67	0.45
Pressing	0.22	0.14	0.09
Olives	5.31	3.47	2.29
Peaches:			
Canned	1.81	1.18	0.78
Frozen	0.80	0.52	0.36
Pears	1.71	1.12	0.75
Pickles:			
Fresh pack	1.19	0.78	0.51
Process pack	1.39	0.91	0.62
Salt stations	0.20	0.14	0.10
Pineapples	1.78	1.16	0.75
Plums	0.68	0.44	0.29
Raisins	0.41	0.27	0.18
Strawberries	1.75	1.13	0.73
Tomatoes:			
Peeled	1.20	0.78	0.50
Products	0.48	0.31	0.19

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations.

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots	4.68	3.35	2.60
Caneberries	1.21	0.85	0.68
Cherries:			
Sweet	1.78	1.32	0.96
Sour	2.82	2.11	1.50
Brined	4.48	3.29	2.43
Cranberries	2.67	1.92	1.47
Dried fruit	2.92	2.12	1.60
Grape juice:			
Canning	1.70	1.28	0.91
Pressing	0.36	0.26	0.19
Olives	8.64	6.36	4.67
Peaches:			
Canned	2.93	2.15	1.59
Frozen	1.38	1.07	0.71
Pears	2.90	2.21	1.52
Pickles:			
Fresh pack	1.93	1.41	1.04
Process pack	2.38	1.82	1.24
Salt stations	0.43	0.38	0.19
Pineapples	2.82	2.03	1.56
Plums	1.07	0.78	0.59
Raisins	0.72	0.55	0.37
Strawberries	2.69	1.88	1.52
Tomatoes:			
Peeled	1.85	1.30	1.04
Products	0.71	0.48	0.41
English units (lb/1000 lb of raw material)			
Apricots	4.68	3.35	2.60
Caneberries	1.21	0.85	0.68
Cherries:			
Sweet	1.78	1.32	0.96
Sour	2.82	2.11	1.50
Brined	4.48	3.29	2.43
Cranberries	2.67	1.92	1.47
Dried fruit	2.92	2.12	1.60
Grape juice:			
Canning	1.70	1.28	0.91
Pressing	0.36	0.26	0.19
Olives	8.64	6.36	4.67
Peaches:			
Canned	2.93	2.15	1.59
Frozen	1.38	1.07	0.71
Pears	2.90	2.21	1.52
Pickles:			
Fresh pack	1.93	1.41	1.04
Process pack	2.38	1.82	1.24
Salt stations	0.43	0.38	0.19
Pineapples	2.82	2.03	1.56
Plums	1.07	0.78	0.59
Raisins	0.72	0.55	0.37
Strawberries	2.69	1.88	1.52
Tomatoes:			
Peeled	1.85	1.30	1.04
Products	0.71	0.48	0.41

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5

Subpart G—Canned and Preserved Vegetables Subcategory

§ 407.70 Applicability; description of the canned and preserved vegetables subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following vegetable products: asparagus; beets; broccoli; brussels sprouts; carrots; cauliflower; canned and frozen corn; dehydrated onions and garlic; dehydrated vegetables; dry beans; lima beans; mushrooms; canned onions; canned and frozen peas; pimentos; sauerkraut canning and cutting; canned and frozen snap beans; canned and frozen spinach; squash; sweet potatoes; and canned white potatoes. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitations shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "asparagus" shall include the processing of asparagus into the following product styles: canned and frozen, green and white, spears, tips, "center", and other related cuts but not dehydrated asparagus.

(c) The term "beets" shall include the processing of beets into the following product styles: canned and peeled, whole sliced, diced, French style, sections, irregular, and other cuts but not dehydrated beets.

(d) The term "broccoli" shall include the processing of broccoli into the following product styles: frozen, chopped, spears, and miscellaneous cuts.

(e) The term "brussels sprouts" shall include the processing of brussels sprouts into the following product styles: frozen whole.

(f) The term "carrots" shall include the processing of carrots into the following products: canned and frozen, peeled, whole, sliced, diced, nuggets, crinkle cut, julienne, shoestrings, chunks, chips and other irregular cuts, and juices but not dehydrated carrots.

(g) The term "cauliflower" shall include the processing of cauliflower into the following styles: frozen whole branches and pieces.

(h) The term "corn, canned" shall mean the processing of corn into the following product styles: canned, yellow and white, whole kernel, cream style, and on-the-cob.

(i) The term "corn, frozen" shall mean the processing of corn into the following product styles; frozen, yellow and white, whole kernel and whole cob.

(j) The term "dehydrated onions and garlic" shall mean the processing of dehydrated onions and garlic into the following product styles: air, vacuum, and freeze dried, all varieties, diced, strips, and other piece sizes ranging from large sliced to powder but not including green onions, chives, or leeks.

(k) The term "dehydrated vegetables" shall mean the processing of dehydrated vegetables in the following product styles: air, vacuum and freeze dried, blanched and unblanched, peeled and unpeeled, beets, bell peppers, cabbage, carrots, celery, chili pepper, horseradish, turnips, parsnips, parsley, asparagus, tomatoes, green beans, corn, spinich, green onion tops, chives, leeks, whole, diced, and any other piece size ranging from sliced to powder.

(l) The term "dry beans" shall mean the production of canned pinto, kidney, navy, great northern, red, pink or related type, with and without formulated sauces, meats and gravies.

(m) The term "lima beans" shall mean the processing of lima beans into the following product styles: canned and frozen, green and white, all varieties and sizes.

(n) The term "mushrooms" shall mean the processing of mushrooms into the following product styles: canned, frozen, dehydrated, all varieties, shapes and sizes.

(o) The term "canned onions" shall mean the processing of onions into the following product styles: canned, frozen, and fried (canned), peeled, whole, sliced, and any other piece size but not including frozen, battered onion rings or dehydrated onions.

(p) The term "peas, canned" shall mean the processing of peas into the

following product styles: canned, all varieties and sizes, whole.

(q) The term "peas, frozen" shall mean the processing of peas into the following product styles: frozen, all varieties and sizes, whole.

(r) The term "pimentos" shall mean the processing of pimentos into the following product styles: canned, peeled, whole, halves, sliced, diced, chopped and any other piece size.

(s) The term "squash" shall include the processing of pumpkin and squash into canned and frozen styles.

(t) The term "sauerkraut cutting" shall mean the trimming, cutting, and subsequent preparatory handling of cabbage necessary for and including brining and fermentation, and subsequent tank soaking.

(u) The term "sauerkraut canning" shall mean the draining and subsequent filling and canning of fermented cabbage and juice.

(v) The term "snap beans, canned" shall mean the processing of snap beans into the following product styles: canned green, Italian, wax, string, bush, and other related varieties, whole, French, fancy, Extra Standard, Standard, and other cuts.

(w) The term "snap beans, frozen" shall mean the processing of snap beans into the following product styles: frozen green, Italian, wax, string, bush, and other related varieties, whole, French, fancy, Extra Standard, Standard, and other cuts.

(x) The term "spinach, canned" shall mean the processing of spinach and leafy greens into the following product styles: canned, whole leaf, chopped, and other related cuts.

(y) The term "spinach, frozen" shall mean the processing of spinach and leafy greens into the following product styles: frozen, whole leaf, chopped, and other related cuts.

(z) The term "sweet potatoes, canned" shall mean the processing of sweet potatoes into the following product styles: canned, peeled, solid, syrup, and vacuum packed.

(aa) The term "white potatoes, canned" shall mean the processing of white potatoes into the following product styles: canned, peeled, white, all varieties, whole and sliced.

(ab) The term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(ac) The term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceed 9,080 kkg (10,000 tons) per year.

§ 407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5, controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
	Metric units (kg/kkg of raw material)		
Asparagus	0.85	0.55	0.34
Beets	0.81	0.54	0.39
Broccoli	3.61	2.34	1.47
Brussels sprouts	1.25	0.81	0.51
Carrots	1.73	1.14	0.76
Cauliflower	1.98	1.28	0.81
Corn:			
Canned	0.70	0.46	0.32
Frozen	1.80	1.24	0.83
Dehydrated onion/garlic	2.40	1.55	0.98
Dehydrated vegetables	2.91	1.88	1.19
Dry beans	2.46	1.60	1.05
Lima beans	3.64	2.36	1.52
Mushrooms	2.99	1.94	1.24
Onions (canned)	3.17	2.07	1.35
Peas:			
Canned	2.74	1.79	1.18
Frozen	2.03	1.33	0.88
Pimentos	3.97	2.58	1.69
Sauerkraut:			
Canning	0.49	0.32	0.21
Cutting	0.07	0.04	0.02
Snap beans:			
Canned	1.16	0.75	0.47
Frozen	2.12	1.37	0.88
Spinach:			
Canned	3.02	1.95	1.23
Frozen	1.77	1.14	0.72
Squash	0.86	0.57	0.40
Sweet potato	0.78	0.53	0.40
White potato (canned)	1.30	0.86	0.60

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of raw material)			
Asparagus	0.85	0.55	0.34
Beets	0.81	0.54	0.30
Broccoli	3.61	2.34	1.47
Brussels sprouts	1.25	0.81	0.51
Carrots	1.73	1.14	0.78
Cauliflower	1.98	1.28	0.81
Corn:			
Canned	0.70	0.46	0.32
Frozen	1.89	1.24	0.83
Dehydrated onion/garlic	2.40	1.55	0.98
Dehydrated vegetables	2.91	1.88	1.19
Dry beans	2.46	1.60	1.05
Lima beans	3.64	2.36	1.52
Mushrooms	2.99	1.94	1.24
Onions (canned)	3.17	2.07	1.35
Peas:			
Canned	2.74	1.79	1.18
Frozen	2.03	1.33	0.88
Pimentos	3.97	2.58	1.69
Sauerkraut:			
Canning	0.49	0.32	0.21
Cutting	0.07	0.04	0.03
Snap beans:			
Canned	1.16	0.75	0.47
Frozen	2.12	1.37	0.88
Spinach:			
Canned	3.02	1.65	1.23
Frozen	1.77	1.14	0.72
Squash	0.86	0.57	0.40
Sweet potato	0.78	0.53	0.40
White potato (canned)	1.30	0.86	0.60

(b) The following limitations establish the quantity of TSS controlled by the section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) of kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus	1.26	0.85	0.73
Beets	1.55	1.27	0.74
Broccoli	5.37	3.65	3.12
Brussels sprouts	1.85	1.26	1.08
Carrots	2.91	2.19	1.53
Cauliflower	2.93	1.99	1.70
Corn:			
Canned	1.28	1.03	0.63
Frozen	3.16	2.37	1.67
Dehydrated onion/garlic	3.56	2.42	2.07
Dehydrated vegetables	4.32	2.93	2.51
Dry beans	3.92	2.83	2.15
Lima beans	5.64	3.99	3.17
Mushrooms	4.59	3.21	2.59
Onions (canned)	5.09	3.71	2.78
Peas:			
Canned	4.44	3.36	2.40
Frozen	3.33	2.47	1.79
Pimentos	6.35	4.62	3.47
Sauerkraut:			
Canning	0.78	0.57	0.43
Cutting	0.12	0.10	0.06
Snap beans:			
Canned	1.73	1.17	1.00
Frozen	3.25	2.27	1.84
Spinach:			
Canned	4.49	2.05	2.60
Frozen	2.62	1.78	1.52
Squash	1.57	1.25	0.78
Sweet potato	1.67	1.48	0.74
White Potato (canned)	2.39	1.93	1.18

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of raw material)			
Asparagus	1.26	0.85	0.73
Beets	1.55	1.27	0.74
Broccoli	5.37	2.65	3.12
Brussels sprouts	1.85	1.26	1.08
Carrots	2.91	2.19	1.53
Cauliflower	2.93	1.99	1.70
Corn:			
Canned	1.28	1.03	0.63
Frozen	3.16	2.37	1.67
Dehydrated onion/garlic	3.56	2.42	2.07
Dehydrated vegetables	4.32	2.93	2.51
Dry beans	3.92	2.83	2.15
Lima beans	5.64	3.99	3.17
Mushrooms	4.59	3.21	2.59
Onions (canned)	5.09	3.71	2.78
Peas:			
Canned	4.44	3.26	2.40
Frozen	3.33	2.47	1.79
Pimentos	6.35	4.62	3.47
Sauerkraut:			
Canning	0.78	0.57	0.43
Cutting	0.12	0.10	0.06
Snap beans:			
Canned	1.73	1.17	1.00
Frozen	3.25	2.27	1.84
Spinach:			
Canned	4.49	3.05	2.60
Frozen	2.62	1.78	1.52
Squash	1.57	1.25	0.78
Sweet potato	1.67	1.48	0.74
White potato (canned)	2.39	1.93	1.18

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

Subpart H—Canned and Miscellaneous Specialties Subcategory

§ 407.80 Applicability; description of the canned and miscellaneous specialties subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following specialty products: added ingredients; baby food; corn, potato, and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressings; soups; and tomato-starch-cheese canned specialties. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitations shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "added ingredients" small mean the prepared sauces (prepared from items such as dairy products, starches, sugar, tomato sauce and concentrate, spices, and other related pre-processed ingredients) which are added during the canning and freezing of fruits and vegetables.

(c) The term "baby foods" shall mean the processing of canned fresh fruits and vegetables, meats, eggs, fruit juices, cereal, formulated entrees, desserts and snacks using fresh, pre-processed, or any combination of these and other food ingredients necessary for the production of infant foods.

(d) The term "chips, potato" shall mean the processing of fried chips, made from fresh or stored white potatoes, all varieties. In terms of finished potato chips, 1 kg (lb) of finished product is equivalent to 4 kg (lb) of raw material.

(e) The term "chips, corn" shall mean the processing of fried corn, made by soaking, rinsing, milling and extruding into a fryer without toasting. In terms of finished corn chips, 1 kg (lb) of finished product is equivalent to 0.9 kg (lb) of raw material.

(f) The term "chips, tortilla" shall mean the processing of fried corn, made by soaking, rinsing, milling, rolling into sheets, toasting and frying. In terms of finished tortilla chips, 1 kg (lb) of finished product is equivalent to 0.9 kg (lb) of raw material.

(g) The term "ethnic foods" shall mean the production of canned and frozen Chinese and Mexican specialties utilizing fresh and pre-processed bean sprouts, bamboo shoots, water chestnuts, celery, cactus, chilis, tomatoes, and other similar vegetables necessary for the production of the various characteristic product styles.

(h) The term "jams and jellies" shall include the production of jams, jellies and preserves defined as follows: the combination of fruit and fruit concentrate, sugar, pectin, and other additives in an acidic medium resulting in a gelatinized and thickened finished product.

(i) The term "mayonnaise and salad dressings" shall be defined as the emulsified and non-emulsified semi-solid food prepared from the combining of edible vegetable oil with acidifying, and egg yolk containing ingredients, or gum and starch combinations to which certain colorings, spices, and flavorings have been added.

(j) The term "soups" shall mean the combination of various fresh and pre-processed meats, fish, dairy products, eggs, flours, starches, vegetables, spices, and other similar raw ingredients into a variety of finished mixes and styles but not including dehydrated soups.

(k) The term "tomato-starch-cheese canned specialties" shall mean canned specialties resulting from a combination of fresh and pre-processed tomatoes, starches, cheeses, spices, and other flavorings necessary to produce a variety of products similar to but not exclusively raviolis, spaghetti, tamales, and enchiladas.

(l) The term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(m) The term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceeds 9,080 kkg (10,000 tons) per year.

§ 407.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the

State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and release at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients	1.30	0.80	0.33
Baby food	1.00	0.65	0.42
Chips:			
Potato	3.35	2.19	1.47
Corn	1.84	1.22	0.85
Tortilla	2.88	1.89	1.26
Ethnic foods	1.74	1.13	0.73
Jams/jellies	0.39	0.26	0.17
Mayonnaise and dressings	0.34	0.23	0.15
Soups	4.10	2.66	1.71
Tomato-starch-cheese canned specialties	1.77	1.14	0.72
English units (lb/1,000 of final product)			
Added ingredients	1.30	0.80	0.33
Baby food	1.00	0.65	0.42
Chips:			
Potato	3.35	2.19	1.47
Corn	1.84	1.22	0.85
Tortilla	2.88	1.89	1.26
Ethnic foods	1.74	1.13	0.73
Jams/jellies	0.39	0.26	0.17
Mayonnaise and dressings	0.34	0.23	0.15
Soups	4.10	2.66	1.71
Tomato-starch-cheese canned specialties	1.77	1.14	0.72

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients	0.00	0.00	0.00
Baby food	1.56	1.11	0.87
Chips:			
Potato	5.60	4.22	2.96
Corn	3.34	2.67	1.66
Tortilla	4.79	3.59	2.54
Ethnic foods	2.70	1.91	1.51
Jams/jellies	0.68	0.53	0.35
Mayonnaise and dressings	0.60	0.47	0.31
Soups	6.34	4.47	3.56
Tomato-starch-cheese canned specialties	2.62	1.78	1.52
English units (lb/1,000 lb of final product)			
Added ingredients	0.00	0.00	0.00
Baby food	1.56	1.11	0.87
Chips:			
Potato	5.60	4.22	2.96
Corn	3.34	2.67	1.66
Tortilla	4.79	3.59	2.54
Ethnic foods	2.70	1.91	1.51
Jams/jellies	0.68	0.53	0.35
Mayonnaise and dressings	0.60	0.47	0.31
Soups	6.34	4.47	3.56
Tomato-starch-cheese canned specialities	2.62	1.78	1.52

(c) The following limitations establish the quantity of oil and grease and quality of pH controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20 mg/l
pH	At all times within the range 6.0 to 9.5

[FR Doc.75-27899 Filed 10-20-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 407]

[FRL 444-6]

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Proposed Effluent Guidelines and Standards

Notice is hereby given that effluent limitations for existing sources, standards of performance and pretreatment standards for new sources, and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On March 21, 1974, EPA promulgated a regulation adding Part 407 to Chapter 40 of the Code of Federal Regulations (39 FR 10862). That regulation, with subsequent amendments, established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved fruits and vegetables processing industry point source category. The regulation proposed below will amend 40 CFR 407—canned and preserved fruits and vegetables processing industry point source category by revising section 407.62 to include limitations for "medium" size plants and by adding for "medium" and "large" plants sections 407.63, 407.64, 407.65, and 407.66 to the canned and preserved fruits subcategory (Subpart F), by revising section 407.72 to include limitations for "medium" size plants and by adding for "medium" and "large" plants sections 407.73, 407.74, 407.75, and 407.76 to the canned and preserved vegetables subcategory (Subpart G), and by revising section 407.82 to include limitations for "medium" size plants and by adding for "medium" and "large" plants sections 407.83, 407.84, 407.85, and 407.86 to the canned and miscellaneous specialties subcategory (Subpart H) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously with this proposed rulemaking, EPA is promulgating interim final regulations which establish effluent limitations guidelines for "large" plants requiring the application of the best practicable control technology currently available for the above listed subparts.

(a) Legal authority.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 F.R. 1624) a list of 27 point source categories, including the canned and preserved fruits and vegetables processing industry point source category. The regulations proposed herein set forth the standards of performance applicable to new sources for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 407.66, 407.76, and 407.86, proposed below, provide pretreatment standards for new sources within the canned and preserved fruits subcategory (Subpart F), canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 407.64, 407.74, and 407.84 proposed below provide pretreatment standards for existing sources within the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties cubcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

(b) Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in the final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than

to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 407.64, 407.74 and 407.84 of the regulation proposed below are intended to implement the intent of section 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final and Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Fruits, Vegetables, and Specialties Segment of the Canned and Preserved Fruits and Vegetables Processing Industry Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Public Information Reference Unit, Room 2404, 401 M Street, S.W., Washington, D.C. 20460, at all EPA regional offices. A supplementary analysis prepared for EPA of the possible economic effects of the interim final and proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division (WH-552), 401 M Street, S.W., Washington, D.C. 20460, Attention: Distribution Officer.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation.

A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the canned and preserved fruits subcategory, the canned and preserved vegetables subcategory, and the canned and miscellaneous specialties subcategory of the canned and preserved fruits and vegetables processing industry point source category being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, Effluent Guidelines Division (WH-552), 401 M Street, S.W., Washington, D.C. 20460, Attention: Distribution Officer. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, 401 M Street, S.W., Washington, D.C. 20460. A copy of preliminary draft contractor report, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received within thirty days of publication of this notice in the FEDERAL REGISTER will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: October 3, 1975.

JOHN QUARLES,
Acting Administrator.

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Subpart F—Canned and Preserved Fruits Subcategory

Sec.

407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

407.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

407.64 Pretreatment standards for existing sources.

407.65 Standards of performance for new sources.

407.66 Pretreatment standards for new sources.

Subpart G—Canned and Preserved Vegetables Subcategory

407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

407.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

407.74 Pretreatment standards for existing sources.

407.75 Standards of performance for new sources.

407.76 Pretreatment standards for new sources.

Subpart H—Canned and Miscellaneous Specialties Subcategory

407.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

407.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

407.84 Pretreatment standards for existing sources.

407.85 Standards of performance for new sources.

407.86 Pretreatment standards for new sources.

Subpart F—Canned and Preserved Fruits Subcategory

§ 407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology current available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result,

these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long-term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

Commodity (fruits)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots	2.98	1.94	1.26
Caneberries	0.78	0.51	0.33
Cherries:			
Sweet	1.09	0.71	0.47
Sour	1.70	1.09	0.74
Brined	2.77	1.81	1.19
Cranberries	1.68	1.09	0.71
Dried fruit	1.83	1.19	0.78
Grape juice:			
Canning	1.02	0.67	0.45
Pressing	0.22	0.14	0.09
Olives	5.31	3.47	2.29
Peaches:			
Canned	1.81	1.18	0.78
Frozen	0.80	0.52	0.36
Pears	1.71	1.12	0.75
Pickles:			
Fresh pack	1.19	0.78	0.51
Process pack	1.39	0.91	0.62
Salt stations	0.20	0.14	0.10
Pineapples	1.78	1.16	0.75
Plums	0.68	0.44	0.29
Raisins	0.41	0.27	0.18
Strawberries	1.75	1.13	0.73
Tomatoes:			
Peeled	1.20	0.78	0.50
Products	0.48	0.31	0.19
English units (lb/1,000 lb of raw material)			
Apricots	2.98	1.94	1.26
Caneberries	0.78	0.51	0.33
Cherries:			
Sweet	1.09	0.71	0.47
Sour	1.70	1.09	0.74
Brined	2.77	1.81	1.19
Cranberries	1.68	1.09	0.71
Dried fruit	1.83	1.19	0.78
Grape juice:			
Canning	1.02	0.67	0.45
Pressing	0.22	0.14	0.09
Olives	5.31	3.47	2.29
Peaches:			
Canned	1.81	1.18	0.78
Frozen	0.80	0.52	0.36
Pears	1.71	1.12	0.75
Pickles:			
Fresh pack	1.19	0.78	0.51
Process pack	1.39	0.91	0.62
Salt stations	0.20	0.14	0.10
Pineapples	1.78	1.16	0.75
Plums	0.68	0.44	0.29
Raisins	0.41	0.27	0.18
Strawberries	1.75	1.13	0.73
Tomatoes:			
Peeled	1.20	0.78	0.50
Products	0.48	0.31	0.19

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "medium" existing point source subject to the provision of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations.

Commodity (fruits)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/1kg of raw material)			
Apricots	4.68	3.35	2.60
Caneberries	1.21	0.85	0.68
Cherries:			
Sweet	1.78	1.32	0.96
Sour	2.82	2.11	1.50
Brined	4.48	3.29	2.43
Cranberries	2.67	1.92	1.47
Dried fruit	2.92	2.12	1.60
Grape juice:			
Canning	1.70	1.28	0.91
Pressing	0.36	0.26	0.19
Olives	8.64	6.36	4.67
Peaches:			
Canned	2.93	2.15	1.59
Frozen	1.38	1.07	0.71
Pears	2.90	2.21	1.52
Pickles:			
Fresh pack	1.93	1.41	1.04
Process pack	2.38	1.83	1.24
Salt stations	0.43	0.38	0.19
Pineapples	2.82	2.03	1.56
Plums	1.07	0.78	0.59
Raisins	0.72	0.55	0.37
Strawberries	2.69	1.88	1.52
Tomatoes:			
Peeled	1.85	1.30	1.04
Products	0.71	0.48	0.41
English units (lb/1,000 lb of raw material)			
Apricots	4.68	3.35	2.60
Caneberries	1.21	0.85	0.68
Cherries:			
Sweet	1.78	1.32	0.96
Sour	2.82	2.11	1.50
Brined	4.48	3.29	2.43
Cranberries	2.67	1.92	1.47
Dried fruit	2.92	2.12	1.60
Grape juice:			
Canning	1.70	1.28	0.91
Pressing	0.36	0.26	0.19
Olives	8.64	6.36	4.67
Peaches:			
Canned	2.93	2.15	1.59
Frozen	1.38	1.07	0.71
Pears	2.90	2.21	1.52
Pickles:			
Fresh pack	1.93	1.41	1.04
Process pack	2.38	1.82	1.24
Salt stations	0.43	0.38	0.19
Pineapples	2.82	2.03	1.56
Plums	1.07	0.78	0.59
Raisins	0.72	0.55	0.37
Strawberries	2.69	1.88	1.52
Tomatoes:			
Peeled	1.85	1.30	1.04
Products	0.71	0.48	0.41

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology econom-

ically achievable. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

Commodity (fruits)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots:			
Medium	0.977	0.619	0.300
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.217	0.137	0.063
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.379	0.237	0.121
Large	0.379	0.237	0.121
Sour:			
Medium	0.857	0.542	0.261
Large	0.857	0.542	0.261
Brined:			
Medium	0.571	0.376	0.229
Large	0.571	0.376	0.229
Cranberries:			
Medium	0.517	0.330	0.165
Large	0.517	0.330	0.165
Dried fruit:			
Medium	0.539	0.346	0.203
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.469	0.301	0.140
Large	0.469	0.301	0.140
Pressing:			
Medium	0.089	0.056	0.027
Large	0.089	0.056	0.027
Olives:			
Medium	1.826	1.154	0.549
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	0.806	0.510	0.244
Large	0.806	0.510	0.244
Frozen:			
Medium	0.277	0.257	0.141
Large	0.277	0.257	0.141
Pears:			
Medium	0.581	0.373	0.195
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	0.580	0.362	0.159
Large	0.580	0.362	0.159
Process pack:			
Medium	0.508	0.323	0.163
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	0.880	0.554	0.257
Large	0.880	0.554	0.257
Plums:			
Medium	0.233	0.146	0.066
Large	0.233	0.146	0.066
Raisins:			
Medium	0.165	0.109	0.066
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.536	0.330	0.150
Large	0.536	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.375	0.236	0.108
Large	0.375	0.236	0.108
Products:			
Medium	0.281	0.175	0.075
Large	0.281	0.175	0.075
English units (lb/1,000 lb of raw material)			
Apricots:			
Medium	0.977	0.619	0.300
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.217	0.137	0.063
Large	0.217	0.137	0.063

Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Cherries:			
Sweet:			
Medium	0.370	0.237	0.121
Large	0.370	0.237	0.121
Sour:			
Medium	0.857	0.542	0.261
Large	0.857	0.542	0.261
Brined:			
Medium	0.571	0.376	0.229
Large	0.571	0.376	0.229
Cranberries:			
Medium	0.517	0.330	0.165
Large	0.517	0.330	0.165
Dried fruit:			
Medium	0.539	0.346	0.203
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.469	0.301	0.140
Large	0.469	0.301	0.140
Pressing:			
Medium	0.089	0.056	0.027
Large	0.089	0.056	0.027
Olives:			
Medium	1.835	1.154	0.549
Large	1.835	1.154	0.549
Peaches:			
Canned:			
Medium	0.806	0.510	0.244
Large	0.806	0.510	0.244
Frozen:			
Medium	0.277	0.257	0.141
Large	0.277	0.257	0.141
Pears:			
Medium	0.581	0.373	0.195
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	0.580	0.362	0.159
Large	0.580	0.362	0.159
Process pack:			
Medium	0.508	0.323	0.163
Large	0.508	0.323	0.163
Salt station:			
Medium	[1]	[1]	[1]
Large	[1]	[1]	[1]
Pineapples:			
Medium	0.880	0.554	0.257
Large	0.880	0.554	0.257
Plums:			
Medium	0.233	0.146	0.066
Large	0.233	0.146	0.066
Raisins:			
Medium	0.165	0.109	0.066
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.526	0.330	0.150
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.375	0.236	0.108
Large	0.375	0.236	0.108
Products:			
Medium	0.281	0.175	0.075
Large	0.281	0.175	0.075

[1] No discharge.

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate wtih state approval, shall meet only the annual average TSS limitations.

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots:			
Medium	1.928	1.094	0.622
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.415	0.221	0.134
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.758	0.460	0.244
Large	0.370	0.237	0.121
Sour:			
Medium	1.686	0.952	0.544
Large	0.857	0.542	0.261
Brined:			
Medium	1.328	0.974	0.423
Large	0.571	0.376	0.229
Cranberries:			
Medium	1.044	0.618	0.336
Large	0.517	0.330	0.165
Dried fruit:			
Medium	1.122	0.701	0.360
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.918	0.496	0.297
Large	0.469	0.301	0.140
Pressing:			
Medium	0.175	0.099	0.056
Large	0.089	0.056	0.027
Olives:			
Medium	3.564	1.980	1.149
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	1.577	0.880	0.509
Large	0.806	0.510	0.244
Frozen:			
Medium	0.563	0.313	0.274
Large	0.277	0.257	0.141
Pears:			
Medium	1.209	0.755	0.388
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	1.072	0.530	0.348
Large	0.580	0.362	0.159
Process pack:			
Medium	1.028	0.613	0.331
Large	0.508	0.323	0.163
Salt station:			
Medium	[1]	[1]	[1]
Large	[1]	[1]	[1]
Pineapples:			
Medium	1.600	0.907	0.546
Large	0.880	0.554	0.257
Plums:			
Medium	0.437	0.224	0.142
Large	0.233	0.146	0.066
Raisins:			
Medium	0.383	0.281	0.122
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.996	0.519	0.322
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.712	0.373	0.230
Large	0.375	0.236	0.108
Products:			
Medium	0.514	0.247	0.167
Large	0.281	0.175	0.075
English units (lb/1,000 lb of raw material)			
Apricots:			
Medium	1.928	1.094	0.622
Large	.977	0.619	0.300
Caneberries:			
Medium	0.415	0.221	0.134
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.758	0.460	0.244
Large	0.370	0.237	0.121
Sour:			
Medium	1.686	0.952	0.544
Large	0.857	0.542	0.261
Brined:			
Medium	1.328	0.974	0.423
Large	0.571	0.376	0.229
Cranberries:			
Medium	1.044	0.618	0.336
Large	0.517	0.330	0.165

Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Dried fruit:			
Medium	1.122	0.701	0.360
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.918	0.496	0.297
Large	0.469	0.301	0.140
Pressing:			
Medium	0.175	0.099	0.056
Large	0.089	0.056	0.027
Olives:			
Medium	3.564	1.980	1.149
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	1.577	0.880	0.509
Large	0.806	0.510	0.244
Frozen:			
Medium	0.563	0.313	0.274
Large	0.277	0.257	0.141
Pears:			
Medium	1.209	0.755	0.388
Large	0.581	0.373	0.196
Pickles:			
Fresh pack:			
Medium	1.072	0.530	0.348
Large	0.580	0.362	0.159
Process Pack:			
Medium	1.028	0.613	0.331
Large	0.508	0.323	0.163
Salt station:			
Medium	[1]	[1]	[1]
Large	[1]	[1]	[1]
Pineapples:			
Medium	1.690	0.907	0.546
Large	0.880	0.534	0.257
Plums:			
Medium	0.437	0.224	0.142
Large	0.233	0.146	0.066
Raisins:			
Medium	0.383	0.281	0.122
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.996	0.519	0.322
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.712	0.373	0.230
Large	0.375	0.236	0.108
Products:			
Medium	0.514	0.247	0.167
Large	0.281	0.175	0.075

[1] No discharge.

(c) The following limitations establish the quality of pH and quantity of fecal coliforms controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and preserved fruits subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
pH	Do.
Fecal coliform	

§ 407.65 Standards of performance for new sources.

The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

Commodity (fruits)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots:			
Medium	0.977	0.619	0.300
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.217	0.137	0.063
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.370	0.237	0.121
Large	0.370	0.237	0.121
Sour:			
Medium	0.857	0.542	0.261
Large	0.857	0.542	0.261
Brined:			
Medium	0.571	0.376	0.229
Large	0.571	0.376	0.229
Cranberries:			
Medium	0.517	0.330	0.165
Large	0.517	0.330	0.165
Dried fruit:			
Medium	0.539	0.346	0.203
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.469	0.301	0.140
Large	0.469	0.301	0.140
Pressing:			
Medium	0.089	0.056	0.027
Large	0.089	0.056	0.027
Olives:			
Medium	1.826	1.154	0.549
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	0.806	0.510	0.244
Large	0.806	0.510	0.244
Frozen:			
Medium	0.277	0.257	0.141
Large	0.277	0.257	0.141
Pears:			
Medium	0.581	0.373	0.195
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	0.580	0.362	0.159
Large	0.580	0.362	0.159
Process pack:			
Medium	0.508	0.323	0.163
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	0.880	0.554	0.257
Large	0.880	0.554	0.257
Plums:			
Medium	0.233	0.146	0.066
Large	0.233	0.146	0.066
Raisins:			
Medium	0.165	0.109	0.066
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.526	0.330	0.150
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.375	0.236	0.108
Large	0.375	0.236	0.108
Products:			
Medium	0.281	0.176	0.075
Large	0.281	0.176	0.075
English units (lb/1,000 lb of raw material)			
Apricots:			
Medium	0.977	0.619	0.300
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.217	0.137	0.063
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.370	0.237	0.121
Large	0.370	0.237	0.121
Sour:			
Medium	0.857	0.542	0.261
Large	0.757	0.542	0.261
Brined:			
Medium	0.571	0.376	0.229
Large	0.571	0.376	0.229
Cranberries:			
Medium	0.517	0.330	0.165
Large	0.517	0.330	0.165

Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Dried fruit:			
Medium	0.539	0.346	0.203
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.469	0.301	0.140
Large	0.469	0.301	0.140
Pressing:			
Medium	0.089	0.056	0.027
Large	0.089	0.056	0.027
Olives:			
Medium	1.826	1.154	0.549
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	0.806	0.510	0.244
Large	0.806	0.510	0.244
Frozen:			
Medium	0.277	0.257	0.141
Large	0.277	0.257	0.141
Pears:			
Medium	0.581	0.373	0.195
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	0.580	0.362	0.159
Large	0.580	0.362	0.159
Process pack:			
Medium	0.508	0.323	0.163
Large	0.508	0.323	0.163
Salt station:			
Medium		[1]	[1]
Large		[1]	[1]
Pineapples:			
Medium	0.880	0.554	0.257
Large	0.880	0.554	0.257
Plums:			
Medium	0.233	0.146	0.066
Large	0.233	0.146	0.066
Raisins:			
Medium	0.165	0.109	0.066
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.526	0.330	0.150
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.375	0.236	0.108
Large	0.375	0.236	0.108
Products:			
Medium	0.281	0.175	0.075
Large	0.281	0.175	0.075

[1] No discharge

(b) The following standards of performance establish the quantity of TSS controlled by this section, which may be discharged by a new point source subject to the provision of this subpart. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and discharged at a controlled rate with state approval, shall meet only the annual average TSS limitations.

Commodity (fruits)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units	(kg/kkg of raw material)		
Apricots:			
Medium	1.928	1.094	0.622
Large	0.977	0.619	0.309
Caneberries:			
Medium	0.415	0.221	0.134
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.758	0.460	0.244
Large	0.370	0.237	0.121
Sour:			
Medium	1.686	0.952	0.544
Large	0.857	0.542	0.261
Brined:			
Medium	1.328	0.974	0.423
Large	0.57	0.376	0.229

Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Cranberries:			
Medium	1.044	0.618	0.336
Large	0.517	0.330	0.165
Dried fruit:			
Medium	1.122	0.701	0.360
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.918	0.496	0.297
Large	0.469	0.301	0.149
Pressing:			
Medium	0.175	0.099	0.056
Large	0.089	0.056	0.027
Olives:			
Medium	3.564	1.980	1.149
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	1.577	0.880	0.509
Large	0.806	0.510	0.244
Frozen:			
Medium	0.563	0.313	0.274
Large	0.277	0.257	0.141
Pears:			
Medium	1.209	0.755	0.388
Large	0.581	0.373	0.195
Pickles:			
Fresh Pack:			
Medium	1.072	0.530	0.348
Large	0.580	0.362	0.159
Process pack:			
Medium	1.028	0.613	0.331
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	1.690	0.907	0.546
Large	0.880	0.554	0.257
Plums:			
Medium	0.437	0.224	0.142
Large	0.233	0.146	0.066
Raisins:			
Medium	0.383	0.281	0.122
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.996	0.519	0.322
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.712	0.373	0.230
Large	0.375	0.236	0.108
Products:			
Medium	0.514	0.247	0.167
Large	0.281	0.175	0.075
English units (lb/1,000 lb of raw material)			
Apricots:			
Medium	1.928	1.094	0.622
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.415	0.221	0.134
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.758	0.460	0.244
Large	0.370	0.237	0.121
Sour:			
Medium	1.686	0.952	0.541
Large	0.857	0.542	0.261
Brined:			
Medium	1.328	0.974	0.423
Large	0.671	0.376	0.229
Cranberries:			
Medium	1.044	0.618	0.336
Large	0.517	0.330	0.165
Dried fruit:			
Medium	1.122	0.701	0.360
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.918	0.496	0.297
Large	0.469	0.301	0.140
Pressing:			
Medium	0.175	0.099	0.056
Large	0.089	0.056	0.027
Olives:			
Medium	3.564	1.980	1.149
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	1.577	0.880	0.509
Large	0.806	0.510	0.244
Frozen:			
Medium	0.563	0.313	0.274
Large	0.277	0.257	0.141

Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Pears:			
Medium	1.209	0.755	0.388
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	1.072	0.530	0.248
Large	0.583	0.302	0.159
Process pack:			
Medium	1.028	0.613	0.331
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	1.600	0.907	0.546
Large	0.880	0.554	0.257
Plums:			
Medium	0.437	0.234	0.142
Large	0.233	0.146	0.066
Raisins:			
Medium	0.383	0.281	0.122
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.996	0.519	0.322
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.712	0.373	0.230
Large	0.375	0.236	0.108
Products:			
Medium	0.514	0.247	0.167
Large	0.261	0.175	0.075

[1] No discharge.

(c) The following standards of performance establish the quality of pH and quantity of fecal coliforms controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and preserved fruits subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
pH	Do.
Fecal coliform	Do.

Subpart G—Canned and Preserved Vegetables Subcategory

§ 407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the

State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus	0.85	0.55	0.34
Beets	0.81	0.54	0.39
Broccoli	3.61	2.34	1.47
Brussels sprouts	1.25	0.81	0.51
Carrots	1.73	1.14	0.76
Cauliflower	1.98	1.28	0.81
Corn:			
Canned	0.70	0.46	0.32
Frozen	1.89	1.24	0.83
Dehydrated onion/garlic	2.40	1.55	0.98
Dehydrated vegetables	2.91	1.88	1.19
Dry beans	2.46	1.60	1.05
Lima beans	3.64	2.36	1.52
Mushrooms	2.99	1.94	1.24
Onions (canned)	3.17	2.07	1.35
Peas:			
Canned	2.74	1.79	1.18
Frozen	2.03	1.33	0.88
Pimentos	3.97	2.58	1.69
Sauerkraut:			
Canning	0.49	0.32	0.21
Cutting	0.07	0.04	0.03
Snap beans:			
Canned	1.16	0.75	0.47
Frozen	2.12	1.37	0.88
Spinach:			
Canned	3.02	1.95	1.23
Frozen	1.77	1.14	0.72
Squash	0.95	0.57	0.40
Sweet potato	0.78	0.53	0.40
White potato (canned)	1.30	0.86	0.60
English units (lb/1,000 lb of raw material)			
Asparagus	0.85	0.55	0.34
Beets	0.81	0.54	0.39
Broccoli	3.61	2.34	1.47
Brussels sprouts	1.25	0.81	0.51
Carrots	1.73	1.14	0.76
Cauliflower	1.98	1.28	0.81
Corn:			
Canned	0.70	0.46	0.32
Frozen	1.89	1.24	0.83
Dehydrated onion/garlic	2.40	1.55	0.98
Dehydrated vegetables	2.91	1.88	1.19
Dry beans	2.46	1.60	1.05
Lima beans	3.64	2.36	1.52
Mushrooms	2.99	1.94	1.24
Onions (canned)	3.17	2.07	1.35
Peas:			
Canned	2.74	1.79	1.18
Frozen	2.03	1.33	0.88
Pimentos	3.97	2.58	1.69
Sauerkraut:			
Canning	0.49	0.32	0.21
Cutting	0.07	0.04	0.03
Snap beans:			
Canned	1.16	0.75	0.47
Frozen	2.12	1.37	0.88
Spinach:			
Canned	3.02	1.95	1.23
Frozen	1.77	1.14	0.72
Squash	0.86	0.57	0.40
Sweet potato	0.78	0.53	0.40
White potato (canned)	1.30	0.86	0.60

(b) The following limitations establish the quantity of TSS controlled by the section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) of kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus	1.26	0.85	0.73
Beets	1.55	1.27	0.74
Broccoli	5.37	3.65	3.12
Brussels sprouts	1.85	1.26	1.08
Carrots	2.91	2.19	1.53
Cauliflower	2.93	1.99	1.70
Corn:			
Canned	1.28	1.03	0.63
Frozen	3.16	2.37	1.67
Dehydrated onion/garlic	3.56	2.42	2.07
Dehydrated vegetables	4.32	2.93	2.51
Dry beans	3.92	2.83	2.15
Lima beans	5.64	3.99	3.17
Mushrooms	4.59	3.21	2.59
Onions (canned)	5.09	3.71	2.78
Peas:			
Canned	4.44	3.26	2.40
Frozen	3.33	2.47	1.79
Pimentos	6.35	4.62	3.47
Sauerkraut:			
Canning	0.78	0.57	0.43
Cutting	0.12	0.10	0.06
Snap beans:			
Canned	1.73	1.17	1.00
Frozen	3.25	2.27	1.84
Spinach:			
Canned	4.49	3.05	2.60
Frozen	2.62	1.78	1.52
Squash	1.57	1.25	0.78
Sweet potato	1.67	1.48	0.74
White potato (canned)	2.39	1.93	1.18
English units (lb/1,000 lb of raw material)			
Asparagus	1.26	0.85	0.73
Beets	1.55	1.27	0.74
Broccoli	5.37	3.65	3.12
Brussels sprouts	1.85	1.26	1.08
Carrots	2.91	2.19	1.53
Cauliflower	2.93	1.99	1.70
Corn:			
Canned	1.28	1.03	0.63
Frozen	3.16	2.37	1.67
Dehydrated onion/garlic	3.56	2.42	2.07
Dehydrated vegetables	4.32	2.93	2.51
Dry beans	3.92	2.83	2.15
Lima beans	5.64	3.99	3.17
Mushrooms	4.59	3.21	2.59
Onions (canned)	5.09	3.71	2.78
Peas:			
Canned	4.44	3.26	2.40
Frozen	3.33	2.47	1.79
Pimentos	6.35	4.62	3.47
Sauerkraut:			
Canning	0.78	0.57	0.43
Cutting	0.12	0.10	0.06
Snap beans:			
Canned	1.73	1.17	1.00
Frozen	3.25	2.27	1.84
Spinach:			
Canned	4.49	3.05	2.60
Frozen	2.62	1.78	1.52
Squash	1.57	1.25	0.78
Sweet potato	1.67	1.48	0.74
White potato (canned)	2.39	1.93	1.18

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following effluent limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
	Metric units (kg/kkg of raw material)		
Asparagus:			
Medium	0.280	0.163	0.070
Large	0.280	0.163	0.070
Beets:			
Medium	0.375	0.250	0.103
Large	0.375	0.250	0.103
Broccoli:			
Medium	1.039	1.020	0.431
Large	1.039	1.020	0.431
Brussels sprouts:			
Medium	1.057	1.027	0.420
Large	1.057	1.027	0.420
Carrots:			
Medium	0.810	0.518	0.266
Large	0.810	0.518	0.266
Cauliflower:			
Medium	2.356	1.460	0.597
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.179	0.118	0.072
Large	0.179	0.118	0.072
Frozen:			
Medium	0.893	0.563	0.262
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	0.947	0.592	0.261
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	1.465	0.915	0.400
Large	1.465	0.915	0.400
Dry beans:			
Medium	1.193	0.747	0.332
Large	1.193	0.747	0.332
Lima beans:			
Medium	1.457	0.909	0.395
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.000	0.627	0.280
Large†	1.000	0.627	0.280
Onions (canned):			
Medium	1.307	0.891	0.449
Large	1.307	0.891	0.449
Peas:			
Canned:			
Medium	1.022	0.654	0.339
Large	1.022	0.654	0.339
Frozen:			
Medium	0.857	0.542	0.257
Large	0.857	0.542	0.257
Pimentos:			
Medium	2.004	1.251	0.586
Large	2.004	1.251	0.586
Sauerkraut:			
Canning:			
Medium	0.225	0.143	0.071
Large	0.225	0.143	0.071
Cutting:			
Medium	0.027	0.017	0.009
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	0.791	0.492	0.206
Large	0.791	0.492	0.206
Frozen:			
Medium	1.066	0.667	0.294
Large	1.066	0.667	0.294

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Spinach:			
Canned:			
Medium	0.852	0.532	0.231
Large	0.852	0.532	0.231
Frozen:			
Medium	1.037	0.645	0.272
Large	1.037	0.645	0.272
Squash:			
Medium	0.251	0.160	0.079
Large	0.251	0.160	0.079
Sweet potato:			
Medium	0.384	0.261	0.186
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.385	0.260	0.177
Large	0.385	0.260	0.177
English units (lb/1,000 lb of raw material)			
Asparagus:			
Medium	0.280	0.163	0.070
Large	0.280	0.163	0.070
Beets:			
Medium	0.375	0.250	0.103
Large	0.375	0.250	0.103
Broccoli:			
Medium	1.639	1.020	0.431
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	1.657	1.027	0.420
Large	1.657	1.027	0.420
Carrots:			
Medium	0.810	0.518	0.266
Large	0.810	0.518	0.266
Cauliflower:			
Medium	2.356	1.460	0.597
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.179	0.118	0.072
Large	0.179	0.118	0.072
Frozen:			
Medium	0.893	0.563	0.262
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	0.947	0.592	0.261
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	1.465	0.915	0.400
Large	1.465	0.915	0.400
Dry beans:			
Medium	1.193	0.747	0.332
Large	1.193	0.747	0.332
Lima beans:			
Medium	1.467	0.909	0.395
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.000	0.627	0.280
Large	1.000	0.627	0.280
Onions (canned):			
Medium	1.397	0.891	0.449
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	1.022	0.654	0.339
Large	1.022	0.654	0.339
Frozen:			
Medium	0.857	0.542	0.257
Large	0.857	0.542	0.257
Pimentos:			
Medium	2.004	1.251	0.586
Large	2.004	1.351	0.586
Sauerkraut:			
Canning:			
Medium	0.225	0.143	0.071
Large	0.225	0.143	0.071
Cutting:			
Medium	0.027	0.017	0.009
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	0.791	0.492	0.206
Large	0.791	0.492	0.206
Frozen:			
Medium	1.066	0.667	0.294
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	0.852	0.532	0.231
Large	0.852	0.532	0.231
Frozen:			
Medium	1.037	0.645	0.272
Large	1.037	0.645	0.272
Squash:			
Medium	0.251	0.160	0.079
Large	0.251	0.160	0.079
Sweet potato:			
Medium	0.384	0.261	0.186
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.385	0.260	0.177
Large	0.385	0.260	0.177

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by any existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus:			
Medium	0.502	0.210	0.168
Large	0.280	0.163	0.070
Beets:			
Medium	0.919	0.719	0.291
Large	0.375	0.250	0.103
Broccoli:			
Medium	2.965	1.387	0.963
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	2.943	1.309	0.958
Large	1.627	1.027	0.420
Carrots:			
Medium	1.665	1.018	0.535
Large	0.810	0.518	0.266
Cauliflower:			
Medium	4.174	1.852	1.357
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.415	0.205	0.132
Large	0.179	0.118	0.072
Frozen:			
Medium	1.719	0.928	0.555
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	1.756	0.874	0.570
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	2.705	1.331	0.877
Large	1.465	0.915	0.400
Dry beans:			
Medium	2.228	1.126	0.722
Large	1.198	0.747	0.332
Lima beans:			
Medium	2.681	1.308	0.869
Large	1.457	0.909	0.365
Mushrooms:			
Medium	1.872	0.950	0.606
Large	1.000	0.627	0.280
Onions (canned):			
Medium	2.833	1.692	0.911
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	2.111	1.303	0.678
Large	1.022	0.654	0.339
Frozen:			
Medium	1.670	0.925	0.539
Large	0.857	0.542	0.257
Pimentos:			
Medium	3.836	2.004	1.280
Large	2.004	1.251	0.596
Sauerkraut:			
Canning:			
Medium	0.450	0.263	0.145
Large	0.225	0.143	0.071
Cutting:			
Medium	0.057	0.037	0.018
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	1.425	0.660	0.463
Large	0.791	0.492	0.206
Frozen:			
Medium	1.980	0.989	0.642
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	1.567	0.760	0.508
Large	0.852	0.532	0.231
Frozen:			
Medium	1.876	0.877	0.609
Large	1.087	0.645	0.272
Squash:			
Medium	0.505	0.297	0.162
Large	0.251	0.160	0.079

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Sweet potato:			
Medium	1.013	0.856	0.320
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.981	0.799	0.310
Large	0.385	0.260	0.177
English units (lb/1,000 lb of raw material)			
Asparagus:			
Medium	0.502	0.210	0.163
Large	0.280	0.163	0.070
Beets:			
Medium	0.919	0.719	0.291
Large	0.375	0.250	0.103
Broccoli:			
Medium	2.965	1.387	0.963
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	2.943	1.300	0.958
Large	1.657	1.027	0.420
Carrots:			
Medium	1.665	1.018	0.535
Large	0.810	0.518	0.206
Cauliflower:			
Medium	4.174	1.852	1.357
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.415	0.205	0.132
Large	0.179	0.118	0.072
Frozen:			
Medium	1.719	0.928	0.555
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	1.756	0.874	0.570
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	2.705	1.331	0.877
Large	1.465	0.915	0.400
Dry beans:			
Medium	2.228	1.126	0.722
Large	1.193	0.747	0.332
Lima beans:			
Medium	2.681	1.308	0.869
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.872	0.950	0.606
Large	1.000	0.627	0.280
Onions (canned):			
Medium	2.533	1.692	0.911
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	2.111	1.303	0.678
Large	1.022	0.654	0.339
Frozen:			
Medium	1.670	0.925	0.539
Large	0.857	0.542	0.257
Pimentos:			
Medium	3.836	2.004	1.239
Large	2.004	1.251	0.586
Sauerkraut:			
Canning:			
Medium	0.450	0.263	0.145
Large	0.225	0.143	0.071
Cutting:			
Medium	0.057	0.037	0.018
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	1.425	0.660	0.463
Large	0.791	0.492	0.206
Frozen:			
Medium	1.980	0.989	0.642
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	1.567	0.760	0.508
Large	0.852	0.532	0.231
Frozen:			
Medium	1.878	0.877	0.609
Large	1.037	0.645	0.272
Squash:			
Medium	0.505	0.297	0.162
Large	0.251	0.160	0.079
Sweet potato:			
Medium	1.013	0.856	0.320
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.981	0.799	0.310
Large	0.385	0.260	0.177

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best available control technology economically achievable.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and preserved vegetables subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations
TSS	Do.
pH	Do.
Fecal coliform	Do.

§ 407.75 Standards of performance for new sources.

The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
	Metric units (kg/kkg of raw material)		
Asparagus:			
Medium	0.280	0.163	0.070
Large	0.280	0.163	0.070
Beets:			
Medium	0.375	0.250	0.103
Large	0.375	0.250	0.103
Broccoli:			
Medium	1.639	1.020	0.431
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	1.657	1.027	0.420
Large	1.657	1.027	0.420
Carrots:			
Medium	0.810	0.518	0.266
Large	0.810	0.518	0.266
Cauliflower:			
Medium	2.356	1.460	0.597
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.179	0.118	0.072
Large	0.179	0.118	0.072
Frozen:			
Medium	0.893	0.563	0.262
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	0.947	0.592	0.261
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	1.465	0.915	0.400
Large	1.465	0.915	0.400
Dry beans:			
Medium	1.193	0.747	0.332
Large	1.193	0.747	0.332
Lima Beans:			
Medium	1.457	0.909	0.395
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.000	0.627	0.280
Large	1.000	0.627	0.280
Onions (canned):			
Medium	1.397	0.891	0.449
Large	1.397	0.891	0.449

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Peas:			
Canned:			
Medium	1.022	0.654	0.339
Large	1.022	0.654	0.339
Frozen:			
Medium	0.857	0.542	0.257
Large	0.857	0.542	0.257
Pimentos:			
Medium	2.004	1.251	0.586
Large	2.004	1.251	0.586
Sauerkraut:			
Canned:			
Medium	0.225	0.143	0.071
Large	0.225	0.143	0.071
Cutting:			
Medium	0.027	0.017	0.009
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	0.791	0.492	0.206
Large	0.791	0.492	0.206
Frozen:			
Medium	1.066	0.667	0.294
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	0.852	0.532	0.231
Large	0.852	0.532	0.231
Frozen:			
Medium	1.037	0.645	0.272
Large	1.037	0.645	0.272
Squash:			
Medium	0.251	0.160	0.079
Large	0.251	0.160	0.079
Sweet potato:			
Medium	0.384	0.261	0.186
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.385	0.260	0.177
Large	0.385	0.260	0.177
English units (lb/1,000 lb of raw material)			
Asparagus:			
Medium	0.280	0.163	0.070
Large	0.280	0.163	0.070
Beets:			
Medium	0.375	0.250	0.103
Large	0.375	0.250	0.103
Broccoli:			
Medium	1.639	1.020	0.431
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	1.657	1.027	0.420
Large	1.657	1.027	0.420
Carrots:			
Medium	0.810	0.518	0.266
Large	0.810	0.518	0.266
Cauliflower:			
Medium	2.356	1.460	0.597
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.179	0.118	0.072
Large	0.179	0.118	0.072
Frozen:			
Medium	0.893	0.563	0.262
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	0.947	0.592	0.261
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	1.465	0.915	0.400
Large	1.465	0.915	0.400
Dry beans:			
Medium	1.193	0.747	0.332
Large	1.193	0.747	0.332
Lima beans:			
Medium	1.457	0.909	0.395
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.000	0.627	0.280
Large	1.000	0.627	0.280
Onions (canned):			
Medium	1.397	0.891	0.449
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	1.022	0.654	0.339
Large	1.022	0.654	0.339
Frozen:			
Medium	0.857	0.542	0.257
Large	0.857	0.542	0.257
Pimentos:			
Medium	2.004	1.251	0.586
Large	2.004	1.251	0.586

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Sauerkraut:			
Canning:			
Medium	0.225	0.143	0.071
Large	0.225	0.143	0.071
Cutting:			
Medium	0.027	0.017	0.009
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	0.791	0.492	0.206
Large	0.791	0.492	0.206
Frozen:			
Medium	1.066	0.667	0.294
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	0.852	0.532	0.231
Large	0.852	0.532	0.231
Frozen:			
Medium	1.037	0.645	0.272
Large	1.037	0.645	0.272
Squash:			
Medium	0.251	0.160	0.079
Large	0.251	0.160	0.079
Sweet potato:			
Medium	0.384	0.261	0.186
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.385	0.260	0.177
Large	0.385	0.260	0.177

(b) The following limitations establish the quantity of TSS controlled by the section, which may be discharged by a new point source subject to the provisions of this subpart. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
	Metric units (kg/kkg of raw material)		
Asparagus:			
Medium	0.502	0.210	0.163
Large	0.280	0.163	0.070
Beets:			
Medium	0.919	0.719	0.291
Large	0.375	0.250	0.103
Broccoli:			
Medium	2.965	1.387	0.963
Large	1.639	1.029	0.431
Brussels sprouts:			
Medium	2.943	1.309	0.958
Large	1.657	1.027	0.429
Carrots:			
Medium	1.665	1.018	0.535
Large	0.810	0.518	0.266
Cauliflower:			
Medium	4.174	1.853	1.357
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.415	0.205	0.122
Large	0.179	0.118	0.072
Frozen:			
Medium	1.719	0.928	0.555
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	1.736	0.874	0.570
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	2.705	1.331	0.877
Large	1.465	0.915	0.400
Dry beans:			
Medium	2.228	1.126	0.722
Large	1.193	0.747	0.332
Lima beans:			
Medium	2.681	1.308	0.869
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.872	0.950	0.606
Large	1.009	0.627	0.280

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Onions (canned):			
Medium	2.833	1.692	0.911
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	2.111	1.303	0.678
Large	1.022	0.654	0.339
Frozen:			
Medium	1.670	0.925	0.539
Large	0.857	0.542	0.257
Pimentos:			
Medium	3.836	2.094	1.239
Large	2.004	1.251	0.586
Sauerkraut:			
Canning:			
Medium	0.450	0.263	0.145
Large	0.225	0.143	0.071
Cutting:			
Medium	0.057	0.037	0.018
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	1.425	0.660	0.463
Large	0.791	0.492	0.206
Frozen:			
Medium	1.980	0.989	0.642
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	1.567	0.760	0.508
Large	0.852	0.532	0.231
Frozen:			
Medium	1.876	0.877	0.609
Large	1.037	0.645	0.272
Squash:			
Medium	0.505	0.297	0.162
Large	0.251	0.160	0.079
Sweet potato:			
Medium	1.013	0.856	0.320
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.981	0.799	0.310
Large	0.385	0.260	0.177

English units (lb/1,000 lb of raw material)

Asparagus:			
Medium	0.502	0.210	0.163
Large	0.280	0.163	0.070
Beets:			
Medium	0.919	0.719	0.291
Large	0.375	0.250	0.103
Broccoli:			
Medium	2.965	1.387	0.963
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	2.943	1.309	0.958
Large	1.657	1.027	0.429
Carrots:			
Medium	1.665	1.018	0.335
Large	0.810	0.518	0.266
Cauliflower:			
Medium	4.174	1.852	1.357
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.415	0.205	0.132
Large	0.179	0.118	0.072
Frozen:			
Medium	1.719	0.928	0.555
Large	0.898	0.563	0.262
Dehydrated onion/garlic:			
Medium	1.756	0.874	0.570
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	2.705	1.331	0.877
Large	1.465	0.915	0.400
Dry beans:			
Medium	2.228	1.126	0.722
Large	1.193	0.747	0.322
Lima beans:			
Medium	2.681	1.308	0.860
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.872	0.950	0.606
Large	1.000	0.627	0.280
Onions (canned):			
Medium	2.833	1.692	0.911
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	2.111	1.303	0.678
Large	1.022	0.654	0.339
Frozen:			
Medium	1.670	0.925	0.539
Large	0.857	0.542	0.257
Pimentos:			
Medium	3.836	2.094	1.239
Large	2.004	1.251	0.586

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Sauerkraut:			
Canning:			
Medium	0.450	0.263	0.145
Large	0.225	0.143	0.071
Cutting:			
Medium	0.057	0.037	0.018
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	1.425	0.660	0.463
Large	0.791	0.492	0.206
Frozen:			
Medium	1.980	0.989	0.642
Large	1.056	0.667	0.294
Spinach:			
Canned:			
Medium	1.567	0.760	0.568
Large	0.852	0.532	0.231
Frozen:			
Medium	1.876	0.877	0.609
Large	1.037	0.645	0.272
Squash:			
Medium	0.505	0.297	0.162
Large	0.231	0.160	0.079
Sweet potato:			
Medium	1.013	0.856	0.320
Large	0.384	0.264	0.188
White potato (canned):			
Medium	0.981	0.799	0.310
Large	0.385	0.269	0.177

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and preserved vegetables subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
pH	Do.
Fecal coliform	Do.

Subpart H—Canned and Miscellaneous Specialties Subcategory

§ 407.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart

after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients	1.30	0.80	0.33
Baby food	1.00	0.65	0.42
Chips:			
Potato	3.35	2.19	1.47
Corn	1.84	1.22	0.85
Tortilla	2.88	1.89	1.26
Ethnic foods	1.74	1.13	0.73
Jams/jellies	0.39	0.26	0.17
Mayonnaise and dressings	0.34	0.23	0.15
Soups	4.10	2.66	1.71
Tomato-starch-cheese canned specialties	1.77	1.14	0.72
English units (lb/1,000 lb of final product)			
Added ingredients	1.30	0.80	0.33
Baby food	1.00	0.65	0.42
Chips:			
Potato	3.35	2.19	1.47
Corn	1.84	1.22	0.85
Tortilla	2.88	1.89	1.26
Ethnic foods	1.74	1.13	0.73
Jams/jellies	0.39	0.26	0.17
Mayonnaise and dressings	0.34	0.23	0.15
Soups	4.10	2.66	1.71
Tomato-starch-cheese canned specialties	1.77	1.14	0.72

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients	0.00	0.00	0.00
Baby food	1.56	1.11	0.87
Chips:			
Potato	5.60	4.22	2.96
Corn	3.34	2.67	1.66
Tortilla	4.79	3.59	2.54
Ethnic foods	2.76	1.91	1.51
Jams/jellies	0.68	0.53	0.35
Mayonnaise and dressings	0.60	0.47	0.31
Soups	6.34	4.47	3.56
Tomato-starch-cheese canned specialties	2.62	1.78	1.52

Commodity (specialties)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of final product)			
Added ingredients	0.00	0.00	0.00
Baby food	1.56	1.11	0.87
Chips:			
Potato	5.60	4.22	2.96
Corn	3.34	2.67	1.66
Tortilla	4.79	3.59	2.54
Ethnic foods	2.70	1.91	1.51
Jams/jellies	0.68	0.53	0.35
Mayonnaise and dressings	0.60	0.47	0.31
Soups	6.34	4.47	3.56
Tomato-starch-cheese canned specialties	2.62	1.78	1.52

(c) The following limitations establish the quantity of oil and grease and quality of pH controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20 mg/l.
pH	At all times within the range 6.0 to 9.5.

§ 407.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) of kilograms (kkg) of raw ingredients.

Commodity (specialties)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients:			
Medium	0.652	0.400	0.164
Large	0.652	0.400	0.164
Baby food:			
Medium	0.424	0.267	0.125
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	1.404	0.892	0.436
Large	1.404	0.892	0.436
Corn:			
Medium	1.031	0.662	0.350
Large	1.031	0.662	0.350
Tortilla:			
Medium	1.598	1.010	0.481
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	0.697	0.438	0.200
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.186	0.120	0.067
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.201	0.130	0.071
Large	0.201	0.130	0.071
Soups:			
Medium	2.292	1.436	0.640
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	0.728	0.454	0.197
Large	0.728	0.454	0.197

Commodity (specialties)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of final product)			
Added ingredients:			
Medium	0.652	0.400	0.164
Large	0.652	0.400	0.164
Baby food:			
Medium	0.424	0.267	0.125
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	1.404	0.892	0.436
Large	1.404	0.892	0.436
Corn:			
Medium	1.031	0.662	0.350
Large	1.031	0.662	0.350
Tortilla:			
Medium	1.598	1.010	0.481
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	0.697	0.438	0.200
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.186	0.120	0.067
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.201	0.130	0.071
Large	0.201	0.130	0.071
Soups:			
Medium	2.292	1.436	0.640
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties			
Medium	0.728	0.454	0.197
Large	0.728	0.454	0.197

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients:			
Medium	0.00	0.00	0.00
Large	0.00	0.00	0.00
Baby food:			
Medium	0.818	0.444	0.264
Large	0.424	0.267	0.125
Chips potato:			
Medium	2.784	1.596	0.806
Large	1.404	0.892	0.436
Corn:			
Medium	2.519	1.362	0.693
Large	1.031	0.662	0.350
Tortilla:			
Medium	3.119	1.733	1.007
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	1.326	0.698	0.428
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.404	0.270	0.129
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.432	0.284	0.138
Large	0.201	0.130	0.071
Soups:			
Medium	4.288	2.175	1.389
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	1.339	0.654	0.434
Large	0.728	0.454	0.197

Commodity (specialities)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of final product)			
Added ingredients:			
Medium	0.00	0.00	0.00
Large	0.00	0.00	0.00
Baby food:			
Medium	0.818	0.444	0.204
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	2.784	1.506	0.806
Large	1.404	0.892	0.436
Corn:			
Medium	2.519	1.362	0.603
Large	1.031	0.662	0.350
Tortilla:			
Medium	3.119	1.733	1.007
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	1.326	0.698	0.428
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.404	0.270	0.129
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.432	0.284	0.138
Large	0.201	0.130	0.071
Soups:			
Medium	4.288	2.175	1.389
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	1.339	0.654	0.434
Large	0.728	0.454	0.197

(c) The following limitations establish the quantity of oil and grease and fecal coliform, and quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20 mg/l.
ph	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and miscellaneous specialties subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

§ 407.85 Standards of performance for new sources.

The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients:			
Medium	0.652	0.400	0.164
Large	0.652	0.400	0.164
Baby food:			
Medium	0.424	0.267	0.125
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	1.404	0.892	0.436
Large	1.404	0.892	0.436
Corn:			
Medium	1.031	0.662	0.350
Large	1.031	0.662	0.350
Tortilla:			
Medium	1.598	1.010	0.481
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	0.697	0.438	0.200
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.186	0.120	0.067
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.201	0.130	0.071
Large	0.201	0.130	0.071
Soups:			
Medium	2.292	1.436	0.640
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	0.728	0.454	0.197
Large	0.728	0.454	0.197
English units (lb/1,000 lb of final product)			
Added ingredients:			
Medium	0.652	0.400	0.164
Large	0.652	0.400	0.164
Baby food:			
Medium	0.424	0.267	0.125
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	1.404	0.892	0.436
Large	1.404	0.892	0.436
Corn:			
Medium	1.031	0.662	0.350
Large	1.031	0.662	0.350
Tortilla:			
Medium	1.598	1.010	0.481
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	0.697	0.438	0.200
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.186	0.120	0.067
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.201	0.130	0.071
Large	0.201	0.130	0.071
Soups:			
Medium	2.292	1.436	0.640
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	0.728	0.454	0.197
Large	0.728	0.454	0.197

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) of kilograms (kkg) of raw ingredients.

Commodity (specialties)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients:			
Medium	0.00	0.00	0.00
Large	0.00	0.00	0.00
Baby food:			
Medium	0.818	0.444	0.264
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	2.784	1.506	0.896
Large	1.404	0.892	0.436
Corn:			
Medium	2.519	1.362	0.693
Large	1.031	0.662	0.350
Tortilla:			
Medium	3.119	1.733	1.007
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	1.326	0.698	0.428
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.404	0.270	0.129
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.432	0.284	0.138
Large	0.201	0.130	0.071
Soups:			
Medium	4.288	2.175	1.389
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	1.339	0.654	0.434
Large	0.728	0.454	0.197
English units (lb/1,000 lb of final product)			
Added ingredients:			
Medium	0.00	0.00	0.00
Large	0.00	0.00	0.00
Baby food:			
Medium	0.818	0.444	0.264
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	2.784	1.506	0.896
Large	1.404	0.892	0.436
Corn:			
Medium	2.519	1.362	0.693
Large	1.031	0.662	0.350
Tortilla:			
Medium	3.119	1.733	1.007
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	1.326	0.698	0.428
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.404	0.270	0.129
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.432	0.284	0.138
Large	0.201	0.130	0.071
Soups:			
Medium	4.288	2.175	1.389
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	1.339	0.654	0.434
Large	0.728	0.454	0.197

(c) The following limitations establish the quantity of oil and grease and fecal coliform, and quality of pH controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20 mg/l.
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and miscellaneous specialties subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

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federal register

TUESDAY, OCTOBER 21, 1975

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAMS

Annual Review of Needs Analysis Systems

Title 45—Public Welfare

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

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAMS

Annual Review of Needs Analysis Systems

Notice of proposed rule making was published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32540-32544) setting forth proposed amendments to the regulations governing the National Direct Student Loan (NDSL) Program, the College Work-Study (CWS) Program, and the Supplemental Educational Opportunity Grants (SEOG) Program. (These regulations are set forth in Parts 144, 175, and 176, respectively, of Title 45 of the Code of Federal Regulations.) The purpose of the proposed amendments was to revise the procedures and standards adopted in the regulations published in the FEDERAL REGISTER on May 21, 1975 at pages 22133-22139, by which the Commissioner would review and approve, on an annual basis, the various private systems used by institutions of higher education for calculating the expected parental contributions for dependent students applying for assistance under these three programs.

Interested parties were invited to submit comments, suggestions, or objections regarding the proposed regulations. These comments are summarized and the responses of the Office of Education are provided in Paragraph A, below.

A. SUMMARY OF COMMENTS AND RESPONSES

General. *Comment.* One commenter objected to the fact that the Office of Education failed to mail to each institution a copy of the August 1 Notice of Proposed Rule Making and stated that this action would have been taken by the National Association of Student Financial Aid Administrators had that Association not been informed that the Office of Education intended to perform that service.

Response. It was the intention of the Office of Education to mail a copy of the August 1 Notice of Proposed Rule Making to each institution, and a sufficient number of reprints were ordered and delivered to make this possible. However, the actual mailing was not completed because of a failure of the Office of Education to communicate the proper orders to its mailing service contractor. The Office of Education regrets this omission.

Preamble. *Comment.* Several commenters noted the statement in the preamble of the Notice of Proposed Rule Making that the Commissioner does not endorse certain aspects of the "Consensus Model" of the National Task Force on Student Financial Aid Problems. Some of those commenters appeared to believe that this constitutes disapproval of those portions of the system which the Commissioner does not endorse.

Response. The Commissioner will approve or disapprove a system in its entirety, based on its outputs, and will neither disapprove specific features of a system nor disapprove a system because it contains features of the Consensus Model which he does not endorse. If a system is submitted for approval and if that system meets the tests specified in paragraph (b)(2) of sections 144.14, 175.17, and 176.13, that system is approved for use with respect to dependent student cases of all types, including those cases which involve features not endorsed by the Commissioner, as for example the treatment of Social Security benefits for dependent students under the Consensus Model.

Comment. Three comments were received on that portion of the opening statement which discussed the fact that, under the proposed rule, the benchmark figures would be held constant over time, in constant dollars, for families whose real financial strength remains unchanged. Previously the benchmark figures were to be updated in accordance with changes in the Consumer Price Index published by the Department of Labor.

One commenter objected to this provision on the grounds that it does not make provision for adjusting expected family contributions to take account of a "fundamental shift" in the ability of parents to contribute toward postsecondary educational costs.

A second commenter questioned that portion of the explanation which stated that changes would be made as necessary to assure that contributions would remain constant over time, inquiring who would determine such necessity and on what basis.

The third commenter appeared to interpret this statement as saying that the benchmark figures would be updated from a data base of 1972.

Response. The final regulation does not attempt to accommodate future "fundamental shifts" in parental ability to contribute toward postsecondary educational costs, because all of the specific circumstances which might cause such a fundamental shift cannot be specified at the present time. If such a fundamental shift were to occur, it would therefore be necessary to issue a new regulation to recognize it, and the present intention would be to take such action.

In response to the second commenter, the Commissioner will determine what adjustments are necessary and the basis used will be as described in the preamble of the proposed regulation: to maintain, overtime, the same contribution level, in constant dollars, for a family whose financial circumstances remain unchanged, in constant dollars.

In response to the third commenter, the Commissioner is adopting a system this year based on current data and will up-date it hereafter based on data which is current at the time of the update. The benchmark figures are not derived from Fiscal Year 1972 data.

The remaining comments were on the body of the proposed rule, which affected sections 144.14, 175.17, and 176.13. Internally these sections are virtually identical to each other and use the same paragraph letters and numbers. The following discussion is therefore arranged in the order of those internal paragraph letters and numbers, without further reference to the three section numbers.

(b)(1) *Comment.* Several commenters objected to the Commissioner's continued approval of the Income Tax System and the Basic Grants method of determining an expected parental contribution on the grounds that the results produced by these methods do not conform to the standards established by the Commissioner for the approval of other systems.

Response. It is acknowledged that neither the Basic Grants method nor the Income Tax System produces expected family contributions which are within $50 of the benchmark results on at least 75 percent of the set of sample cases. In the great majority of cases both methods produce expected contributions considerably higher than the benchmark figures. However, the Commissioner does not consider it desirable to force institutions to use the services of a need analysis contractor and therefore feels it desirable to continue to offer any institution which chooses not to use such a contractor a simple method of computing an expected family contribution. Both the Basic Grants method and the Income Tax System offer the institution such an optional system and both remain approved in the final regulation.

(b)(1)(ii) *Comment.* With respect to the $10,000 asset exclusion used for the Income Tax System, one commenter mentioned the fact that the asset exclusion now being proposed for use in calculating the expected family contribution under the Basic Grants program (announced on page 34331 of the FEDERAL REGISTER of August 14, 1975 (40 FR 34331)) is $12,500 ($25,000 for business and farm assets). The recommendation was made that the proposed regulation be amended to make the Income Tax System conform to the Basic Grants asset exclusion.

Response. The Commissioner concurs with this comment and the change has been made.

Comment. One of the comments made against the Income Tax System ran to the effect that the itemization of deductions, by lowering the amount of Federal income tax paid, accentuates the difference between the amount of contribution expected from a given family under the Income Tax System and the amount expected under the Consensus Model. That commenter gave as an example of such differences a two parent, three child family with a $12,000 income and assets of $20,000 and stated the expected family contribution for that family would be $1240 under the Basic Grant method, $1418 under the Income Tax System, and $500 under the Consensus Model, using standard deductions.

Response. If the itemization of deductions would in fact decrease the amount of Federal income taxes paid in the example given, it would decrease the expected family contribution in the Income Tax System in an amount exactly equal to the decreased tax. In the other two systems named by the commenter a decrease in the amount of Federal income taxes paid would result in an increase in the expected family contribution equal to the amount of decrease multiplied by the "taxation" rate used by the system at the affected income level. In the example cited by the commenter, this would have the tendency to bring the extremes closer together, not the opposite effect posited by the commenter, although other examples could doubtless be constructed to show such an effect, because the curve of expected family contributions produced by the Income Tax System crosses that of the other major systems at some point.

(b) (2) (ii) *Comment.* One commenter pointed out a potential technical problem in that the sample cases previously published (i.e., in the FEDERAL REGISTER of May 21 (40 FR 22140)) are stated in terms of after-tax income, while the proposed regulation contemplates deductions from income for State and local (and Federal income and Social Security) taxes.

Response. The sample cases published herewith are based on income before taxes, which solves the problem on which the comment was made.

(b) (2) (ii) (*a*) *Comment.* A question was raised as to why the family's maintenance less the student's maintenance (i.e., during the academic year) is deducted from "the adjusted gross figure as determined by the new BLS Low Budget." This commenter also questioned how it was determined that 8 percent of the total income is enough to cover what the family pays in Federal taxes and Social Security and why no allowance is made for emergency expenses and medical expenses.

Response. These questions are based on a misinterpretation of the published Notice of Proposed Rule Making. The family's adjusted gross income is not determined from BLS figures, which are to be used solely in establishing the amount required to maintain a family of a given size for a given time period. This amount is deducted from the sum of the family's income (defined as its adjusted gross income plus its non-taxable income) as one step in determining the family's expected contribution. The deduction for Federal income taxes and Social Security taxes is not limited to 8 percent. The entire amount of such taxes may be deducted. The 8 percent figure which is used is with reference to State and local taxes and was obtained from a study as to the amounts of such taxes.

The commenter is correct in noting that paragraph (b) (2) (ii) (*a*) does not make provision for emergency or medical expenses. Paragraph (b) (2) (iii) addresses itself to this omission by stipulating that the Commissioner will not select sample cases which involve such expenses. However, it is expected that the student financial aid officer at the institution will make allowance for such expenses in view of the requirements of section 176.12(a) (1) and (5) which require that consideration be given to any serious illness in the family and to such other circumstances as may affect the family's ability to contribute toward the student's cost of education. No change was made in the regulation.

(b) (2) (ii) (*b*) *Comment.* One commenter questioned how it was determined that the 12 percent "rate of taxation" on assets is correct and commented that the present systems "do not have sound reasoning for that rate."

Response. The manner in which an asset exclusion is to be calculated and labelled (i.e., as a "retirement allowance") is one of the features of the Consensus Model with which the Commissioner does not agree. The 12 percent rate which he has prescribed is not a "taxation" rate, but rather a conversion rate, because the amount derived using this conversion rate is added to income. To this sum is then applied the taxation rate schedule shown in (b) (2) (ii) (*c*) to give an effective rate of taxation on assets ranging from 2.64 percent to 5.64 percent on that portion of net assets which exceeds $10,000.

Comment. One commenter stated that the $10,000 asset reserve proposed by the Commissioner was kept constant from 1974 to 1975 and should be raised to $11,000 to compensate for inflation from 1974 to 1975.

Response. The August 1, 1975 notice of proposed rule making was the Commissioner's first usage of a standard asset reserve as proposed in paragraph (b) (2) (ii) (*b*). In future years it will be adjusted for inflation. However no change is being made at the present time in the amount of this asset reserve to compensate for inflation which occurred before the date of the August 1 notice of proposed rule making.

(c) *Comment.* Donley, Richardson & Associates of Twinsburg, Ohio, commented that their system of need analysis called the Financial Analysis Service (FAS) had previously been approved by the Commissioner both for dependent and independent students and further commented that its omission from the listing contained in sections 144.14, 175.17, and 176.13 is an apparent oversight. They requested correction of this oversight both with respect to dependent and to independent students.

Response. The omission of FAS from the listing in paragraph (b) (1) of those sections was not an oversight, since annual review is required of all private need analysis systems for use with respect to dependent students. However, paragraph (c) (1) has been amended to include FAS in the list of need analysis systems approved for use with respect to self-supporting or independent students.

(d) *Comment.* Several commenters remarked on the lateness of September 1 as the date on which the Commissioner will publish his list of approved need analysis systems. One commenter suggested that the list be published by March 1 of the year before it will be "used," because most financial aid awards to students are made before the beginning of the academic year.

Response. The date of September 1 precedes by 6 months the date of March 1 suggested by the one commenter, because it is September 1 of the year preceding the academic year in which awards will be made available to students on the basis of need as calculated pursuant to such an approved system. This date is consistent with the present practices and time schedules for institutions to apply for awards under the campus-based programs and to process student applications for financial aid. No change has been made in the regulation.

Comment. One comment was received to the effect that "private" systems of need analysis should not be eliminated.

Response. Paragraph (d) of the three sections establishes procedures for system approval. Any private system may be submitted for approval under that paragraph. Additionally it was stated in the preamble of the notice of proposed rule making that the proposed rule would permit the approval of the Consensus Model as well as closely similar systems. Both of the two largest private systems, which are the College Scholarship Service and the American College Testing Program, have adopted the Consensus Model and are therefore expected to be approved when they are submitted pursuant to the final regulation.

(e) *Comment.* One commenter requested that the duration of approval be specified as beginning 9 months, rather than 10 months, after the September 1 listing, because the academic year at the commenter's institution begins in June.

Response. The requested change has been made.

Other. One commenter made certain suggestions concerning the overaward regulations contained in sections 144.15, 175.18, and 176.14. Those regulations were published as final on May 21, 1975, and were not proposed for amendment in the August 1 notice of proposed rule making. No changes are being made in those sections at this time.

B. EFFECT OF REVISIONS

(1) Date of implementation. In the preamble of the notice of proposed rule making, the Commissioner stated his intention to expedite his review of comments and publication of the regulation in final so that need analysis systems seeking approval may file their submissions at the earliest possible date. It is obvious that, during this first year of the new regulation, the dates of June 30 for submission of systems and September 1 for publication of the list of approved systems cannot be met. However, the Commissioner does expect to publish a list of approved systems for making awards to students for academic year 1976–77. Systems seeking approval are therefore invited to submit at their earliest convenience their requests for approval pursuant to paragraph (d) of sections 144.14, 175.17, and 176.13. (In the notice of closing date for receipt of in-

stitutional applications for funds to operate these three programs during academic year 1976–77, which was set at October 17, 1975, institutions were advised to prepare such applications using a system or systems of need analysis approved by the Commissioner for use in determining student awards under these programs for the 1975–76 academic year.)

(2) Derivation of benchmark figures. As explained in the preamble of the notice of proposed rule making, the regulation published on May 21 has been amended to establish a new procedure for deriving benchmark figures for the set of sample cases according to which need analysis systems for dependent students will be approved. The new procedure utilizes the basic conceptual structure of the "Consensus Model" recommended by the National Task Force on Student Financial Aid Problems (popularly called the "Keppel Task Force"), rather than the system of updating the figures from the 1974–75 "Expected Parent's Contributions from Adjusted Effective Income" published by the College Scholarship Service. The benchmark figures derived according to this new procedure for the set of sample cases now being used are published herewith as Appendix A.

As further discussed in the preamble of the notice of proposed rule making, these benchmark figures will be adjusted annually in the future in such a fashion as to maintain a constant contribution, in constant dollars, for a family whose real financial strength, in income and assets, remains unchanged in constant dollars. C. Pursuant to the authority contained in sections 464, 444, 413B, and 413C of the Higher Education Act of 1965, as amended (20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b–1 and 1070b–2), Parts 144, 175 and 176 of Title 45 of the Code of Federal Regulations are amended as set forth below.

Effective date. The Notice of Proposed Rule Making was transmitted to the Congress pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)). The time period set forth therein for Congressional action has expired without such action having been taken. These regulations shall become effective October 21, 1975.

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grants Program; No. 13.463, Higher Education Work-Study; No. 13.471, National Direct Student Loans)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

PART 144—NATIONAL DIRECT STUDENT LOAN PROGRAM

1. Section 144.14 of Part 144 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 144.14 Approved need analysis systems.

(a) In order to comply with the requirements of § 144.7(b), an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 144.7(b), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $12,500 ($25,000 in the case of farm and business assets) and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.7(b), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations:

(*a*) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(*b*) To the remainder obtained in subparagraph (*a*) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(*c*) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (*b*):

If the sum is—		The expected contribution is—
At least—	But less than—	
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1130+29 percent of the amount over $5,000.
$6,000	7,000	$1420+34 percent of the amount over $6,000.
$7,000	8,000	$1760+40 percent of the amount over $7,000.
$8,000		$2160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2)(ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending postsecondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 144.7(b), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service;

(iv) The system of need analysis published by the Graduate and Professional Student Financial Aid Service; and

(v) The system of need analysis published by Financial Analysis Service, Inc., a division of Donley, Richardson & Associates.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.7(b), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c)(1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b)(1) and (c)(1) of this section are approved without a specific expiration date. A need analysis system approved pursuant to paragraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1, of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for loans under this part, and in calculating the amount of such loans, to be used by the students during any academic year commencing not earlier than 9 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) Adjustments. The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1087dd)

PART 175—COLLEGE WORK-STUDY PROGRAM

2. Section 175.17 of Part 175 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 175.17 Approved need analysis systems.

(a) In order to comply with the requirements of § 175.5(c), an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 175.5(c), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $12,500 ($25,000 in the case of farm and business assets) and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.5(c), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) Increase in reasonable smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations;

(*a*) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(*b*) To the remainder obtained in subparagraph (*a*) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(*c*) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (*b*):

If the sum is—		The expected contribution is—
At least—	But less than—	
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1130+29 percent of the amount over $5,000.
$6,000	7,000	$1420+34 percent of the amount over $6,000.
$7,000	8,000	$1760+40 percent of the amount over $7,000.
$8,000		$2160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2)(ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending postsecondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 175.5(c), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service;

(iv) The system of need analysis published by the Graduate and Professional Student Financial Aid Service; and

(v) The system of need analysis published by Financal Analysis Service, Inc., a division of Donley, Richardson & Associates.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.5(c), for use with resect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) the system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c)(1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submissions shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursaunt to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph on or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b)(1) and (c)(1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for employment under this part and in calculating the amount of such employment to be made available to a student during any academic year commencing not earlier than 9 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) *Adjustments.* The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(42 U.S.C. 2754)

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

3. Section 176.13 of Part 176 of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 176.13 Approved need analysis systems.

(a) In order to comply with the requirements of § 176.12, an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 176.12(a):

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $12,500 ($25,000 in the case of farm and business assets) and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose § 176.12(a) which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations:

(*a*) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(*b*) To the remainder obtained in subparagraph (*a*) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(*c*) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (*b*):

If the sum is—		The expected contribution is—
At least—	But less than—	
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1130+29 percent of the amount over $5,000.
$6,000	7,000	$1420+34 percent of the amount over $6,000.
$7,000	8,000	$1760+40 percent of the amount over $7,000.
$8,000		$2160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2)(ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending postsecondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, re-

main constant for families with equal income and asset positions measured in constant dollars.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 176.12 (b) with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service; and

(iv) The system of need analysis published by Financial Analysis Service, Inc., a division of Donley, Richardson & Associates.

(2) The Commissioner will approve any other need analysis system for the purpose of § 176.12(b) for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c) (1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b) (2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c) (2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before Sepember 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b) (1) and (c) (1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b) (2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for awards under this part, and in calculating the amount of such awards, to be used by the students during any academic year commencing not earlier than 9 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c) (2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) Adjustments. The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1070b–1 and 1070b–2)

APPENDIX A.—*U.S. Office of Education sample cases and benchmark figures for 1976–77 academic year*

Net assets	$10,000				$20,000				$30,000				$40,000			
Family size	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Income before taxes:																
9,000	120	0	0	0	380	100	0	0	650	370	110	0	910	630	380	170
12,000	730	450	200	0	1,010	720	480	260	1,340	990	730	530	1,730	1,320	1,010	800
16,000	1,440	1,080	810	610	1,860	1,420	1,100	880	2,370	1,840	1,450	1,190	2,940	2,340	1,870	1,550
20,000	2,510	1,960	1,560	1,290	3,070	2,490	2,000	1,680	3,640	3,050	2,540	2,140	4,200	3,620	3,100	2,700
24,000	3,710	3,140	2,640	2,250	4,280	3,710	3,200	2,810	4,840	4,270	3,770	3,370	5,400	4,840	4,330	3,940

NOTE.—The figures above are parental contribution figures which assume:
1. 2 parents, 1 with income;
2. 1 dependent in postsecondary education;
3. No business and/or farm assets;
4. Age of main wage earner is equal to 45 yr;
5. 1974 U.S. Income tax schedules; joint return, standard deduction;
6. No social security benefits for education;
7. No unusual medical, dental, casualty, theft expenses;
8. No other unusual circumstances.

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federal register

TUESDAY, OCTOBER 21, 1975

PART IV:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Title 50—Wildlife and Fisheries

CHAPTER V—MARINE MAMMAL COMMISSION

PART 501—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Procedures for Inquiries

The Marine Mammal Commission, pursuant to Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(f), hereby adopts the rules set forth below to establish procedures for inquiries concerning, access to, and correction or amendment of records maintained by the Commission. These rules were offered for public comment by publication in the FEDERAL REGISTER on September 4, 1975. No comments were submitted, and the rules are therefore republished without substantive changes.

JOHN R. TWISS, Jr.,
Executive Director.

OCTOBER 4, 1975.

Title 50 of the Code of Federal Regulations is hereby amended by adding a new chapter V, Marine Mammal Commission, consisting of the following Part 501:

Sec.
501.1 Purpose and scope.
501.2 Definitions.
501.3 Procedure for responding to requests regarding the existence of records pertaining to an individual.
501.4 Requests for access—times, places and requirements for identification of individuals.
501.5 Disclosure of requested information.
501.6 Requests for correction or amendment of a record.
501.7 Agency review of requests for amendment or correction of a record.
501.8 Appeal of initial denial of a request for amendment or correction.

AUTHORITY: Sec. 3, Privacy Act of 1974 (5 U.S.C. 552a(f).)

§ 501.1 Purpose and Scope.

(a) *Purpose.* The purpose of these rules is to fulfill the responsibilities of the Marine Mammal Commission (the "Commission") under Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(f) (the "Act") by establishing procedures whereby an individual will be notified if any system of records maintained by the Commission contains a record pertaining to him or her; by defining the times and places at which records will be made available and the identification requirements which must be met by any individual requesting access to them; by establishing procedures for disclosure to an individual, on request, of any record pertaining to him or her; and by establishing procedures for processing, reviewing, and making a final determination on requests of individuals to correct or amend a record pertaining to him or her, including a provision for administrative appeal of initial adverse determinations on such requests. These rules are promulgated with particular attention to the purposes and goals of the Act, and in accordance therewith provide for relative ease of access to records pertaining to an individual, and for maintenance by the Commission of only those records which are current, accurate, necessary, relevant and complete with respect to the purposes for which they were collected.

(b) *Scope.* These rules apply only to "record" contained in "systems of records," defined by the Act as follows:

> The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;
>
> The term "system of records" means of group of any record under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

Notices with respect to the systems maintained by the Commission have been published in the FEDERAL REGISTER, as required by the Act. These rules pertain only to the systems of records disclosed in such notices, and to any systems that may become the subject of a notice at any time in the future.

(c) Nothing in these rules shall be construed as pertaining to requests made under the Freedom of Information Act, 5 U.S.C. 552.

§ 501.2 Definitions.

(a) As used in this Part:

(1) The term "Act" means the Privacy Act of 1974, 5 U.S.C. 552a.

(2) The term "Commission" means the Marine Mammal Commission.

(3) The term "Director" means the Executive Director of the Marine Mammal Commission.

(4) The term "Privacy Officer" means an individual designated by the Director to receive all requests regarding the existence of records, requests for access and requests for correction or amendment; to review and make initial determinations regarding all such requests; and to provide assistance to any individual wishing to exercise his or her rights under the Act.

(b) Other terms shall be used in this part in accordance with the definitions contained in section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(a).

§ 501.3 Procedure for responding to requests regarding the existence of records pertaining to an individual.

Any individual may submit a request to be notified whether a system of records, with respect to which the Commission has published a notice in the FEDERAL REGISTER, contains a record pertaining to him or her. Requests may be made in writing to the Privacy Officer or by appearing in person at the Commission offices located at 1625 I Street, NW., Room 307, Washington, D.C. 20006 between the hours of 9:00 a.m. and 5:00 p.m. on any working day. Systems of records that are the subject of a request should be identified by reference to the system name designated in the Notice of Systems of Records published in the FEDERAL REGISTER. In the event a system name is not known to the individual, a general request will suffice if it indicates reasons for the belief that a record pertaining to the named individual is maintained by the Commission. Receipt of inquiries submitted by mail will be acknowledged within 10 days of receipt (excluding Saturdays, Sundays, and legal public holidays) unless a response can also be prepared and forwarded to the individual within that time.

§ 501.4 Requests for access—times, places and requirements for identification of individuals.

Requests for access to a system of records pertaining to any individual may be made by that individual by mail addressed to the Privacy Officer, or by submitting a written request in person at the Commission offices located at 1625 I Street, NW., Room 307, Washington, D.C. 20006, between the hours or 9 a.m. and 5 p.m. on any working day. An individual appearing in person at the Commission offices will be granted immediate access to any records to which that individual is entitled under the Act upon satisfactory proof of identity by means of a document bearing the individual's photograph or signature. For requests made by mail, identification of the individual shall be adequate if established by means of submitting a certificate of a notary public, or equivalent officer empowered to administer oaths, substantially in accord with the following:

City of_____ County of_____
_____: ss _____
(name of individual)
who affixed (his) (her)) signature below in my presence, came before me, a_____
(title)
in the aforesaid County and State, this _____ day of _____, 19____, and established (his) (her) identity to my satisfaction.

My Commission expires _____

The Privacy Officer shall determine the adequacy of any proof of identity offered by an individual.

§ 501.5 Disclosure of requested information.

(a) Upon request and satisfactory proof of identity, an individual appearing at the Commission offices shall be given immediate access to and permission to review any record, contained in a system of records, pertaining to him or her, shall be allowed to have a person of his/her choosing accompany him/her, and shall be given a copy of all or any portion of the record. The individual to which access is granted shall be required to sign a written statement authorizing the presence of the person who accompanies him or her, and authorizing discussion of his or her record in the presence of the accompanying person.

(b) Requests made by mail to the Privacy Officer at the Commission offices will be acknowledged within 10 days from date of receipt (excluding Saturdays, Sundays, and legal public holidays). This acknowledgement shall advise the individual whether access to the record will be granted and, if access is granted, copies of such records shall be enclosed.

(c) If the Privacy Officer initially determines to deny access to all or any portion of a record, notice of denial shall be given to the individual in writing, within a reasonable time after acknowledgment is given, and shall include the following:

(1) The precise record to which access is being denied;

(2) The reasons for denial, including a citation to the appropriate provisions of the Act and of these Rules;

(3) A statement that the denial may be appealed to the Director;

(4) A statement of what steps must be taken to perfect an appeal to the Director; and,

(5) A statement that the individual has a right to judicial review under 5 U.S.C. 552a(g)(1) of any final denial issued by the Director.

(d) Administrative appeal of a final denial, in whole or in part, of any request for access to a record, shall be available. An individual may appeal by submitting to the Director a written request for reconsideration stating therein specific reasons for reversal which address directly the reasons for denial stated in the initial notice of denial. If access is denied on appeal, a final notice of denial shall be sent to the individual within a reasonable time, and shall state with particularity the grounds for rejecting all reasons for reversal submitted by the individual. The denial shall then be deemed final for purposes of obtaining judicial review.

§ 501.6 Requests for correction or amendment of a record.

(a) Any individual may request the correction or amendment of a record pertaining to him or her in writing addressed to the Privacy Officer at the Commission offices. Verification of identity required for such requests shall be the same as that specified in Section 501.4 above with respect to requests for access. Records sought to be amended must be identified with as much specificity as is practicable under the circumstances of the request, and at a minimum, should refer to the system name designated in the Notice of System Records published in the FEDERAL REGISTER, the type of record in which the information thought to be improperly maintained or incorrect is contained, and the precise information that is the subject of the request (for example, system name, description of record, paragraph, sentence, line, words). Assistance in identifying a record, and in otherwise preparing a request, may be obtained by contacting the Privacy Officer at the Commission offices.

(b) A request should, in addition to identifying the individual and the record sought to be amended or corrected, include:

(1) The specific wording or other information to be deleted, if any;

(2) The specific wording or other information to be inserted, if any, and the exact place in the record at which it is to be inserted, and,

(3) A statement of the basis for the requested amendment or correction (e.g., that the record is inaccurate, unnecessary, irrelevant, untimely, or incomplete), together with supporting documents, if any, which substantiate the statement.

§ 501.7 Agency review of requests for amendment or correction of a record.

(a) Where possible, each request for amendment or correction shall be reviewed, and a determination on the request made, by the Privacy Officer within 10 days of receipt (excluding Saturdays, Sundays and holidays). Requests shall be acknowledged within that period where insufficient information has been provided to enable action to be taken. An acknowledgement shall inform the individual making the request of the estimated time within which a disposition of the request is expected to be made, and shall prescribe such further information as may be necessary to process the request. The request shall be granted, or an initial decision to deny shall be made, within ten days of receipt of all information specified in the acknowledgement (excluding Saturdays, Sundays and holidays).

(b) Within a reasonable time after arriving at a decision on a request, the Privacy Officer shall either:

(1) Make the requested amendment or correction, in whole or in part, and advise the individual in writing of such action; or,

(2) Advise the individual in writing that the request has been initially denied, in whole or in part, stating, with respect to those portions denied:

(i) The date of the denial;

(ii) The reasons for the denial, including a citation to an appropriate section of the Act and these Rules; and,

(iii) The right of the individual to prosecute an appeal and to obtain judicial review should a final denial result from the appeal.

(c) In reviewing a request for amendment or correction of a record, the Privacy Officer shall consider the following criteria:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information sought to be amended or corrected;

(3) the relevance and necessity of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(4) The timeliness and currency of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(5) The completeness of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(6) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and,

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

If an amendment or correction is otherwise permissible under the Act and other relevant statutes, a request shall be denied only if the individual has failed to establish, by a preponderance of the evidence, the propriety of the amendment or correction in light of these criteria.

§ 501.8 Appeal of initial denial of a request for amendment or correction.

(a) The initial denial of a request for amendment or correction may be appealed by submitting to the Director, within thirty days after the date of such denial, the following appeal papers:

(1) A copy of the original request for amendment or correction;

(2) A copy of the initial denial; and,

(3) A precise statement of the reasons for the individual's belief that the denial is in error, referring specifically to the criteria contained in § 501.7(C)(1–8).

The appeal must be signed by the individual. While these papers normally will constitute the entire Record on Appeal, the Director may add additional information, from sources other than the individual, where necessary to facilitate a final determination. Any such additional information added to the record shall promptly be disclosed to the individual to the greatest extent possible, and an opportunity for comment thereon shall be afforded prior to the final determination.

(b) The Director shall issue a final determination on appeal within thirty days (excluding Saturdays, Sundays, and legal public holidays) from the date on which a completed Record on Appeal (including any additional information deemed necessary) is received. Review, and final determination by the Director, shall be based upon the criteria specified in § 501.7(C)(1–8).

(c) If the appeal is resolved favorably to the individual, the final determination shall specify the amendments or corrections to be made. Copies of the final determination shall be transmitted promptly to the individual and to the Privacy Officer. The Privacy Officer shall make the requested amendment or correction and advise the individual in writing of such action.

(d) If the appeal is denied, the final determination shall state, with particularity, the reasons for denial, including a citation to an appropriate section of the Act and of these Rules. The final determination shall be forwarded promptly to the individual, together with a notice which shall inform the individual of his or her right to submit to the Privacy Officer, for inclusion in the record, a concise statement of grounds for disagreement with the final determination. Receipt of any such statement shall be acknowledged by the Privacy Officer, and subsequent users of the record shall be provided copies of the statement. The notice shall also inform the individual of his or her right, under 5 U.S.C. 552a(g)(1), to obtain judicial review of the final determination.

[FR Doc.75-27496 Filed 10-8-75;11:44 am]

Title 22—Foreign Relations

CHAPTER V—UNITED STATES INFORMATION AGENCY

PART 505—PRIVACY ACT POLICIES AND PROCEDURES

Implementation of the Privacy Act of 1974

Reference is made to the Notice of Proposed Rulemaking, which was published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39430) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed rules, to be added to 22 CFR Chapter V to implement the Privacy Act of 1974 (Pub. L. 93–579).

After providing due time for public comment, and in accordance with 5 U.S.C. 553, and after receiving no public participation in the proposed rulemaking, either in person or through the mail, written data, views or arguments, the U.S. Information Agency does hereby adopt and implement Title 22 of the Code of Federal Regulations, Chapter V, Part 505, effective September 27, 1975.

Dated: October 10, 1975.

EUGENE P. KOPP,
Deputy Director,
U.S. Information Agency.

Sec.

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AUTHORITY: Public Law 93–579, 88 Stat. 1897; 5 U.S.C. 552a.

§ 505.1 Purpose and scope.

The U.S. Information Agency will protect individual privacy from misuse of its records, and grant individuals access to records concerning them which are maintained by the Agency's domestic and overseas offices, consistent with the provisions of Pub. L. 93–579, the Privacy Act of 1974. The Agency has also established procedures to permit individuals to amend incorrect records, to limit the disclosure of personal information to third parties, and to limit the number of sources of personal information. The Agency has also established internal rules restricting requirements of individuals to disclose social security account numbers.

§ 505.2 Definitions.

As used in this section, the following definitions shall apply:

(a) Agency means the U.S. Information Agency, its offices, divisions, branches and its Foreign Service establishments.

(b) Individual means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) Maintain means collection, use, dissemination or any combination of these record keeping functions; control over and hence responsibility and accountability for systems of records.

(d) Record means any item, collection, or grouping of information about an individual that is maintained by the Agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history that contains the individual's name, or the identifying particular assigned to the individual, such as a finger or voice print or photograph.

(e) System of records means a group of any records under the control of the Agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

(f) Statistical record means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 13 U.S.C. 8.

(g) Routine use means the common and ordinary purposes for which records are used, and all of the proper and necessary uses even if any such use occurs infrequently.

(h) Amend means to make any correction to any portion of the record which the individual believes is not accurate, relevant, timely or complete.

(i) Personnel record means any personal information maintained in a system of records that is needed for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(j) Committee on Public Information Policy means the body established by and responsible to the Director of USIA for reviewing appeals from individuals to amend records held by the Agency.

§ 505.3 Procedures for requests pertaining to individual records in a system of records.

(a) The Agency will consider all requests received from an individual for records pertaining to himself or herself as a request made under the Privacy Act of 1974 (5 U.S.C. 552a), whether or not the individual specifically cites the Privacy Act of 1974 when making the request.

(b) All requests under the Privacy Act should be directed to the Assistant Director (USIA), Public Information, Room 719, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547, who will coordinate the search of all systems of records specified in the request. Guidelines for preparation of a request are published in the Agency's Annual Public Notice.

(c) Requests directed to the Agency's overseas posts which involve routine, unclassified, administrative and personnel records available only at those posts may be released to the individual if the post determines that such release is authorized by the Privacy Act. All other requests shall be submitted by the post to the Assistant Director (USIA), Public Information, as noted in paragraph (b) of this section, and the individual so notified of this action in writing.

(d) Information, documents and forms which have previously been provided to the public as part of the normal services of the Agency will continue to be made available on the same basis.

(e) In those instances where an individual requests records pertaining to himself or herself, as well as records pertaining to another individual, group, or some other category of the Agency's records, only that portion of the request which pertains to records concerning the individual will be treated as a Privacy Act request. The remaining portions of such a request will be processed by the Agency's Office of Public Information as a Freedom of Information request.

§ 505.4 Times, places, and requirements for identification of individuals making requests.

(a) *In person*—(1) *Times and places.* Individuals seeking access to Agency records may present themselves in person at USIA's Office of Public Information, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C. 20547, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on legal holidays.

(2) *Identification procedures.* Some form of identification will be required of individuals requesting access to records in person. Acceptable forms of identification are: driver's license, employee identification card, passport or Medicare card, or supplying of data which presumably would be known only to the person making the request. An individual will also be required to sign a statement asserting his or her identity, which stipulates that knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000.

(b) *By mail.* The Agency will require a signed statement from an individual requesting access to records by mail, confirming identity and stipulating that the individual understands that knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000.

§ 505.5 Disclosure of requested information to individuals.

(a) *Information necessary to identify a record.* Whenever possible, an individual should furnish all the identifying information requested for the particular record system(s) as published in the Public Notice appearing in the FEDERAL REGISTER. This information will facilitate

the search of the record system(s) and assist the Agency in locating those records which actually pertain to the individual. As a minimum, any request should include the individual's full name, present mailing address and zip code, and the date and place of birth, and any other information or statements required under the access procedures in paragraph (b) of this section. In certain instances, it may be necessary for the Agency to request additional information from the individual to ensure that the retrieved record does, in fact, pertain to him or her.

(b) *Access to records*—(1) *Acknowledgment of requests.* All requests for information on whether or not the Agency's system or systems of records contain information about the individual will be acknowledged within ten working days after receipt of the request by the Assistant Director (USIA), Public Information.

(2) *Time limits.* Whenever possible the Agency will furnish the requested records within ten working days of receipt of the request. The Agency's ability to respond to requests within ten working days will be affected by the volume of pending requests on hand, and the need, whenever necessary, to:

(i) Search for and collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(ii) Search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

(iii) Consult, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Agency having a subject matter interest therein;

(iv) Request additional identifying information to assist the Agency in locating the requested records.

(c) *Access instructions*—(1) *In person.* Access to a record will be granted in person if desired by the individual, at a time and place which is mutually agreeable. In person access to records will require the same identification procedure outlined in § 505.4(a)(2) of this Part.

(2) *By mail.* If it is determined that access to records can be granted only by mail because the Agency cannot provide reasonable means for individuals to have access to records in person, copies of requested records may be sent to the home address provided by the requester, contingent upon verification of identification as described in §§ 505.4(a)(2) and/or 505.4(b).

(d) *Verification of personal identity.* In certain cases where the Agency determines that the substance of the requested record is of sufficient sensitivity, it may require the individual to furnish a signed, notarized statement that he or she is in fact the person he or she represents himself or herself to be before granting access to records. The Agency will so inform the individual at the time the record is retrieved whether or not such a statement is necessary.

(e) *Original records.* Originals, or record copies thereof, will not be released from the custody of the records system manager. Copies will be furnished in accordance with established fees contained in § 505.11 of this Part.

(f) *Denial of access to records.* (1) The requirements of this section do not entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding.

(2) The Agency is not required to permit access to records by an individual if the information is not retrievable by the individual's name or other identifying particular.

(3) Access shall not be granted to an individual who requests information about himself or herself which might be contained in the file of another individual.

(4) The Agency reserves the right to deny an individual access to a record or portion thereof, which, following a review, is determined to fall within the categories of exemptions authorized in 5 U.S.C. 552a(j) and 522a(k). See §§ 505.13 and 505.14 for a listing of general and specific exemptions.

(5) The decision to deny access shall be made by an Agency official of the rank equivalent to Deputy Assistant Director or higher who is responsive for the system of records. When an authorized official denies access to a record or portion thereof under this Part, he will so advise the Chairman of the Committee on Public Information Policy, who will inform the individual in writing of the denial and the specific reasons therefore. The denial letter will also advise the individual of his or her right to seek judicial review of the Agency's decision.

§ 505.6 Special procedures: medical records.

If, in the judgment of the Agency, the release of medical information directly to the requester could have an adverse effect on the requester, the Agency will attempt to arrange an acceptable alternative in granting access of such records to the requester. This will normally involve the release of such information to a doctor named by the requester.

§ 505.7 Request for correction or amendment of records.

(a) *Requests for amending records.* (1) An individual has the right to request that the Agency amend a record pertaining to him or her which the individual believes is not accurate, relevant, timely, or complete. At the time the Agency grants access to a record, it will furnish guidelines for requesting amendments to the record. These guidelines will also be available in the USIA Office of Public Information, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C., 20547, or may be obtained by writing the Assistant Director (USIA), Public Information, at the above address.

(2) Requests for amendments to records must be in writing and mailed or delivered to the Assistant Director (USIA), Public Information, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C., 20547, who will coordinate the review of the request to amend a record with the appropriate office(s). Such requests should contain, as a minimum, identifying information needed to locate the record, a brief description of the item or items of information to be amended, and the reason for the requested change. The requester should submit as much documentation, arguments or other data as seems warranted to support the request for amendment.

(b) *Acknowledging receipt of requests to amend records.* Whenever possible the Agency will review all requests for amendments to records within ten working days of receipt of the request by the Assistant Director, Public Information, and advise the requester of the results of the review. In those cases where the review cannot be completed within ten working days, the Agency will so advise the requester and inform him or her when the review will be completed. Except in very unusual circumstances, this review will be completed no later than thirty working days after receipt of the request to amend a record.

§ 505.8 Agency review of requests for correction or amendment of records.

(a) In reviewing a record in response to a request to amend, the Agency shall incorporate the criteria of accuracy, relevance, timeliness, or completeness of the record in the review.

(b) If the Agency agrees with an individual's request to amend a record, it shall:

(1) So advise the individual in writing;

(2) Correct the record accordingly; and

(3) If an accounting of disclosure has been made, advise all previous recipients of the record which was corrected of the correction and its substance.

(c) If the Agency, after an initial review of a request to amend a record, disagrees with all or any portion of it, the Agency shall:

(1) Advise the individual of its refusal and the reasons for the determination; and

(2) Inform the individual that he or she may request a further review in accordance with § 505.9.

§ 505.9 Appeal of initial adverse Agency determination on correction or amendment.

(a) If an individual disagrees with the Agency's initial refusal to amend a record, he or she may appeal that determination. The appeal must be in writing and should be sent by certified mail to the Chairman, Committee on Public Information Policy, U.S. Information Agency, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C., 20547. The appeal should include any documentation, information or statements advanced to substantiate the request for amendment.

(b) A review of the appeal will be conducted by the Director of USIA or an Agency official whom he designates in writing who is senior to the official who made the initial determination.

(c) Appeals or that portion of an appeal involving the personnel records of active Foreign Service employees of the Agency will be referred to the Foreign Service Grievance Board for review and final determination at such times as the Board's procedures are in full compliance with the Privacy Act.

(d) The time for decision on the appeal begins on the date the appeal is actually received by the Chairman of the Committee on Public Information Policy. The final Agency determination will be made within thirty working days, unless the Agency official has determined that a fair and equitable review cannot be completed in that time. If additional time is required, the individual will be informed in writing of the reasons for the delay and the approximate date on which the review is expected to be completed.

(e) The Agency official will make the final determination on the appeal, except as provided in paragraph (c) of this section, whether or not, and to what extent, to amend the records as requested by the individual. A written record of the reasons for the decision will be maintained by the Agency official, who will communicate his final determination to the Chairman of the Committee on Public Information Policy. The Chairman will advise the individual in writing of the Agency's decision on his or her appeal.

(f) If the Agency official determines to deny the individual's appeal to amend records, the Chairman shall advise the individual:

(1) Of the Agency's refusal and the reasons for it;

(2) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Agency;

(3) Of the procedures for filing the statement of disagreement;

(4) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Agency, a brief statement by the Agency summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained; and

(6) His or her right to seek judicial review of the Agency's refusal to amend.

(g) When an individual files a statement disagreeing with the Agency's refusal to amend a record, the Agency will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently have acess to, use, or disclose it. When information that it is the subject of a statement of dispute filed by an individual is subsequently disclosed, the Agency will note that the information is disputed and provide a copy of the individual's statement. The Agency may also include a brief summary of the reasons for not making a correction when disclosing disputed information. Such statements will be limited to the reasons given to the individual for not amending the record. Copies of the Agency's statement shall be treated as part of the individual's record for granting access; however, it will not be subject to amendment by the individual under these regulations.

§ 505.10 Disclosure of record to persons other than the individual to whom it pertains.

The Agency will not disclose any information about an individual to any person or another agency without the prior consent of the individual about whom the information is maintained, except as provided for in the following paragraphs.

(a) Medical records means such records will be disclosed to a doctor or other medical practitioner, with the consent of the individual, as prescribed in paragraph 505.6 of this Part.

(b) Accompanying individual means if, when exercising a right of access to records, the requester is accompanied by any other person, the Agency will require that the requester sign a statement granting consent to the disclosure of the contents of the record to the person accompanying him or her.

(c) Designees means individuals, other than the original requester, who request access to records pertaining to the original requester, must present, in writing, a signed statement from the original requester authorizing and consenting to the release of his or her records to the designated individual.

(d) Guardians means the parent(s) of any dependent minor, or the legal guardian of an individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act for and on behalf of the individual on whom the Agency maintains records.

(e) Other disclosures permitted by the Privacy Act means a record may be disclosed without either the request or written consent of the individual to whom a record pertains if such disclosure is authorized under the conditions of disclosure in 5 U.S.C. 552a(b). These conditions are:

(1) *Disclosure within the Agency.* This provision is based on a "need-to-know" concept. The Privacy Act recognizes that Agency personnel require access to records to discharge their duties.

(2) *Disclosure to the public.* The Agency is not required to obtain the consent of an individual before disclosing a record about him or her to a member of the public to whom the Agency is required to disclose such information under the Freedom of Information Act. The Agency may, however, withhold records from a member of the public if such records are exempted from disclosure under the Freedom of Information Act, such as for an unwarranted invasion of personal privacy.

(3) *Disclosure for a routine use.* Records may be disclosed without the prior consent of an individual for a "routine use", as defined in § 505.2(g) of this part, and as described in the required annual public notice about the system published in the FEDERAL REGISTER.

(4) *Disclosure to the Bureau of the Census.* The Agency may disclose records to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity. Title 13 U.S.C. section 8 limits the uses which may be made of these records and also makes them immune from compulsory disclosure.

(5) *Disclosure for statistical research and reporting.* Records may be disclosed for statistical research or reporting purposes only after the Agency has received and evaluated a written statement which explains the purpose for requesting the records, and certifies that the records will be used only as statistical records.

(6) *Disclosure to the National Archives.* The Agency may disclose records to the National Archives of the United States pursuant to 44 U.S.C. 2103, which provides for the preservation of records of historical or other value.

(7) *Disclosure for law enforcement purposes.* The Agency may disclose a record to another agency or unit of state or local government upon receipt of a written request describing the law enforcement purpose for which the record is required, and specifying the particular record required. Blanket requests for all records pertaining to an individual are not permitted by the Privacy Act.

(8) *Disclosure under emergency circumstances.* The Agency may disclose records when the time required to obtain the consent of the individual to whom the record pertains might result in a delay which could impair the health or safety of an individual, e.g., release of medical records on a patient undergoing emergency treatment.

(9) *Disclosure to the Congress.* Records on individuals may be furnished to either House of Congress, or with regard to matters within their jurisdiction, any committee or subcommittee thereof, any joint committee of Congress of subcommittee of any such joint committee.

(10) *Disclosure to the General Accounting Office.* Records on individuals may be disclosed to the Comptroller General or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(11) *Disclosure pursuant to court order.* Agency records may be disclosed as required pursuant to the order of a court of competent jurisdiction.

§ 505.11 Fees.

(a) The Agency will charge a fee of $0.20 per page for copies of documents which are identified by an individual and reproduced at the individual's request for retention. There will be no charge for requests involving costs of $1.00 or less.

(b) The first copy of an individual's personnel record will be furnished free of charge.

(c) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasurer of the United States and mailed to the Assistant Director (USIA),

Public Information, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C. 20547. The Agency will assume no responsibility for cash sent by mail.

(d) A receipt for fees paid will be given only upon request.

§ 505.12 Civil remedies and criminal penalties.

(a) *Grounds for court action.* An individual will have a remedy in the Federal District Courts under the following circumstances:

(1) *Denial of access.* Individuals may challenge an Agency decision to deny them access to records to which they consider themselves entitled.

(2) *Refusal to amend a record.* Under conditions prescribed in 5 U.S.C. 552a(g), an individual may seek judicial review of the Agency's refusal to amend a record.

(3) *Failure to maintain a record accurately.* An individual may bring suit against the Agency for any alleged intentional and willful failure to maintain a record accurately, if it can be shown that the individual was subjected to an adverse action resulting in the denial of a right, benefit, entitlement or employment the individual could reasonably have expected to be granted if the record had not been deficient.

(4) *Other failures to comply with the Act.* An individual may bring an action for any alleged failure by the Agency to comply with the requirements of the Act or failure to comply with any rule published by the Agency to implement the Act provided it can be shown that:

(i) The action was "intentional or willful";

(ii) The Agency's action had an adverse effect upon the individual;

(iii) The adverse action was caused by the Agency's actions.

(b) *Jurisdiction and time limits.* (1) Action may be brought in the district court for the jurisdiction in which the individual resides or has a place of residence or has a place of business, or in which the Agency records are situated, or in the District of Columbia.

(2) The statute of limitations is two years from the date upon which the cause of action arises, except for cases in which the Agency has materially or willfully misrepresented any information required to be disclosed and when such misrepresentation is material to the liability of the Agency. In such cases the statute of limitations is two years from the date of discovery by the individual of the misrepresentation.

(3) A suit may not be brought on the basis of injury which may have occurred as a result of the Agency's disclosure of a record prior to September 27, 1975.

(c) *Criminal penalties.* (1) *Unauthorized disclosure.* It is a criminal violation of the provisions of the Act for any officer or employee of the Agency knowingly and willfully to disclose a record in any manner to any person or agency not entitled to receive it, for failure to meet the conditions of disclosure enumerated in 5 U.S.C. 552a(b), or without the written consent or at the request of the individual to whom the record pertains. Any officer or employee of the Agency found guilty of such misconduct shall be fined not more than $5,000.

(2) *Failure to publish a public notice.* It is a criminal violation of the Act willfully to maintain a system of records and not to publish the prescribed public notice. Any officer or employee of the Agency found guilty of such misconduct shall be fined not more than $5,000.

(3) *Obtaining records under false pretenses.* The Act makes it a criminal offense knowingly and willfully to request or gain access to a record about an individual under false pretenses. Any person found guilty of such an offense may be fined not more than $5,000.

505.13 General exemptions.

(a) General exemption for the Central Intelligence Agency files of the Central Intelligence Agency are exempted from certain provisions of the Act.

(b) General exemption for criminal law enforcement records. Records of any agency or component thereof engaged in criminal law enforcement activities are exempted from disclosure under the Act. Specifically exempted under this provision of the Act are records which are:

(1) Compiled for the purposes of identifying information on an individual regarding arrests, nature and disposition of criminal charges, sentencing, confinement, release and parole or probation status;

(2) Compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual;

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

§ 505.14 Specific exemptions.

The following categories of records maintained by the Agency may be exempted from disclosure:

(a) *Exemption for classified material.* The Act exempts from disclosure those records which are specifically authorized under criteria established under an Executive Order to be kept secret in the interest of national defense or foreign policy, and which are in fact properly classified pursuant to such Executive Order.

(b) *Exemption for investigatory material compiled for law enforcement purposes.* To the extent that an investigatory record is used as a basis for denying an individual any right, privilege or benefit, including employment, to which the individual would be entitled in the absence of that record, the individual must be granted access to that record except to the extent that access would reveal the identity of a confidential source.

(c) *Exemption for records maintained to provide protective services.* This exemption covers records which are not within the scope of law enforcement records covered under paragraph (b) of this section, but which are necessary to assure the safety of the President of the United States and other individuals protected pursuant to 18 U.S.C. 3056.

(d) *Exemption for statistical records.* The Agency may exempt a system of records which is used solely for the purpose of generating aggregate data or for other similarly evaluative or analytical purposes, and which are not used to make decisions on the rights, benefits or entitlements of individuals except for the disclosure of a census record to an individual permitted by 13 U.S.C. 8.

(e) *Exemption for investigatory material compiled for determining suitability for federal employment or military service.* A system of records may be exempted from certain provisions of the Act if disclosure of records would cause the identity of a confidential source to be revealed. This exemption may be invoked only if the following conditions are met:

(1) The record is maintained only for purposes of determining an individual's qualifications, eligibility or suitability for military service, employment in the civilian service or on a federal contract, or need for access to classified material.

(2) The information considered relevant and necessary to making a judicious determination as to qualifications, eligibility or suitability could only be obtained by providing assurance to the source that his or her identity would not be revealed to the subject of the record, e.g., for "critical sensitive positions."

(3) Disclosure of the record with the identity of the source removed would likely reveal the identity of the source, e.g., the record contains information which could only have been furnished by one of several individuals known to the subject.

(f) *Exemption for testing or examination material.* The Agency may exempt testing or examination material used to assess the qualifications of an individual for appointment or promotion in the military service only if disclosure of the record to the individual would reveal information about the testing process which would give an individual an unfair competitive advantage.

(g) *Exemption for material used to evaluate potential for promotion in the armed services.* Application of an exemption for material used in evaluating the potential for promotion of members of the armed services must meet the same tests and conditions that are applied under paragraphs (b) and (e) of this section, i.e. revealing a confidential source.

(h) *Records of other agencies.* Any Agency record system which contains information originated by another agency whose record system are exempt from certain provisions of the Act will not be disclosed by USIA. (See § 505.13, *General exemptions*).

APPENDIX I

U.S. INFORMATION AGENCY OFFICE LOCATIONS IN WASHINGTON, D.C. AREA

(1) Agency Elements located at 1750 Pennsylvania Ave., NW, Washington, D.C. 20547.

Office of the Director
Office of Public Information

U.S. Advisory Commission on Information
Office of the General Counsel
Office of Equal Employment Opportunity
Office of Administration and Management
Office of Policy and Plans
Office of Research
Office of Security
Office of the Assistant Director, Europe
Office of the Assistant Director, North Africa, Near East and South Asia
Office of the Assistant Director, Latin America
Office of the Assistant Director, East Asia and Pacific
Office of the Assistant Director, Africa

(2) Other Agency elements and addresses:

U.S. Information Agency, Press and Publications Service, 1776 Pennsylvania Ave., NW, Washington, D.C. 20547.
U.S. Information Agency, Broadcasting Service (VOA), Health, Education, and Welfare Bldg., 330 Independence Ave., SW, Washington, D.C. 20547.
U.S. Information Agency, Motion Picture and Television Service, Patrick Henry Bldg., 601 "D" Street, NW, Washington, D.C. 20547.
U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Ave., NW, Washington, D.C. 20547.
U.S. Information Agency, Information Center Service, 1717 "H" Street, NW, Washington, D.C. 20547.
U.S. Information Agency, Foreign Press Center, National Press Building, 529 14th Street, NW, Washington, D.C. 20547.

APPENDIX II

U.S. INFORMATION AGENCY OFFICE LOCATIONS OUTSIDE THE WASHINGTON, D.C. AREA

U.S. Information Agency, Motion Picture and Television Service, New York Office, 1657 Broadway, New York, New York 10019.
U.S. Information Agency, Foreign Press Center, 866 Second Avenue, New York, New York 10017.
U.S. Information Agency, Information Center Service, New York Services Staff, 252 Seventh Avenue, New York, New York 10001.
U.S. Information Agency, Delano Relay Station, Rte. 1 Box 1350, Delano, California 93215.
U.S. Information Agency, Edward R. Murrow Transmitting Station, P.O. Box 1826, Greenville, North Carolina 27834.
U.S. Information Agency, Southeast Correspondent Staff, Room 518, Federal Bldg., 51 SW. First Avenue, Miami, Florida 33130.
U.S. Information Agency, Midwest Correspondent Staff, Room 1459, Federal Bldg., 219 South Dearborn Street, Chicago, Illinois 60604.
U.S. Information Agency, Administrative Services Division, New York Services Branch, 1657 Broadway, New York, New York 10019.
U.S. Information Agency, Senior Adviser for Public Affairs, U.S. Mission to the United Nations, 799 United Nations Plaza, New York, New York 10017.
U.S. Information Agency, Broadcasting Service, New York Program Center, 250 West 57th Street, New York, New York 10019.
U.S. Information Agency, Bethany Relay Station, P.O. Box 227, Mason, Ohio 45040.
U.S. Information Agency, Dixon Relay Station, Rte. 2, Box 739, Dixon, California 95620.
U.S. Information Agency, Marathon Relay Station, P.O. Box 726, Marathon, Florida 33050.
U.S. Information Agency, West Coast Correspondent Staff, Room 12220, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, California 90059.

[FR Doc.75-28282 Filed 10-20-75;8:45 am]

MARINE MAMMAL COMMISSION
PRIVACY ACT OF 1974

Notice is hereby given that the Marine Mammal Commission (the "Commission"), pursuant to Section 3 of the Privacy Act of 1974 (the "Act"), 5 U.S.C. 552a(e)(4) and (e)(11), adopts the Notice of Systems of Records set forth below.

Certain records kept by the Commission have been omitted from this Notice for the reason that they are the subject of a general, Government-wide notice published by the United States Civil Service Commission at 40 Fed. Reg. 39239 (1975). These are employee personnel records required to be kept on forms prescribed by the Civil Service Commission. All supplemental personnel records, generated either by an employee or by the Commission, are covered by this Notice.

The only substantive changes in this notice from the text published for comment (as a "Proposed Notice" on September 4, 1975, (40 Fed. Reg. 41068)) is the addition of an appendix setting forth additional routine uses which may be made of records contained in systems maintained for the Commission by the General Services Administration. The locations at which certain records are kept have been changed to reflect changes in membership of the Commission and the Committee of Scientific Advisors on Marine Mammals.

Dated: October 4, 1975.

John R. Twiss, Jr.
Executive Director.

MMC—1

System name: Applications for Permits to Take or Import Marine Mammals or to Import Marine Mammal Products for Purposes of Scientific Research or Public Display—MMC.

System location: Commission Offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006; Commission Members' Offices, presently:

Dr. Victor B. Scheffer, Chairman
14806 SE 54th Street
Bellevue, Washington 98006
Dr. Donald B. Siniff Department of Ecology & Behavioral Biology
University of Minnesota
223 Snyder Hall
St. Paul, Minnesota 55101
Dr. Richard A. Cooley
Chairperson, Board of Environmental Studies
University of California
Sanata Cruz, California 95064; and

Committee of Scientific Advisors Members' Offices, presently:

Dr. Robert L. Brownell, Jr.
Division of Mammals—NHB, 398
Smithsonian Institution
Washington, D.C. 20560
Mr. John J. Burns
P.O. Box 80746
College, Alaska 99701
Dr. Douglas G. Chapman
College of Fisheries
University of Washington
Seattle, Washington 98195
Dr. Francis H. Fay
University of Alaska
Fairbanks, Alaska 99701
Mr. Jack W. Lentfer
4454 Business Park Blvd.
Anchorage, Alaska 99503
Dr. Kenneth S. Norris
Coastal Marine Laboratory
University of California
Santa Cruz, California 95064
Dr. G. Carleton Ray
Johns Hopkins University
615 North Wolfe Street
Baltimore, Maryland 21205
Dr. Sam H. Ridgway
Biomedical Division
Naval Undersea Center
San Diego, California 92132

Categories of individuals covered by the system: Individuals who have submitted applications, as required by the Marine Mammal Protection Act of 1972 and regulations of the Departments of Interior and Commerce, for permits to take or import marine mammals or to import marine mammal products.

Categories of records in the system: Name, mailing address, telephone number, date of birth, height, weight, color of hair, color of eyes, sex, business or institutional affiliation, education and/or experience of the applicant which qualifies him/her to conduct the proposed activities.

Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in permit applications is used by the Commission, its Committee of Scientific Advisors, the Executive Director and his staff for the purpose of reviewing such applications and making recommendations thereon, regarding proper disposition of the application, to the Secretaries of Commerce and Interior in order to carry out the duties assigned to the Commission by the Marine Mammal Protection Act of 1972. Subsequent to final disposition of the application, records are maintained for use in connection with the review of future applications submitted by the same individuals. The records contained in the system also are available for inspection by members of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Maintained in 8 1/2 by 11 inch folders in vertical file.

Retrievability: Manual—indexed by name of applicant.

Safeguards: Records are maintained in an office which is accessible only to authorized persons.

Retention and disposal: Records will be retained in the Commission offices during the life of the Commission. Copies forwarded to the offices of individual Commissioners and Committee members are disposed of after disposition of the permit application, or at such other times as are deemed appropriate by the Commissioners and Committee members.

Method of disposal: No particular method of disposal is followed.

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address. See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Part 502.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject applicants.

MMC—2

System name: Personnel files on current, past and prospective employees and members of the Marine Mammal Commission and its Committee of Scientific Advisors—MMC.

System location: Commission offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Categories of individuals covered by the system: Present and past employees, individuals who have submitted solicited or unsolicited applications for employment, members of the Commission and Committee of Scientific Advisors, and individuals who have been invited to submit personal information for consideration as a potential member of the Committee.

Categories of records in the system: Name, address, telephone number, educational background, employment history, special employment qualifications, honors and awards, research and other activities relating to position, publications, letters of recommendation, and memoranda regarding conversations between Commission staff members and previous employers concerning quality of job performance.

Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in the system is used, in conjunction with data supplied on Standard Civil Service Commission forms, for the purpose of assessing the qualification of subject individuals for appointment to the various positions described above. The Chairman of the Commission, the Executive Director, and the Administrative Officer are authorized users of the System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in 8 1/2 by 11 inch folders in a locked vertical file.

Retrievability: Manual—indexed by name.

Safeguards: The system is maintained in a locked, metal filing cabinet, the access combination to which is known only bu the Executive Director, his Administrative Officer, and one member of his support staff. Other members of the staff have been instructed that they are under no circumstances to make any use of the system except in accordance with procedures promulgated by the agency pursuant to Subsection 552a(f)(3) of the Privacy Act.

Retention and disposal: Records in the system will be retained during the life of the Commission.

Method of disposal: No particular method of disposal is followed.

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address. See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Parts 501.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject individuals; former and/or present employers of subject individuals; and others familiar with the individual and whom the individual has suggested as a reference.

MMC—3

System name: Research proposals and contracts—MMC.

System location: Commission offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006; Commission Members' Offices, presently:

Dr. Victor B. Scheffer, Chairman
14806 SE 54th Street
Bellevue, Washington 98006
Dr. Donald B. Siniff
Department of Ecology & Behavioral Biology
University of Minnesota
223 Snyder Hall
St. Paul, Minnesota 55101
Dr. Richard A. Cooley
Chairperson, Board of Environmental Studies
University of California
Santa Cruz, California 95064; and
Committee of Scientific Advisors Members' Offices, presently:
Dr. Robert L. Brownell, Jr.
Division of Mammals—NHB, 398
Smithsonian Institution
Washington, D.C. 20560
Mr. John J. Burns
P.O. Box 80746
College, Alaska 99701
Dr. Douglas G. Chapman
College of Fisheries
University of Washington
Seattle, Washington 98195
Dr. Francis H. Fay
University of Alaska
Fairbanks, Alaska 99701
Mr. Jack W. Lentfer
4454 Business Park Blvd.
Anchorage, Alaska 99503
Dr. Kenneth S. Norris
Coastal Marine Laboratory
University of California
Santa Cruz, California 95064
Dr. G. Carleton Ray
Johns Hopkins University
615 North Wolfe Street
Baltimore, Maryland 21205
Dr. Sam H. Ridgway
Biomedical Division
Naval Undersea Center
San Diego, California 92132

Categories of individuals covered by the system: Individuals who have submitted proposals to conduct scientific research, including those to whom research contracts have been awarded.

Categories of records in the system: Name, address, telephone number, educational background, employment history, honors and awards, part research activities, publications, records of payments made to individuals pursuant to research contracts that have been awarded.

Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 USC 1406(5)/

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Research proposals, containing personal qualifications information, are utilized by the Research Program Director and other members of the Commission staff, outside consultants, and Members of the Commission and the Committee for the purpose of determining the merit of such proposals. Records of contract payments are utilized by the Research Program Direcor, the Executive Director and his staff, and members of the Commission and Committee for purposes of budgeting, contract review, and evaluation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in 8 1/2 by 11 inch folders in a vertical file.

Retrievability: Manual—indexed by name.

Safeguards: Records are maintained in an office which is accessible only to authorized persons.

Retention and disposal: Records in the system will be retained during the life of the Commission

Method of disposal: None

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address. See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.Now

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Parts 501.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject individuals, Research Program Director, and othe Commission personnel administering contract payments.

MMC—4

System name: General Financial Records—MMC

System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for Commission under contract.)

Categories of individuals covered by the system: Commission employees.

Categories of records in the system: SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees

of GSA and the Commission who have a ned for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintnance and Disposition System (OAD P 1820.2)/

System manager(s) and address: Executive Director, Marine Mammal Commisson, 1625 I Street, NW., Washington, D.C. 20006, Room 307.

Notification procedure: See Commission access regulations in 50 CFR Part 401.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 401.4, 401.5.

Contesting record procedures: See Commission regulations in 50 CFR Part 401.6 through 401.8.

Record source categories: The subject individual; the Commission.

MMC—5

System name: Payroll records;—MMC

System location: General Services Administration, Region 3 Office; copies held by the Commission (GSA holds for Commission under contract.)

Categories of individuals covered by the system: Past and present Commission employees.96

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions, tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with HB GSA Records Maintenance and Disposition System (OAD P 1820.2)/

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Washington, D.C. 20006.

Notification procedure: See Commission access regulations in 50 CFR Part 401.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 401.4, 401.5.

Contesting record procedures: See Commission regulations in 50 CFR Parts 401.6 through 401.8.

Record source categories: The subject individual; the Commission.

APPENDIX MMC

In the event that a 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 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 in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

A record from this system of records may be disclosed to the United States CivilService Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

[FR Doc.75-27497 Filed 10-8-75;11:44 am]

Title 45—Public Welfare

CHAPTER XI—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUBCHAPTER A—GENERAL

PART 1115—PRIVACY ACT REGULATIONS

Implementation

This addition to Chapter XI, Subchapter A—General, of Title 45 of the Code of Federal Regulations implements 5 U.S.C. 552(a)(f) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records, and correction of records under the Privacy Act of 1974. A proposed regulation was published for comment in the FEDERAL REGISTER on August 29, 1975, 40 FR 40052, but no comments were received from members of the public. Accordingly, pursuant to the authority granted by 5 U.S.C. 301 and 552a, the Foundation's Privacy Act Regulations published in the FEDERAL REGISTER on August 29, 1975, are adopted as final.

NANCY HANKS,
Chairman, National Endowment for the Arts.

RONALD BERMAN,
Chairman, National Endowment for the Humanities.

Section 1115.7 exercises the Foundation's right to exempt certain investigatory materials from disclosure. The Foundation is claiming an exemption under 5 U.S.C. 552a(k)(5) with respect to the identity of person's supplying references for applicants for various types of Foundation fellowships or grants. Fellowships and grants are considered to fall within the class of activities described in 5 U.S.C. 552a(k)(5), and it is considered imperative that reference reports compiled solely for determining suitability, eligibility or qualifications of applicants be provided on a confidential basis. In practice, the exercise of this exemption will often require the withholding of the actual reference and evaluation reports since the comments will in many cases reflect the identity of the reference. Confidentiality is needed to ensure that references are given, and evaluations are made, with complete candor.

The Foundation is also claiming an exemption with respect to the identity of references of persons seeking employment with the Foundation. The reasons for this are substantially the same as maintaining fellowship and grant references in confidence—the need for candor in response.

These regulations shall become effective on October 15, 1975.

Chapter XI of Title 45 of the Code of Federal Regulations is amended as follows:

1. The table of parts is revised to add the following entry: "Part 1115 Privacy Act Regulations".

2. Part 1115 is added to read as follows:

Sec.
1115.1 Purpose and scope.
1115.2 Definitions.
1115.3 Procedures for notification of existence of records pertaining to individuals.
1115.4 Procedures for requests for access to or disclosure of records pertaining to individuals.
1115.5 Correction of records.
Sec.
1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.
1115.7 Exemptions.
1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.
1115.7 Exemptions.

AUTHORITY: 5 U.S.C. 552a(f).

§ 1115.1 Purpose and scope.

This part sets forth the National Foundation on the Arts and the Humanities' procedures under the Privacy Act of 1974 as required by 5 U.S.C. 552a(f). Internal guidance for Foundation staff and other regulations implementing the Privacy Act are contained or will be contained in Foundation circulars.

§ 1115.2 Definitions.

For purposes of this Part:

(a) "Foundation" means the National Foundation on the Arts and the Humanities.

(b) "Act" means the Privacy Act of 1974 (Pub. L. 93–579).

(c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(d) "Maintain", used with reference to a record means to collect, to use, to disseminate, to have control over and responsibility for such record.

(e) "Record" means any item, collection or grouping of information about an individual that is maintained by the Foundation and that is retrievable by his or her name or an identifying particular, such as a number, symbol, fingerprint, or photograph of the individual. Information maintained by the Foundation includes, but is not limited to, education, financial transactions, medical history, employment history and criminal history.

(f) "Routine use" means, with respect to the disclosure of a record, the use of such a record for a purpose which is compatible with the purpose for which it was collected. The routine uses of record systems maintained by the Foundation were established pursuant to notice in the FEDERAL REGISTER.

(g) "System of records" means a group of any records under the control of the Foundation from which information about an individual is retrievable by his or her name or by some identifying particular.

§ 1115.3 Procedures for notification of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by the National Foundation on the Arts and the Humanities are listed annually in the FEDERAL REGISTER as required by that Act. Any person who wishes to know whether a system of records contains a record pertaining to him may appear in person at the National Endowment for the Arts, Room 1338, 2401 E Street NW., Washington, D.C. 20506 or the National Endowment for the Humanities, Room 1000, 806 15th Street NW., Washington, D.C. 20506, on work days between the hours of 9:00 a.m. and 5:30 p.m. or by writing to the Office of the General Counsel, National Endowment for the Arts or National Endowment for the Humanities, Washington, D.C. 20506. It is recommended that requests be made in writing, since in many cases it will take several days to ascertain whether a record exists.

(b) Requests for notification of the existence of a record should specifically identify the system of records involved and should state, if the requestor is other than the individual to whom the record pertains, the relationship of the requestor to that individual. (Note that requests will not be honored by the Foundation pursuant to the Privacy Act unless made (1) by the individual to whom the record pertains, (2) by such individual's parent if the individual is a minor, or (3) by such individual's legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction).

(c) The Foundation will attempt to respond to a request as to whether a record exists within 10 working days from the time it receives the request or from the time any required identification is established, whichever is later.

§ 1115.4 Procedures for requests for access to or disclosure of records pertaining to an individual.

(a) Any person may request review of records pertaining to him by appearing at the National Endowment for the Arts, Room 1338, 2401 E Street, NW., Washington, D.C. 20506, or the National Endowment for the Humanities, Room 1000, 806 15th Street, NW., Washington, D.C. 20506 on work days between the hours of 9:00 a.m. and 5:30 p.m. or by writing to the Office of the General Counsel, National Endowment for the Arts, or National Endowment for the Humanities, Washington, D.C. 20506. (See paragraphs (b) and (c) of this section for identification requirements.) The request should specifically identify the systems or records involved. The Foundation will strive either to make the record available within 15 working days of the request or to inform the requestor of the need for additional identification or the tendering of fees (as specified in paragraph (d) of this section) within 15 working days.

(b) In the case of persons making requests by appearing at the Foundation, the amount of personal identification required will of necessity vary with the sensitivity of the record involved. Except

as indicated below, reasonable identification such as employment identification cards, drivers licenses, and credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary. Records in the following systems of records, however, are considered to contain relatively sensitive and/or detailed personal information—

GRANT APPLICATIONS—NEA.
GRANT APPLICATIONS—NEH.
GRANTS TO INDIVIDUALS—NEA.
GRANTS TO INDIVIDUALS AND INSTITUTIONS—NEH.
EQUAL EMPLOYMENT OPPORTUNITY CASE FILE—NFAH NEA/NEH.
EMPLOYEE PAYROLL—NFAH.
PERSONNEL RECORDS—NFAH.

Accordingly, with respect to requests for records in these systems the Foundation reserves the rights to require sufficient identification to identify positively the individual making the request. This might involve independent verification by the Foundation as by phone calls to determine whether an individual has made a request, personal identification by Foundation employees who know the individual, or such other means as are considered appropriate under the circumstances.

(c) A written request will be honored only if it contains the following certification before a duly commissioned notary public of any state or territory (or similar official if the request is made outside the United States):

I, ----------, do hereby
(Printed name)
certify that I am the individual about whom the record requested in this letter pertains or that I am within the class of persons authorized to act on his behalf in accordance with 5 U.S.C. 552a(h).

Signature

Date

In the County of ----------
State of ----------. On this
------ day of ----------
(Name of individual)
who is personally known to me, did appear before me and sign the above certificate.

Signature

Date

(s) My Commission expires ----------

However, where the record requested is contained in any of the systems of records listed in paragraph (b) of this section, the Foundation reserves the right to require additional identification and/or to independently verify to its satisfaction, the identity of the requestor.

(d) Charges for copies of records will be at the rate of $0.10 per photography of each page. Where records are not susceptible to photo-copying, e.g., punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed $3.00 for each request or related series of requests. If a fee in excess of $25.00 would be required, the requestor shall be notified and the fee must be tendered before the records will be copied.

§ 1115.5 Correction of records.

(a) Any individual is entitled to request amendments of records pertaining to him pursuant to 5 U.S.C. 552 a(d)(2). Such a request shall be made in writing and addressed to the Office of the General Counsel, National Endowment for the Arts or National Endowment for the Humanities, Washington, D.C. 20506.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction is desirable. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the General Counsel, National Endowment for the Arts or the General Counsel, National Endowment for the Humanities becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the General Counsel's office shall acknowledge receipt of the request.

(c) The General Counsel's office upon receipt of such a request shall promptly confer with the office within the Foundation responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the Deputy Chairman of the Endowment involved. If, after review by the Deputy Chairman of the involved Endowment and discussion with the request or, if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Deputy Chairman's office to the requestor denying his request and/or explaining what correction might be made if agreeable to the requestor. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him of his right to appeal this decision and include a description of the appeals procedure set forth in paragraph (d) of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section to the Assistant Chairman/Management, National Endowment for the Arts or the Chairman, National Endowment for the Humanities. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be included, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at the Foundation may be requested. Such hearing will be informal, and shall be before the Assistant Chairman/Management, National Endowment for the Arts, the Chairman, National Endowment for the Humanities, or an appointed designee. If no hearing is requested, the request for appeal should include the basis for the appeal. Where no hearing is requested the Assistant Chairman or Chairman before whom the appeal is taken shall render his decision within thirty working days after receipt of the written appeal at the Foundation, unless the Assistant Chairman or Chairman before whom the appeal is taken, for good cause shown, extends the 30-day period and the appellant is advised in writing of such extension. If a hearing is requested, the Foundation will attempt to contact the appellant within five working days and arrange a suitable time for the hearing. In such cases the decision of the Assistant Chairman or Chairman shall be made within 30 working days after the hearing unless the time is extended and the appellant is advised in writing of such extension.

(e) The final decision of the Assistant Chairman or Chairman in an appeal shall be in writing, and, if adverse to the appellant, set forth the reasons for the refusal to amend the record and advise him of this right to appeal the decision under 5 U.S.C. 552a(g)(1)(A). The individual shall also be notified that he has the right to file with the Foundation a concise statement setting forth the reasons for his disagreement with the refusal of the Foundation to amend his record.

§ 1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with Foundation regulations found at 45 CFR Part 1100.

(b) Records not required by the Freedom of Information Act to be released may be released, at the discretion of the Foundation, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 U.S.C. 552a(b)(1) or (3)–(11).

§ 1115.7 Exemptions.

(a) *Fellowships and grants.* Pursuant to 5 U.S.C. 552a(k)(5), the Foundation hereby exempts from the application of section 552 a(d) any materials which would disclose the identity of references for fellowship or grant applicants contained in any of the Foundation's systems of records.

(b) *Applicants for employment.* Pursuant to 5 U.S.C. 552a(k)(5), the Foundation hereby exempts from the application of 5 U.S.C. 552a(d) any materials which would disclose the identity of references of applicants for employment at the Foundation contained in the system of records entitled "Official Personnel Folders".

[FR Doc.75-28340 Filed 10-20-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PRIVACY ACT OF 1974

Adoption of Systems of Records

By notice published in the FEDERAL REGISTER on August 29, 1975 (40 FR 40054–40056), the National Foundation on the Arts and the Humanities proposed adoption of 9 notices describing systems of records maintained by the Foundation and subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

Interested persons were given the opportunity to comment on the notices. The deadline for submission of comments was September 15, 1975. No comments concerning the notices have been received.

A review of the notices by the Foundation indicated, however, a need to correct the categories of records included in Personnel Records—NFAH–9. Accordingly, the Notice of Personnel Records—NFAH–9 is modified by deleting from Categories of Records Contained in the System, "payroll information, time and attendance records".

Pursuant to the authority granted by 5 U.S.C. 301 and 552a, the system notices published in the FEDERAL REGISTER on August 29, 1975 are adopted with the modification set forth above.

NANCY HANKS,
Chairman, National Endowment for the Arts.

RONALD BERMAN,
Chairman, National Endowment for the Humanities.

[FR Doc.75–28341 Filed 10–20–75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

PRIVACY ACT OF 1974

Systems of Records

On September 2, 1975, the Pension Benefit Guaranty Corporation (hereinafter the "PBGC") published in the FEDERAL REGISTER (40 FR 40498) Notices of Systems of Records pursuant to 5 U.S.C. 552a(e)(4) and the routine uses thereof pursuant to 5 U.S.C. 552a(e)(11). Interested parties were given the opportunity to submit, not later than October 2, 1975, comments regarding the proposed notices. No such comments were received.

Accordingly, the proposed Notices are hereby adopted as published on September 2, with the following change: "Notification" should read as follows in each system: Procedures are detailed in PBGC regulations: 29 CFR Part 2607, 40 FR 46054, October 3, 1975.

Effective date: These Notices of Systems of Records become effective on September 27, 1975, in accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a.

Issued in Washington, D.C. this 11th day of October, 1975.

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

[FR Doc.75–28339 Filed 10–20–75;8:45 am]

federal register

TUESDAY, OCTOBER 21, 1975

PART V:

OFFICE OF THE FEDERAL REGISTER

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