

federal register

THURSDAY, NOVEMBER 13, 1975



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federal register

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Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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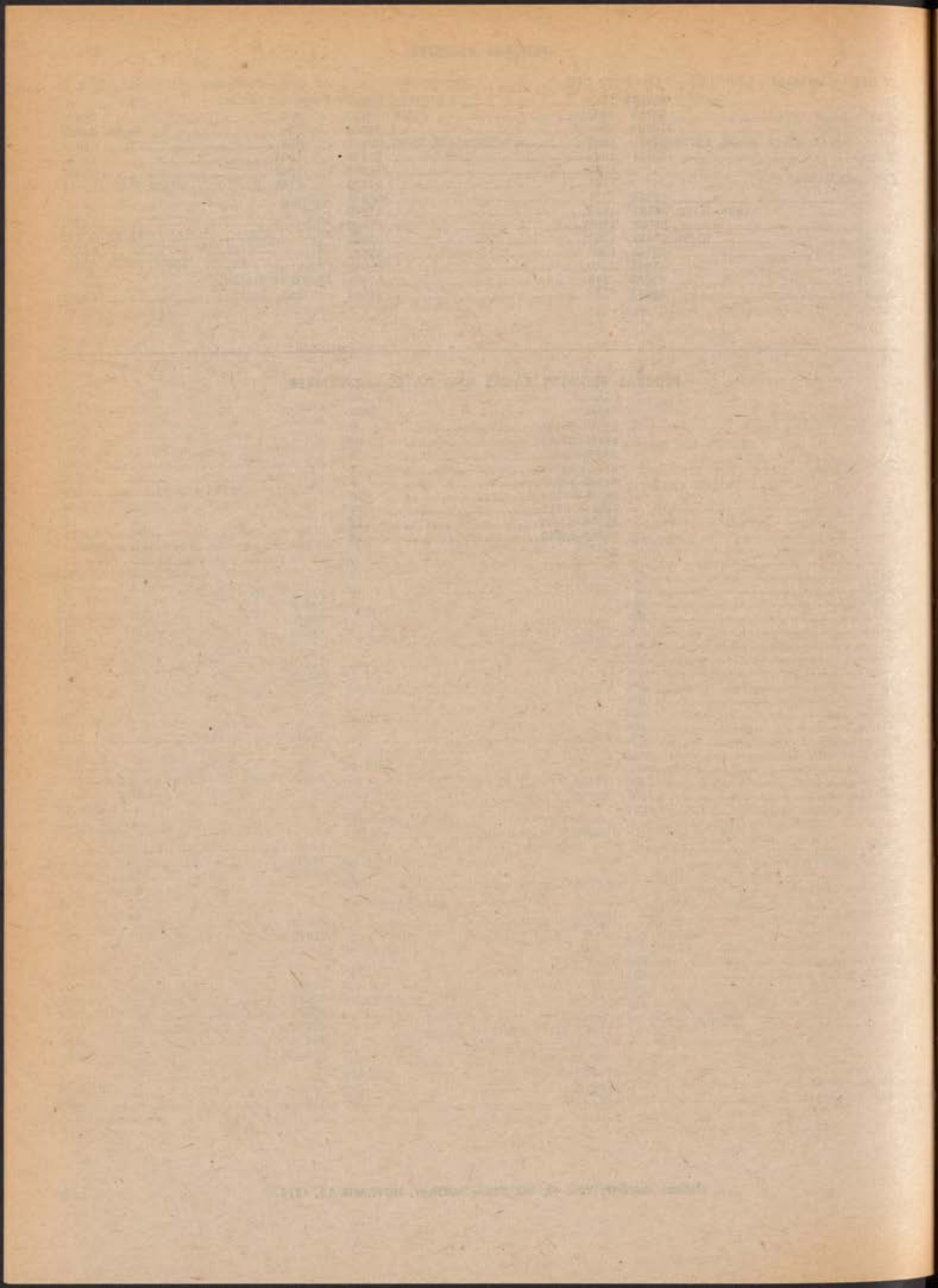
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rules and regulations

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

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

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8953]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lear Siegler, Inc.

Subpart—Advertising falsely or misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15-180 Location; 13.15-225 Personnel or staff; 13.15-250 Qualifications and abilities; 13.15-265 Service; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.75 Free goods or services; § 13.115 Jobs and employment service; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.155 Prices; 13.155-5 Additional charges unmentioned; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.255 Surveys; § 13.285 Value. Subpart—Contracting for sale in any form binding on buyer prior to specified time period; § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k) Records, in general; 13.533-55 Refunds, rebates and/or credits; 13.533-65 Renegotiation and/or amendment of contracts. Subpart—Failing to maintain records; § 13.1051 Failing to maintain records; 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1553 Services. —Goods; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1670 Jobs and employment; § 13.1685 Nature; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys; § 13.1775 Value. —Prices; § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1870 Nature; § 13.1882 Prices; 13.1882-10 Additional prices unmentioned; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.1935 Earnings and profits; § 13.1995 Job guarantee and employment; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive

techniques in advertising; § 13.2275 Using deceptive techniques in advertising. Subpart—Using misleading name—Goods; § 13.2315 Nature.

(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 Lear Siegler, Inc., a corporation.

Consent order requiring a Santa Monica, Calif., firm offering courses in computer programming and computer operations, among other things to cease misrepresenting aspects of their courses such as the significance or importance of their courses; the qualifications of students completing their courses to obtain employment in areas for which they have been trained; the demand for graduates of their courses; and employment services provided respondent's students. Further, respondent is required to contact past participants in their courses and provide them with a questionnaire to be returned to respondent and to make restitution to those prior students determined to be eligible under the provisions of the order.

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

ORDER

I

It is ordered that Respondent, Lear Siegler, Inc., a corporation, its successors and assigns, and Respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the creating, advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of electronic data processing or any other course in any field in commerce or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, orally, in writing, or in any other manner, directly or by implication, that:

(a) The training offered to students enrolled in any computer programming course or any similar course of instruction offered by Respondent is, by itself, sufficient to qualify a graduate thereof for the scientific application of computer programming; or misrepresenting, in any manner, the significance or im-

portance of any course of instruction in qualifying any person for employment in a particular field of endeavor.

(b) The position of systems analyst is an entry level employment objective of any course of instruction offered by Respondent; or misrepresenting, in any manner, the nature or type of position for which a graduate of any course of instruction will be qualified or in which such a graduate will achieve employment.

(c) Any school, location or facility at which Respondent conducts business or offers any course of instruction has a stated placement rate, ratio or percentage, unless any such placement rate, ratio, or percentage is, in fact, the current and actual placement rate, ratio, or percentage at such school, location or facility, computed in the manner set forth in Paragraph 6(b) of Part I of this Order.

(d) Persons completing Respondent's courses in computer operations and computer programming will thereby have received the training and experience required to qualify them for employment at salaries earned by experienced operators and programmers; or representing, orally or in writing, that any amount of salary or other remuneration will or may be earned by any person completing any course offered by Respondent, unless Respondent in each and every instance has in good faith conducted a statistically valid survey which establishes the validity of any such claim at all times and in all locations where the representation is made.

(e) All or substantially all graduates of any course of instruction offered by Respondent will upon graduation, obtain jobs in the positions for which they have been trained; or misrepresenting, in any manner, the ease with which graduates of any course will attain employment, or the effectiveness of any course of training or instruction in preparing or qualifying any graduate for employment.

(f) Inquiries are solicited for the purpose of offering employment to qualified applicants; or misrepresenting, orally or in writing, that employment is being held out or made available in any respect.

(g) (1) There is a substantial demand, or a demand of any size or proportion, for persons completing any of the courses offered by Respondent in the areas of computer programming, computer operations or computer technology, or any other course in any field, (2) or otherwise representing that opportunities for employment, or opportunities of any type or number are available to such persons, except as hereinafter provided in Paragraph 6(b) of this Order. *Provided, however, that Respondent shall cease and*

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

desist making such representations unless the Respondent in each and every instance:

(a) Until the passage of a base period to be determined pursuant to paragraph 6(b) of Part I of this Order, after the establishment of a new school location by Respondent in any metropolitan area or county, whichever is larger, where it did not previously operate a school, and after the introduction by Respondent of any new course of instruction at any school or location, shall: (i) have in good faith conducted a statistically valid survey which establishes the validity of any such representation at all times when the representation is made, and (ii) have disclosed in immediate and conspicuous conjunction with any such representation, that:

All representations of potential employment demand or opportunities for graduates of this school (course) are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation.

(b) After the passage of a base period to be determined pursuant to Paragraph 6(b) of Part I of this Order, and until two years after the establishment of a new school location by Respondent in any metropolitan area or county, whichever is larger, where it did not previously operate a school, and after the introduction by Respondent of any new course of instruction at any school or location, shall: (i) make any such representations in the form and manner provided in Paragraph 6(b) of Part I of this Order, and (ii) disclose in immediate and conspicuous conjunction with any such representation, that:

This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation.

2. Using, orally, in writing or in any other manner, at any time statistical data or numerical estimates, derived from any source whatsoever, respecting present or future occupational demand or the growth of employment or the salaries earned in the field of electronic data processing, or in any other field or misrepresenting in any manner the meaning, application, relevancy or import of any statistical data or statistical projections of any type from any source.

3. Representing, orally, in writing or in any other manner, directly or by implication, that:

(a) Any school, location or facility operated by Respondent maintains a full-time placement office unless in each and every instance such placement office is staffed with personnel whose function is to furnish placement assistance and requests for placement assistance are handled without referral to employment agencies or other third parties.

(b) Graduates of any course of instruction offered by Respondent are not required to actively seek employment opportunities through sources other than Respondent's placement office; or mis-

representing in any manner the requirements, duties, obligations or responsibilities imposed upon any person who seeks placement assistance; or misrepresenting in any manner the capabilities or functions of any placement office, referral service or any other type of assistance in obtaining employment for persons completing any said course.

(c) The placement assistance furnished by Respondent is free or without cost; or misrepresenting in any manner the cost of any placement assistance or service.

(d) Graduates of any course of instruction offered by Respondent in the field of electronic data processing will be regarded as equivalent to experienced job applicants as a result of the computer training received during the course of their enrollment; or misrepresenting in any manner the value, benefit, advantages or seniority which accrues to any graduate of any course of instruction offered by Respondent.

4. Failing to keep adequate records which may be inspected by the Commission staff members upon reasonable notice:

(a) Which disclose the facts upon which any placement percentages or claims, or other representations of the type described in Paragraphs 1 and 6 of this Order are based; and

(b) From which the validity of any placement percentages or claims, or other representations of the type described in Paragraphs 1 and 6 of this Order can be determined.

5. Representing, orally, in writing or in any other manner, directly or by implication that any person engaged in connection with the promotion, offering for sale, sale, distribution or other solicitation of any course of instruction offered by Respondent is a trained vocational counselor; or misrepresenting in any manner the training, experience, title, qualifications or status of any person engaged in connection with the promotion, offering for sale, sale, distribution or other solicitation of any course of instruction, or the import or meaning of any advice given by or any other statement made by any such person; or misrepresenting the nature of any encounter between Respondent's employees and prospective students for Respondent's courses of instruction.

6. Failing to send by certified mail, return receipt requested, to each person who shall contract with Respondent for the purchase of any vocational school course of instruction, a written notice printed in at least ten (10) point type which shall disclose in substantially the same form as provided in Appendix A the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form;

(b) Paragraphs reciting the following information to be computed in the manner and form set forth below for the applicable base period as hereinafter defined in subparagraph (6):

(1) For each different course of instruction offered by Respondent for each school, location or facility at which Respondent offers said courses of instruction;

The dates of the "base period" as computed in (b) (6);

The total number of students who graduated during such base period;

The numbers and percentages of total graduates who attained employment in the fields for which such graduates were trained. Such information must include an accurate description of each position in which such graduates attained employment.

(2) As to the same graduates used to compute the placement and employment statistics in (b) (1) above, a list of all employers which hired any such graduates during the base period, the number of such graduates hired by each firm or employer and the positions in which said graduates were hired.

(3) As to the same graduates used to compute the statistics in (b) (1) and (b) (2) above, the annual salary or income of said graduates. Such salary or income shall be classified by number of graduates attaining employment in each position described in (b) (1) at starting salaries expressed in consecutive categories of one thousand dollar amounts, in the form described in Appendix A.

(4) In compiling the foregoing information Respondent shall not include any such graduates who Respondent knows have not retained such positions for more than one month from the initial date of employment. Respondent may use information supplied to it by graduates, employers, or other sources and shall not be required to obtain such information independently.

(5) For each course of instruction for which Respondent is required to disclose information pursuant to subparagraphs (b) (1) through (b) (4), the total number of students who enrolled in said course and were scheduled to graduate during the base period and the number and percentage of the enrollees in said course who failed to complete the course of instruction. The term, "failure to complete", shall encompass those enrollees who:

(A) Withdrew;

(B) Failed the course (i.e., were academically terminated);

(C) Did not complete the course within the base period in which they were scheduled to graduate and must take (a) make-up exam(s) in order to graduate;

(D) Completed the course but did not receive a graduation certificate due to their failure to pay the balance of the tuition; or

(E) For any other reason, did not successfully complete the course within the base period in which they were scheduled to graduate.

(6) "Base Period" shall mean a six (6) month period beginning eight (8) months before and ending two (2) months before the date on which Respondent must begin to disseminate the necessary statistics with respect to the base period.

There shall be a one month period immediately following the close of a base period during which Respondent shall gather the necessary statistics with respect to said base period. These statistics will relate to those graduates who successfully completed the particular course of instruction during the base period and who obtained employment during the base period or the one month period thereafter. Respondent may not include in the computation of the statistics for the base period any persons who graduate during the month after the base period and who find jobs during said one month period. Such persons will be included in statistics for the base period during which they graduate.

At the end of the first month period immediately following the close of a base period, Respondent shall be allowed a second one-month period to calculate and prepare for distribution the necessary statistics with respect to said base period.

On the first of each month, Respondent shall begin to distribute statistics relating to the base period for the period beginning eight (8) months before and ending two (2) months before the first day of each month. Respondent shall continue to distribute said statistics until the first day of the next month and not thereafter.

For any six (6) month period during which Respondent has no graduates for a particular course of instruction, Respondent may continue to distribute the statistics with respect to the prior base period for said course of instruction until such time as Respondent has graduates of said course of instruction and has had one month in which to gather statistics with respect to those graduates and a second month during which to calculate and prepare for distribution the necessary statistics.

Appendix B contains a sample base period calculation.

Provided, however, that subparagraph (b) (1) through (b) (6) above shall be inapplicable to any newly established school that Respondent may establish in any metropolitan area or county, whichever is larger, where it did not previously operate a school, or to any course newly introduced by Respondent, until such time as the new school or course has been in operation for the base period defined in subparagraph (b) (6) above. The following statement shall be included in such notice during such period:

All representations of potential employment or salaries are merely estimates. This school (course) has not been in operation (offered) long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course).

After such time as the new school or course has been in operation for the base period (subparagraph (b) (6) above), and until two years after the establishment of a new school location in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or after the introduction of any new course by Respondent,

the following statement shall be included in such notice:

This school (course) has not been in operation (offered) long enough to indicate what, if any, actual employment or salary you may expect to achieve upon graduation from this school (course).

7. Contracting for any sale of any course of instruction in the form of a sales contract or other agreement which shall become binding prior to the purchaser affirming the enrollment contract by signing and returning to Respondent the Affirmation Form specified in Paragraph 8, within ten (10) days of his receipt of that form. If the purchaser fails to affirm the enrollment contract within the ten (10) day period, Respondent shall consider the contract null and void and within ten (10) business days of the expiration of the affirmation period shall refund all monies paid by the purchaser and cancel and return to the purchaser any evidence of indebtedness.

8. Failing to send by certified mail, return receipt requested, to each person who shall contract with Respondent for the purchase of any course of instruction, a one page form, in duplicate that contains the following unsigned Affirmation statement printed in bold face type of at least ten (10) points:

NOTICE TO THE PURCHASER

THE ENROLLMENT CONTRACT THAT YOU SIGNED WITH (NAME OF SCHOOL) ON (DATE) TO ENROLL IN (NAME OF COURSE) IS NOT EFFECTIVE OR VALID UNLESS YOU FIRST SIGN THIS STATEMENT AND RETURN IT TO THE ABOVE-NAMED SCHOOL WITHIN TEN (10) DAYS FROM THE TIME THAT YOU RECEIVED THIS STATEMENT. YOU ARE FREE TO CANCEL YOUR ENROLLMENT AND RECEIVE A FULL REFUND OF ANY MONIES YOU HAVE PAID TO THE SCHOOL BY NOT SIGNING OR MAILING THIS STATEMENT WITHIN TEN (10) DAYS. AT THE EXPIRATION OF THIS TEN (10) DAY PERIOD THE SCHOOL HAS TEN (10) BUSINESS DAYS TO SEND YOU YOUR REFUND (IF ANY) AND TO CANCEL AND RETURN TO YOU ANY EVIDENCE OF INDEBTEDNESS THAT YOU SIGNED. HOWEVER, IF YOU DO WANT TO ENROLL IN THE ABOVE-NAMED SCHOOL, YOU SHOULD SIGN YOUR NAME BELOW AND MAIL THIS STATEMENT TO THE SCHOOL WITHIN TEN (10) DAYS. KEEP THE DUPLICATE COPY FOR YOUR OWN RECORDS.

DATE	SIGNATURE
THE AFFIRMATION FORM SHALL NOT CONTAIN ANY INFORMATION OR REPRESENTATION OTHER THAN THE INFORMATION SPECIFIED IN THIS PARAGRAPH, AND THE FORM SHALL BE MAILED IN THE SAME ENVELOPE THAT IS USED TO MAIL PLACEMENT INFORMATION AS REQUIRED BY PARAGRAPH 6. THE AFFIRMATION FORM AND SAID PLACEMENT INFORMATION SHALL BE SENT BY RESPONDENT NO LATER THAN THE NEXT DAY AFTER THE PERSON SHALL HAVE CONTRACTED FOR THE PURCHASE OF ANY COURSE OF INSTRUCTION. DURING SUCH PERIOD PROVIDED FOR IN THIS PARAGRAPH, RESPONDENT SHALL NOT INITIATE CONTACT WITH SUCH PERSON OTHER THAN THAT REQUIRED BY THIS PARAGRAPH.	

9. Making any representations of any kind whatsoever in connection with the creating, advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of electronic data processing or any other course offered to the public in any

filed in commerce, for which Respondent has no reasonable basis prior to the making or dissemination thereof.

10. Using course names and descriptions which either directly or by implication indicate that Respondent's courses are designed to prepare students for certain entry-level positions when in fact a substantial number of graduates of such courses do not achieve such entry-level positions.

II

1. It is further ordered that: (a) Respondent herein deliver, by registered mail, a copy of this Decision and Order to each of its present and future employees, salesmen, agents, solicitors, independent contractors or to any other person or entity which promotes, offers for sale, sells or distributes any course of instruction included within the scope of this Order;

(b) Respondent herein provides each person or entity so described in subparagraph (a) above with a form returnable to Respondent clearly stating his or her intention to be bound by and to conform his business practices to the requirements of this Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request;

(c) Respondent herein informs each person or entity so described in subparagraph (a) above that Respondent will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with Respondent that he or she will be bound by the provisions contained in this Order;

(d) If such party as described in subparagraph (a) above will not agree to so file the notice set forth in subparagraph (b) above with Respondent and be bound by the provisions of the Order, Respondent shall not use or engage or continue the use or engagement of, such party to promote, offer for sale, sell or distribute any course of instruction included in this Order;

(e) Respondent herein informs the persons or entities described in subparagraph (a) above that Respondent is obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order.

(f) Respondent herein institutes a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order;

(g) Respondent herein discontinues dealing or terminates the use or engagement of any person or entity described in subparagraph (a) above, as revealed by the aforesaid program of surveillance, who continues on his own or her own any act or practice prohibited by this Order;

2. It is further ordered that Respondent herein present to each interested applicant or prospective student immediately prior to the commencement of

any interview or sales presentation during which the purchase of or enrollment in any course of instruction offered by Respondent herein is discussed or solicited, a 5" x 7" card containing only the following language:

"YOU WILL BE TALKING TO A SALESPERSON"

3. It is further ordered that the Respondent, Lear Siegler, Inc., shall forthwith distribute a copy of this Order to each of its domestic operating divisions.

4. It is further ordered that Respondent, Lear Siegler, Inc. shall notify the Commission at least thirty (30) days prior to any proposed change in the Respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in Respondent which may affect compliance obligations arising out of this Order.

III

It is further ordered that: 1. Respondent shall submit to the Commission, within five (5) days after the date this Order is served on Respondent (hereinafter "date of service"), a notarized affidavit, executed by Respondent's Corporate Manager or Regulatory Agency Relations, to the effect that Respondent has made or has caused to be made a good faith search of documents that pertain to purchasers of Respondent's computer courses of instruction, and that Respondent, to the best of his knowledge, has previously or simultaneously with said affidavit submitted to the Commission the names of all computer course purchasers covered by this Agreement.

2. Respondent or its designee shall make an inquiry in writing on the one hundred and twentieth (120th) day after the date of service, in the language, manner and form shown in Appendices C and D, via certified mail with return receipt requested and with a self-addressed, postage prepaid envelope, to the home address of each former purchaser of one of Respondent's computer courses who appears on a list of such purchasers to be supplied to Respondent by the Commission within sixty (60) days after the date of service.

3. With respect to each purchaser whose mailed inquiry is returned undelivered or whose aforesaid return receipt card is not returned, Respondent or its designee shall have a duty to mail on the one hundred and forty-fifth (145th) day after the date of service the same inquiry via first class mail to such purchaser's business address that is included in the aforesaid list of purchasers supplied to Respondent by the Commission.

4. On the two hundred and seventieth (270th) day after the date of service, Respondent shall pay a refund, by check or otherwise, in an amount derived in accordance with Part III of this Order, to each "eligible class member" determined in accordance with Part III of this Order.

5. "Eligible class member" means only those persons who:

(a) Enrolled during the period of time from July 1, 1970 to December 31, 1973 in Respondent's computer programming or computer operations courses; and

(b) Did not have his or her course tuition paid in full by a state or local department or division of vocational rehabilitation; and

(c) Completed all of the data processing classes of the computer course for which he or she enrolled; and

(d) (1) Sought employment in the position for which he or she was trained, or

(2) For reasons related to the sufficiency or quality of the training, or job demand, elected not to seek employment in the position for which he or she was trained; and

(e) (1) After completion of Respondent's computer programming classes, did not attain employment as a systems analyst, computer programmer, or combination computer programmer and operator; or instructor of systems analysis, computer programming, combination computer programming and operations; or a manager or supervisor of persons engaged in computer programming; or in a position whose duties were or are equivalent to a systems analyst, computer programmer, or combination computer programmer and operator; or

(2) After completion of Respondent's computer operations classes, did not attain employment as a systems analyst, computer programmer, combination computer programmer and operator, or computer operator; or instructor of systems analysis, computer programming, combination computer programming and operations, or computer operations; or a manager or supervisor of persons engaged in computer programming or operations; or in a position whose duties were or are equivalent to a systems analyst, computer programmer, or combination computer programmer and operator, or computer operator; or

(3) Attained one of the employment positions for which he or she was trained as listed in subsection (e) (1) and (2) only after receiving further training in computer programming or computer operations at a college or another vocational school, which training was not paid for in full by his or her employer.

6. Each refund shall be accompanied by a letter in the language, manner and form shown in Appendix E; and a notice in the language, manner and form shown in Appendix F shall be sent via first class mail, with the sender's return address on the face of the envelope, to the last known home address of all persons whose returned questionnaire show them to be ineligible for a refund under Part III of this Order.

7. Respondent shall make pro rata refund payments to each eligible class member based upon the proportion that total tuitions paid by or for all such members bear to the total amount available for refunds as provided in Part III

of this Order, except that members whose tuition was paid in part by a state or local department or division of vocational rehabilitation shall receive a pro rata refund based only on that amount of their tuition not paid by a state or local department or division of vocational rehabilitation. In no event shall any member receive an amount greater than the tuition paid by or for such member.

8. Respondent shall ultimately provide a sum of no greater than Seven Hundred Fifty Thousand Dollars (\$750,000.00) solely to carry out its obligations to provide refunds and pay administrative costs under Part III of this Order. Of this sum, Five Thousand Dollars (\$5,000.00) shall be set aside for payment of administrative costs incurred by Respondent or its designee in complying with Part III of this Order. Any unused administrative funds shall remain the property of Respondent.

9. It is agreed that Respondent shall file, within one hundred and eighty (180) days after the date of service, under Rule 3.61(d) of the Commission's Rules of Practice, a written request for advice as to whether its determination of who is an eligible class member complies with the terms of this Order provision; and that Respondent shall submit simultaneously with its request all Appendix D questionnaires it has received as of the date said request for advice is filed. Respondent shall also, at this time, present any challenges to the factual accuracy of any questionnaire together with substantiating material; such challenges and substantiating material shall be presented solely as a means of assisting the Commission in affording Respondent an advisory opinion pursuant to said Rule 3.61(d); provided, that the Commission shall render its advice to Respondent and return all Appendix D questionnaires to Respondent within two hundred and forty (240) days after the date of service.

10. Respondent or its designee shall contact and deliver a refund check to each eligible class member or his legal representative. For such purpose, Respondent shall, among other things, request the last known address of the eligible class member from the Postal Service, telephone the eligible class member or request the assistance of the Social Security Administration; provided, that should the administrative fund referred to in Paragraph 8 be exhausted, each eligible class member shall have deducted from the total refund amount due him all additional costs incurred by Respondent or its designee under this paragraph.

11. Respondent shall, on the two hundred and eightieth (280) day after the date of service, file with the Commission a report in writing setting forth the manner and form in which it has complied with Part III of this Order.

12. Respondent shall maintain records and documents for two (2) years after the date this Order is served on Respondent, which demonstrate that Respondent has complied with Part III of this Order.

13. It is agreed that should any duty required to be performed on a day certain under Part III of this Order fall upon a non-business day, the parties herein may perform such duties on the next following business day.

The Decision and Order was issued by the Commission October 6, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-30538 Filed 11-12-75; 8:45 am]

[Docket C-2735]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

James Neece t/a Carpet Showcase

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15-70 Financing activities; § 13.71 Financing; § 13.73 Formal regulatory and statutory requirements; 13.73-90 Textile Fiber Products Identification Act; 13.73-92 Truth in Lending Act; § 13.75 Free goods or services; § 13.135 Nature of product or service; § 13.155 Prices; 13.155-5 Additional charges unmentioned; 13.155-93 Special or test offers; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; 13.155-100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.180 Quantity; 13.180-35 Offered; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Coercing and intimidating: § 13.350 Customers or prospective customers. Subpart—Contracting for sale in any form binding on buyer prior to specified time period; § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-40 Furnishing information to media; 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-20 Adequate; 13.1051-30 Formal regulatory and/or statutory requirements. Subpart—Misbranding or mislabeling: § 13.1170 Advertising and promotion; § 13.1185 Composition; 13.1185-80 Textile Fiber Products Identification Act; § 13.1200 Content; 13.1212 Formal regulatory and statutory requirements; 13.1212-80 Textile Fiber Products Identification Act; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 Business methods, policies, and practices; § 13.1417 Financing activities.—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623-80 Textile Fiber Products Identification Act; 13.1623-95 Truth in Lending

Act; § 13.1625 Free goods or services; § 13.1685 Nature; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts. Subpart—Prices: § 13.1778 Additional costs unmentioned; § 13.1820 Retail as cost, etc., or discounted; § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act; § 13.1825 Usual as reduced or to be increased. Subpart—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 Formal regulatory and statutory requirements; 13.1852-70 Textile Fiber Products Identification Act; 13.1852-75 Truth in Lending Act; § 13.1857 Instruments' sale to finance companies; § 13.1882 Prices; 13.1882-10 Additional prices unmentioned; § 13.1886 Quality, grade or type; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 72 Stat. 1717; 15 U.S.C. 45, 1601 et seq., 70)

In the Matter of James Neece, an individual, trading and doing business as Carpet Showcase.

Consent order requiring a Beaumont, Tex., distributor and installer of carpeting and floor coverings, among other things to cease using false and deceptive advertisements and sales techniques; failing to disclose the quantity or cost per unit of carpeting or floor coverings; intimidating customers into accepting defective merchandise; in connection with the extension of consumer credit, violating the Truth in Lending Act by failing to disclose to consumers such information as required by Regulation Z of said Act; misbranding textile fiber products and failing to maintain proper records of the fiber content of such products. Further, the order requires respondent to provide a 3-day cooling off period to every customer; to notify each advertising medium used by respondent that the Federal Trade Commission has found that he engages in unfair and deceptive acts; and to refund money to any customer where investigation reveals the transaction involved violations of the order.

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

ORDER

It is ordered, That respondent James Neece, individually and trading and doing business as Carpet Showcase, or under any other name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale, distribution or installation of carpeting and floor coverings, or

any other article of merchandise, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

2. Making representations by any means purporting to offer merchandise for sale when the purpose of the representations is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at a higher price or of a grade or quality different than that contracted for by prospective customers.

3. Representing by any means that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

4. Using the words "15% OFF", "SPECIAL" or any other word or words of similar import or meaning not set forth specifically herein unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondent for a reasonably substantial period of time in the recent regular course of his business.

5. Representing by any means that any merchandise or service is furnished "free" or at no cost to the purchaser.

6. Representing by any means quantities of carpet or floor coverings in a unit of measurement not usually and customarily employed in the retail advertising, offering for sale or sale of carpeting or floor coverings.

7. Using the terms "We finance—no money down", "Use our revolving charge account . . . easy budget plan", or any other terms of similar import or meaning not set forth specifically herein, or representing by any means that credit is extended to customers without regard to their financial status or ability to pay or that respondent extends credit to his customers rather than arranging for the extension of credit through financial institutions including finance companies and banks.

8. Contracting for any sale whether in the form of credit acceptance, conditional sales contract, promissory note or otherwise which shall become binding on the customer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

9. Failing to make the following disclosures in connection with the sale or offering for sale of carpet, floor coverings or similar products on each instrument utilized by respondent that requires payment of any consideration, at any time, to respondent or any third parties, by respondent's clients. Said disclosures shall be in more conspicuous print than all other language in

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

said instrument, but in no case shall they be smaller than 12-point upper case type. *Provided*, that said disclosures and instrument shall be delivered to prospective customers at least three days, excluding Sundays and legal holidays, prior to the time prospective customers execute said instruments or pay any consideration to respondent. *Provided further*, that said disclosures shall be made on the contract or other binding instrument to be executed by prospective customers. The disclosures shall contain the following information in the sequence set forth and be set off from the text of the instrument by a black border and immediately above the line for the prospective customers' signatures:

A. The number of square yards of each style of carpeting or floor covering to be purchased by the customer.

B. The price per square yard of each style of carpeting or floor coverings to be purchased by the customer; excluding the cost of padding and the cost of installation.

C. The cost of installing one square yard of such carpeting or floor coverings.

D. The cost of padding for one square yard of carpeting or floor coverings.

E. The cost of installing each style of carpet or floor covering, such figure to be obtained by multiplying the number of square yards as disclosed in sub-paragraph A above by the cost per square yard as disclosed in sub-paragraph C above.

F. The cost of padding to be furnished for the carpet or floor coverings, such cost to be obtained by multiplying the number of square yards as disclosed in sub-paragraph A above by the cost per square yard as disclosed in sub-paragraph D.

G. The total price for each style of carpeting or floor coverings which shall be obtained by multiplying the number of square yards as disclosed in sub-paragraph A above by the cost per square yard as disclosed in sub-paragraph B above and to this amount adding the sum of the cost of padding as disclosed in sub-paragraph F and the cost of installation, as disclosed in sub-paragraph E.

H. A notice in the following form:

NOTICE

IF YOU ARE OBTAINING CREDIT IN CONNECTION WITH THIS PURCHASE, YOU WILL BE REQUIRED TO SIGN A PROMISSORY NOTE, A SALES CONTRACT OR OTHER INSTRUMENT OF INDEBTEDNESS WHICH MAY BE PURCHASED FROM THE SELLER BY A BANK, FINANCE COMPANY OR ANY OTHER THIRD PARTY. IF SUCH IS THE CASE, YOU WILL BE REQUIRED TO MAKE YOUR PAYMENTS TO SOMEONE OTHER THAN THE SELLER. YOU SHOULD BE AWARE THAT IF THIS HAPPENS YOU MAY HAVE TO PAY THE NOTE, CONTRACT OR OTHER INSTRUMENT OF INDEBTEDNESS IN FULL TO ITS NEW OWNER EVEN IF YOUR PURCHASE CONTRACT IS NOT FULFILLED.

10. Representing by any means that persons executing contracts or other binding instruments with respondent may be or are liable to pay a penalty of thirty percent of the amount of the contract or any other liquidated sum upon

cancellation of said contracts or other binding instruments; *provided*, that respondent may make such representations concerning a customer's liabilities as may be allowed by state law.

11. Utilizing any instrument including a completion certificate, or using coercion, threats, intimidations or any means which may lead a customer to accept merchandise which is of a price, grade or quality different than that contracted for, which is defective in some respect or which is improperly installed.

12. Failing, in all pamphlets, brochures and other promotional material to make the following disclosures in the manner and form provided for herein.

(a) At the time advertising is submitted to any advertising agency and newspaper or other printed publication, respondent shall provide a copy of the following notice to each such publication:

NOTICE

The Federal Trade Commission has found that

(Name of Respondent)

has engaged in unfair and deceptive acts and practices. A copy of the Commission's news release is available from

(Name of Respondent)

upon request.

(b) At the time advertising is submitted to any radio or television station, respondent shall provide a copy of the following notice to each such station:

NOTICE

The Federal Trade Commission has found that

(Name of Respondent)

has engaged in unfair and deceptive acts and practices. A copy of the Commission's news release is available from

(Name of Respondent)

upon request. Your attention is directed to an agreement between the Federal Trade Commission and the Federal Communications Commission dated April 27, 1972.

13. Failing to maintain for a period of three (3) years after any advertisements are disseminated, records disclosing:

(a) The date or dates each advertisement was published; and

(b) The name and address of the advertising agencies and the newspapers, other publications or broadcast media disseminating said advertisement.

14. Advertising, offering for sale, selling or distributing any carpeting or floor coverings using a unit of measurement which tends to exaggerate the size or quantity of carpet or floor coverings being offered by respondent.

15. Failing to maintain and produce for inspection and copying for a period of three (3) years following the date of execution of any contract or other binding instrument, the contract or other binding instrument and adequate records which disclose the facts upon which the cost of carpeting, installation and padding as set forth in paragraph 9 is based and from which the validity of such cost can be determined.

It is further ordered, That respondent forthwith cease and desist from:

(a) Including in any contract, binding instrument or other document any waiver, limitation or condition on the rights of customers or prospective customers under this order.

(b) Misrepresenting the rights of a customer or prospective customer under this order.

II

It is further ordered, That respondent James Neece, individually and trading and doing business as Carpet Showcase, or under any other trade name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit or advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any credit sale or other extension of consumer credit, other than open end credit, which advertisement represents, directly or by implication:

(a) That no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under Section 226.8 of Regulation Z, as required by Section 226.10(d)(2) of Regulation Z:

(1) the cash price or the amount of the loan, as applicable;

(2) the amount of the downpayment required or that no downpayment is required, as applicable;

(3) the number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(4) the amount of the finance charge expressed as an annual percentage rate; and

(5) the deferred payment price or the total of payments, as applicable.

2. Representing in any advertisement, directly or by implication, that no downpayment or that a specified downpayment will be accepted in connection with any extension of credit, unless the creditor usually and customarily accepts or will accept downpayments in that amount as required by § 226.10(a)(2) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with Section 226.4 and Section 226.5 of Regulation Z, in the manner, form and

amount required by Sections 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

4. Failing to preserve evidence of compliance with the requirements imposed under Regulation Z, other than advertising requirements under Section 226.10, for a period of not less than 2 years after the date each disclosure is required to be made and to make available all records and evidence of compliance regarding Regulation Z to the Federal Trade Commission or its staff on request.

III

It is further ordered, That respondent James Neece, individually and trading and doing business as Carpet Showcase, or under any other trade name or names, his successors and assigns, and respondent's agents, representatives, and employees, directly or through any corporate, subsidiary, division, or other device, in connection with the introduction, delivery for introduction, sale, advertising, and offering for sale in commerce and in the transportation or causing to be transported in commerce, of any textile fiber product including any carpeting and floor coverings; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding such textile fiber products by failing to affix a stamp, tag, label or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act; or as an alternative to the foregoing, where properly labeled samples, switches, or specimens are used to effect the sale of articles of carpeting or floor covering or other household textile articles which are manufactured specifically for a particular customer after the sale is consummated, and such articles of carpeting or floor covering or other household textile articles are of the same fiber content as the samples, swatches or specimens from which the sale was effected, failing to provide an invoice or other paper to accompany them showing the information otherwise required to appear on the label, as allowed by Rule 21(b) of the Rules and Regulations promulgated under the Textile Fiber Products Identification Act, effective March 30, 1960, as amended.

2. Failing to maintain and preserve, as required by Section 6(b) of the Textile Fiber Products Identification Act and by Rule 39 of the Rules and Regulations promulgated thereunder, such records of

the fiber content of textile fiber products as will show the information set forth on the stamps, tags, labels or other identification removed by respondent, together with the name or names of the person or persons from whom such textile fiber products were received, when substituting stamps, tags, labels or other identification pursuant to Section 5(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondent make no representations or engage in any course of conduct which is inconsistent with or detracts from the effectiveness of this order.

It is further ordered: 1. That respondent deliver, by hand, a copy of this order to each of his present or future salesmen, independent contractors, sales agents, employees or any other person who sells or promotes the sale of respondent's product or service.

2. That respondent provide each person so described in sub-paragraph 1 above with a form returnable to respondent, fully stating an intention to be bound by and conform their sales practices to the requirements of this order and retain such form for a period of three (3) years after it is executed by said persons;

3. That respondent inform each person described in sub-paragraph 1 above that respondent shall not use any such person, or the services of any such person, until such person agrees to and files notice with respondent to be bound by the provisions contained in this order;

4. That in the event such person will not agree to file such notice with respondent and be bound by the provisions of this order, respondent will not use such person, or the services of such person;

5. That respondent institute a program of continuing surveillance adequate to reveal whether the sales practices of each of said persons described in sub-paragraph 1 conform to the requirements of this order; and

6. That respondent discontinue dealing with any person described in sub-paragraph 1 of this order who engages in acts or practices prohibited by this order.

It is further ordered, That the respondent shall forthwith deliver a copy of this order to cease and desist to all present and future parties employed or utilized by respondent engaged in the arranging or consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising and that respondent secure a signed statement from each such party that he has read and understands such order. Such statement shall be retained for at least three (3) years and made available to the Federal Trade Commission or its staff upon request.

It is further ordered, That respondent, upon receipt of a complaint from a customer alleging facts that indicate this order may have been violated refund all monies paid by such customer where respondent determines, after a good faith

investigation, that one or more paragraphs of this order may have been violated in connection with such customer's transaction with respondent. This paragraph shall not apply to transactions prior to the date this order became final. Respondent shall not engage in any course of conduct which contravenes the refund rights of any customers provided by this order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in his business organization such as dissolution, assignment or sale or transfer of all or a substantial part of the business or assets to any other person, partnership or corporation, or any other change in the business organization which may affect compliance obligations arising out of the order.

It is further ordered, That in the event the Federal Trade Commission promulgates a Trade Regulation Rule applicable to respondent that this order shall be deemed modified to the extent it contravenes said Rule.

It is further ordered, That the respondent named herein promptly notify the Commission of discontinuance of any business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this Order, file with the Commission a report, in writing, setting forth in detail the matter and form in which he has complied with this Order.

The Decision and Order was issued by the Commission October 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-30539 Filed 11-12-75; 8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1512—REQUIREMENTS FOR BICYCLES

Bicycle Safety Regulations

The purpose of this document is to amend provisions of the bicycle safety regulations (16 CFR Part 1512) pertaining to sharp edges, protrusions, control cable abrasion, attachment hardware, brakes for bicycles and sidewalk bicycles, projections, tires, locking devices on wheels, frames, reflectors, toe clips, and toe clearance.

BACKGROUND

The bicycle regulations were proposed by the Commissioner of Food and Drugs in the FEDERAL REGISTER of May 10, 1973 (38 FR 12300), under provisions of the

Federal Hazardous Substances Act (15 U.S.C. 1261-74) and a delegation of authority from the Secretary of Health, Education, and Welfare (21 CFR 2.120).

On May 14, 1973, the authority to issue regulations under the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (86 Stat. 1231; 15 U.S.C. 2079(a)).

In the FEDERAL REGISTER of July 16, 1974 (39 FR 26100), the Commission promulgated 16 CFR Part 1512, a regulation prescribing safety requirements for bicycles, and 16 CFR 1500.18(a)(12), a regulation classifying certain bicycles as banned toys or articles intended for use by children. The promulgation of July 16, 1974, bore an effective date of January 1, 1975, which, as is explained below, was suspended on December 16, 1974.

Introduction or receipt in interstate commerce of any banned toy or article intended for use by children is prohibited by section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263). Section 6 of the act (15 U.S.C. 1265) authorizes seizure of any such toy or article introduced into interstate commerce, and section 15 of the act (15 U.S.C. 1274) and a regulation promulgated thereunder (16 CFR 1500.202) require repurchase of any banned toy or other article intended for use by children that is introduced into interstate commerce.

Also in the FEDERAL REGISTER of July 16, 1974 (39 FR 26113), the Commission proposed to add to the bicycle regulations a provision (§ 1512.19(d)) requiring bicycle compliance labeling as is explained in more detail below.

REACTION TO PROMULGATION

After promulgation of the bicycle regulations on July 16, 1974, the Commission received more than 50 written communications thereon. Several of these stated that the effective date would not allow adequate time for redesign, retooling, testing, and production of complying bicycles and requested extension of the effective date. Others objected to various provisions of the regulations and requested a public hearing under 16 CFR 1500.201. After consideration of these communications, the Commission concluded that 16 CFR 1500.201 was not applicable to the bicycle regulations and that it would treat these communications as petitions to amend the regulations. Although the Commission determined that a public hearing in accordance with 16 CFR 1500.201 was not required, it directed its staff to conduct a public meeting with all interested parties to receive information relevant to the petitions for amendment of the regulations.

After notice of the meeting was published in the FEDERAL REGISTER on September 3, 1974 (39 FR 31943), members of the Commission staff met with interested parties on September 9 and 10, 1974. Copies of all petitions concerning the bicycle regulations received after July 16, 1974, and a transcript of the presentations made at the public meeting

are available for inspection in the Office of the Secretary, 10th Floor, 1750 K Street, NW., Washington, D.C.

EFFECTIVE DATE SUSPENSION; NEW PROPOSALS

In the FEDERAL REGISTER of December 16, 1974 (39 FR 43536), the Commission published an order suspending the effective date of the bicycle regulations until further notice. On January 7, 1975 (40 FR 1493), the Commission proposed a new effective date for the regulations and proposed amendments to § 1512.5 (c)(3), footbrake crank differential; § 1512.6(e), requirements for handlebar and clamps; § 1512.9(a), requirements for chain guard; § 1512.18(h)(1), handlebar stem-to-fork clamp test; and § 1512.19(e), instructions and labeling. Interested parties were invited to submit comments on the proposal by February 6, 1975. The proposed new effective date was May 1, 1975, or 120 days after publication in the FEDERAL REGISTER of a document acting on the proposal of January 7, 1975, whichever occurred later.

On January 16 and 24, 1975, members of the Commission staff attended public meetings with manufacturers of bicycles and components, and other interested parties, to discuss various petitioned changes in the regulations that were not included in the proposal of January 7, 1975. Additional public meetings on the same subject were conducted on February 3 and 19, March 19, and April 22, 1975.

Published elsewhere in this issue of the FEDERAL REGISTER is a document that establishes May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(e) and 1512.18(f) which become effective November 13, 1976, as the effective date for the bicycle banning and safety regulations as amended by that document and by this document and that announces the Commission's final action on amendments to Part 1512 that were proposed on July 16, 1974, and on January 7, 1975.

RESPONSE TO THE PROPOSAL OF JUNE 16, 1975

In the FEDERAL REGISTER of June 16, 1975 (40 FR 25480), the Commission published a notice to respond to petitions for amendment or interpretation of various sections of the regulations and to propose for comment certain provisions pertaining to sharp edges, protrusions, control cable abrasion, attachment hardware, brakes for bicycles and sidewalk bicycles, projections, tires, locking devices on wheels, frames, reflectors, toe clips, and toe clearance.

In response, the Commission received comments from seven bicycle manufacturers, five associations of bicycle manufacturers, nine manufacturers of bicycle components, an association of manufacturers of bicycle components, a chemical company, an individual consumer, a vehicle inspection association of a foreign government, a consumer group, a State government agency, and an international voluntary standard-setting organization.

Some of the comments received raised issues relating to points previously settled and not proposed for comment in the proposal. Those comments are being noted but are not being responded to below. The principal issues raised by the balance of the comments and the Commission's decisions thereon are as follows:

I. Sharp edges. Proposed § 1512.4(b) requires that bicycles have no unfinished sheared metal edges or sharp parts that are, or may be, exposed to hands or legs and further requires that sheared metal edges that are not rolled be finished to remove "any feathering of edges, or any burrs or spurs caused during the shearing process." As promulgated on July 16, 1974, § 1512.4(b) included a reference to the word "beveling" in describing the type of "edges" it was intended to prohibit. This term was deleted from proposed § 1512.4(b) as being contradictory and unnecessary.

A bicycle manufacturer and a manufacturer of parts requests that the terms "unfinished sheared metal edges" and "sharp parts" be clearly defined to provide an objective criteria by which they can be guided. One suggests that sharp edges be defined in terms of condition and accessibility.

Similar comments were received previously and responded to by the Commission in the preamble of the proposal of June 16, 1975. The Commission again concludes that the terms "unfinished sheared metal edges" and "sharp parts" are sufficiently clear in meaning as used in the regulation. Accordingly, definitions have not been added.

II. Protrusions. A revision of § 1512.4 (e), which prohibits certain protrusions on bicycles, was proposed to remove a redundant exemption; to add an illustration of examples of some prohibited and some acceptable protrusions; and to extend application of § 1512.4(e) to capped exposed protrusions.

A. Deleted language. An association of bicycle manufacturers questions the Commission's action in deleting from the June 16, 1975 proposal the language which exempted from coverage "protrusions having ends within 25 mm (1.0 in) of an adjacent surface that do not project more than 7.9 mm (5/16 in) beyond the surface or that cannot come in contact with the surface of the cylinder specified * * *." It was their understanding that no danger was posed by having a protrusion within one inch of an adjacent surface, irrespective of the length of the protrusion.

The proposed deletion was explained in the preamble of June 16, 1975, document, but further explanation is needed. The "exposed protrusion test" set forth in proposed § 1512.18(b) requires the use of a cylinder of 83 mm (3 1/4 in) diameter and 254 mm (10 in) length to locate a protrusion. The dimensions and cylindrical configuration of this instrument will operate against a finding that a protrusion located within an inch of an adjacent surface is a prohibited "exposed protrusion." Thus, the language set forth

above was removed from the regulation because it was considered redundant and deemed unnecessary. The Commission maintains this opinion and § 1512.4(e) remains unchanged.

B. *Figure 4.* A manufacturer of bicycle parts requests that proposed figure 4, entitled "Typical Protrusion Examples," be expanded to include additional examples of both acceptable and unacceptable protrusions.

Since there are an infinite number of protrusion examples that can be found, the Commission considers figure 4 an adequate illustration and declines to make the requested change.

C. *Set screws in sidewalk bicycles.* A manufacturer of bicycles requests that set screws of the type used in attaching handlebars and seats to sidewalk bicycles be exempted from § 1512.4(e), because such screws do not meet the "exposed protrusion test" of § 1512.18(b) but, at the same time, are not located in an area that would create a hazard to a rider of a sidewalk bicycle.

The Commission concludes that any protrusion that fails to meet the requirements of § 1512.18(b) and § 1512.4(e) poses an unreasonable risk of injury and should be prohibited. Accordingly, the regulation has not been changed to exempt the set screws.

III. *Excluded area.* Section 1512.4(g) prohibits the presence of any projections within a specified zone located between the handlebars and the seat. The proposed revision of § 1512.4(g) changes the boundaries of the zone where projections are prohibited, allows the presence of control cables and attaching clamps within this zone, and provides specifically for application of § 1512.4(g) to both male and female model bicycles.

A. *Boundary lines.* 1. A manufacturer of bicycle parts and an association of bicycle manufacturers state that the boundary line specified in proposed § 1512.4(g) (2), which is described as "a line tangent to the front tip of the seat and intersecting the seat mast at the top rear stay," imposes an unwarranted design restriction. They contend there is no safety reason to include in the "excluded area" any protrusions in the area directly beneath the seat—an area not exposed to the rider in the normal riding position. They suggest that the specified rear boundary be changed to a vertical line that is tangent to the front tip of the seat. At the very least, they suggest that the loop of the brake cable and the small ridge caused by the seat lug be exempted from the prohibition of protrusions in the excluded area.

The Commission finds that changing the boundary line to a vertical or perpendicular line tangent to the front tip of the seat as suggested would permit manufacturers to attach numerous kinds of hardware under the bicycle seat. This hardware, especially with the seat in a raised position, could contact the rider's buttocks while the rider straddled the bicycle in a standing position or during an accident. This potential injury hazard is intensified on female-model and take-apart or folding bicycles. Further, it

should be noted that seat lugs or cables located under the seat are not considered "exposed protrusions" under §§ 1512.4(e) and (g) and 1512.18(b).

Accordingly, the Commission declines to make the change suggested by these commenters.

2. The same association questions the delineation of the "excluded area" for female bicycles in proposed § 1512.4(e). Specifically, the association questions specifying the down tube nearest the rider as one of the four boundaries, contending that since the rear brake on female model bicycles is customarily located at a height above that of the lower reach of the down tube, the control cable will inevitably pass through the proposed excluded area. In addition, the front sprocket and the chain guard on female bicycles with only one lower tube would always fall within the excluded area thereby possibly resulting, they argue, with a prohibited protrusion falling within the excluded area.

The association suggests that the demarcation of the excluded area for single down-tube female-model bicycles not be the entire down tube, but rather a line parallel to the ground and located at a point two-thirds of the distance from the ground to the uppermost portion of the seat in its lowest position. The association states that to do otherwise will discourage the manufacture and use of such models specifically designed for the convenience and safety of female riders who want to ride while wearing medium or longer length skirts.

A staff review of the available 1975 bicycle manufacturers' literature indicates that single down-tube female-model bicycles are no longer in use. Therefore, the Commission believes the comment is academic and there is no need to change the requirement.

B. *Cable clamps.* A manufacturer of bicycle parts states that to comply with the "sharp edges" requirement of § 1512.4 they have designed a cable clamp made from plastic rather than the metal which they have been using. The clamp is sturdy and without sharp edges, but had to be made 3.7 mm (0.15 in) thick to be of acceptable strength. Thus, the clamp exceeds the maximum thickness specification 1.6 mm ($\frac{1}{16}$ in) of proposed § 1512.4(g). The manufacturer requests that a separate thickness limit be added for plastic cable clamps.

The Commission concludes that a thicker clamp should be permitted and that it would not pose any additional risk of injury to the consumer. As promulgated below, § 1512.4(g) has been changed to permit use of cable clamps up to 4.8 mm ($\frac{3}{16}$ in) thick.

IV. *Screw length.* Section 1512.4(h) limits the length that a screw may extend beyond the nut or other threaded fastener to which it attaches. The proposed revision of § 1512.4(h) provides that adjusting-type screws otherwise complying with the exposed protrusion requirements of § 1512.4(e) and § 1512.18(b) may be used on the bicycle where such screws are not exposed to the cyclist in normal riding position.

Two bicycle manufacturers and a manufacturer of bicycle parts note that the proposed provision makes special allowance for adjusting-type screws and request similar provision for any screws that have no threaded ends exposed to the cyclist's body in normal riding position.

One of the manufacturers requests such provision for brake arm fastening screws. Although these screws project beyond the allowable limits of the Regulation, they are located below the lower frame member and are hidden behind the brake arm and therefore, in their view, pose no hazard to the rider.

The Commission recognizes that there are other types of screws or usages of screws on the bicycle that would not injure the cyclist while riding or maintaining the bicycle. Accordingly, the revision of § 1512.4(h) (2) below also limits its coverage to those screws that fail the "exposed protrusion test" specified in § 1512.18(b) and fail to meet the "sharp edge" requirements of § 1512.4(b).

V. *Braking performance.* Sections 1512.5 (c) (1) and (d) and 1512.18 (d) (2) (vi) and (e) (3) require that the braking system of a bicycle be capable of stopping the bicycle within 4.57 m (15 ft) when the bicycle is traveling at either 16 km/h (10 mph) or 24 km/h (15 mph), depending on the highest gear ratio available on the bicycle. The proposed revisions of §§ 1512.5 (c) (1) and (d) and 1512.18 (d) (2) (vi) and (e) (3) add a footnote to each which relates the concept of equivalent ground speed, as used in Part 1512 applicable to brake performance, to the concept of gear development in the proposed ISO bicycle standard. (ISO is the International Organization for Standardization, Geneva, Switzerland, an international voluntary standard-setting organization.)

On the subject of the test to be used to determine bicycle braking distance and on the prescribed distance itself, comments were received from three bicycle manufacturers, five associations of bicycle manufacturers, a manufacturer of bicycle parts, and the ISO.

They state that the Commission apparently ignored the numerous technical documents of analyses and test data previously submitted by them and by the ISO. Two officials of the ISO suggest that the Commission review again the ISO test data and reconsider the merits of the June 16, 1975, CPSC proposal regarding braking testing and distance.

On the subject of test procedure for determining the braking distance of a bicycle speed, equipment weight, brake for rider weight (at least 68.1 kg (150 lb); not changed in the proposal) as prescribed in § 1512.5 (b) (1), (c) (1), and (d) is not sufficient when performing the bicycle braking test. They state that additional allowances should be made for other variables such as rider skill, bicycle speed, equipment weight, brake synchronization, test track conditions, wind velocity, etc.

On the subject of the maximum allowable stopping distance, the commenters urge adoption of the ISO braking

specification of five test runs and a 5.5 m (18 ft) stopping distance, with various test instructions and correction factors. They state that these ISO specifications will result in a smooth, safe stop without the pitchover problems that they claim will occur with the shorter stopping distance proposed by the Commission.

Finally, several commenters question the results of the braking tests performed at the University of Iowa, which were heavily relied on by the Commission in deciding on a safe stopping distance for bicycles, in view of the variance of those results from the results of the tests performed by the ISO and its members.

The Commission observes that the analyses and test data submitted by the bicycle manufacturers and ISO have not been ignored. As was stated at the public meetings, the Commission has been reviewing all of the data, performing a detailed error analysis on braking, and performing additional bicycle braking tests of its own at the National Bureau of Standards (NBS) to supplement the University of Iowa tests. The final reports of the Commission's braking tests and the error analysis were not completed until very recently. A discussion of the results could therefore not be included in the June 16, 1975, proposal.

The Commission's error analysis on bicycle braking considered all variables, including those mentioned by the manufacturers. Comparisons were made of all test methods and data submitted by the manufacturers and the ISO with the Commission's test methods and data. The results of the error analysis show that:

1. The present rider weight allowance exceeds the recommended value by approximately 66 percent (this excess allowance can also be used to accommodate the necessary test equipment);
2. A smooth test surface free from protruding aggregate that will provide a coefficient of friction of less than 1.0 should be used;
3. Four test runs, two in each direction, should be required to cancel the effects of wind and pavement grading;
4. The results of the four test runs should be averaged to arrive at the required stopping distance;
5. The starting point for the measurement of stopping distance should be the point corresponding to the location of the bicycle at the instant the first brake-lever actuation begins;
6. The bicycle must be moving in a straight line at the start of brake application;
7. Velocity corrections at the initiation of braking should be made; and
8. The test run is invalid if front wheel lockup occurs.

Considering the above test conditions and corrections, Commission representatives tested 13 bicycles, in addition to the 9 tested at the University of Iowa, resulting in 80 percent of the bicycles meeting the 4.57 m (15 ft) stopping distance requirement.

Regarding the commenter's claim that a stopping distance of 4.57 m (15 ft) is unsafe and will cause the rider to be thrown over the front of the bicycle the Commission has convincing evidence to the contrary. In April 1970, the National Commission on Product Safety contracted the Cornell Aeronautical Laboratory to conduct a study on stability and performance of bicycles. The report of the study, entitled "An Evaluation of the Performance and Handling Qualities of Bicycles," states that in over 200 hard braking stops made during the test program, no instance of pitchover (or even lifting of the rear wheel) occurred when the rider remained seated throughout the braking period. Both conventional and high-rise bicycles were used in the tests. Also, the University of Iowa had no apparent pitchover problems during their testing.

In the approximately 90 test runs performed at NBS, the incidence of pitchover was less than 9 percent. These incidents, however, are attributable to the fact that bicycles with better than average brakes were tested on a surface with a coefficient of friction substantially greater than recommended, which is a coefficient of friction of less than 1.0. The Commission has prepared and will utilize a test procedure that shows the test methods, test equipment, corrections, and allowances used by NBS in performing the braking tests. Permissible corrections in addition to those used by NBS are also given. Manufacturers should be aware that other test methods, hardware, and equipment exist that could be used to perform the stopping distance tests and that they are free to use them. The corrections and allowances included in the test procedure, however, will be used by Commission staff.

The Commission concludes that the stopping distance of 4.57 m (15 ft) is safe and can be reasonably met by bicycle manufacturers utilizing the allowances for variables mentioned above. Accordingly, the suggested changes have not been made in the amendments of §§ 1512.5 and 1512.18 promulgated below. A revision of the performance test procedure in § 1512.18(d)(2)(v) has been added, however, to set forth the allowances for variables.

VI. Handbrake grip dimension. Section 1512.5(b)(3) prescribes the maximum limit for the distance between the hand lever and the handlebars of bicycles equipped with handbrakes. The proposed revision of § 1512.5(b)(3) clarifies the measurement of points for determining compliance with such maximum grip dimension and adds a figure 5 to illustrate the measurements and the points of measurement.

An association of bicycle manufacturers and a manufacturer of bicycle parts object to the inclusion of auxiliary or extension hand levers by virtue of § 1512.5(b)(a) in the 89 mm (3½ in) maximum grip dimension requirement of § 1512.5(b)(3). In support of this comment they state that hand lever extensions are gripped differently than hand

levers in that when gripping a hand lever extension (1) the rider normally is sitting more upright with less forward-leaning pressure than when gripping a hand lever and (2) the rider grips the handlebars with the thumb and not toward the center of the palm as is the case when gripping a hand lever. Thus, these factors combine to enable greater spread of the hand when gripping a hand lever extension—the spread is enlarged by at least 12.7 mm (½ in). Accordingly, they contend that a rider, whether a man, woman, or child, who can grip a primary hand lever with a 89 mm (3½ in) grip dimension can also comfortably grip a hand lever extension having a 102 mm (4 in) grip dimension.

The anthropometric data for women and children indicate that an 89 mm (3½ in) dimension is a reasonable grip for hand levers and hand lever extensions on bicycles equipped with hardware of this type. The Commission concludes that it is unreasonable to assume that all riders will grip a hand lever extension in a like manner and therefore it would be unsafe to require a greater grip dimension for extension levers than for primary hand levers.

VII. Brake assembly attachment. Section 1512.5(b)(4) prescribes that brake assemblies shall be securely attached to the frame of a bicycle "by means of a locking device such as a lock washer and locknut or equivalent." In the proposed revision of § 1512.5(b)(4), the above-quoted provision reads "by means of fasteners with locking devices such as a lock washer, locknut, or equivalent" and thereby drops the requirement that both a washer and locknut or equivalent be used to secure the brake assemblies to the frame of the bicycle.

A bicycle manufacturer states that this provision is still unclear as to whether locknuts or washers are required on the brake lever attaching brackets or are required only on the caliper assemblies that attach directly to the frame.

The Commission concludes that the term "brake assemblies" as used in proposed § 1512.5(b)(4) is sufficiently clear and includes all brake components such as brake lever attaching brackets and caliper assemblies. Accordingly, § 1512.5(b)(4) is adopted below as proposed.

VIII. Tires. Section 1512.10 specifies that the manufacturer's recommended inflation pressure shall be molded into or onto the sidewall of the tire and that the wheel-mounted tire shall be tested in accordance with § 1512.18(j). Tubular sew-up tires are exempt from § 1512.10 because they have sidewalls made of fabric precluding such molding and non-pneumatic tires are exempt because they cannot be inflated.

The proposed revision of § 1512.10 adds a requirement that the manufacturer mold the recommended inflation pressure into or onto the sidewall of the tire using the statement "INFLATE TO ---- PSI".

Ten comments were received on this proposed revision. A tire manufacturer supports the revision. Three bicycle

manufacturers, two associations of bicycle manufacturers, two tire manufacturers, an association of tire manufacturers, and a foreign government's vehicle inspection agency agree with the idea of labeling tires with recommended tire pressure but oppose requiring specific language in such labeling. The general contention is that requiring such specific language is not safety-related and, in view of the expense involved, is unreasonable. They prefer to be allowed to choose their own wording for such labeling.

The Commission has carefully considered these comments and although it prefers that a standard, intelligible form of labeling be used it concludes that some latitude should be given to manufacturers in selecting their own labeling, within reason. Accordingly, as promulgated below, § 1512.10 allows the use of any intelligible labeling provided that it is written in the English language and utilizes Arabic numbers. The regulation sets forth the labeling statement "INFLATE TO _____ PSI" as the preferred but not mandatory method of labeling.

IX. Wheel hub locking devices. Section 1512.12(a) specifies that each wheel of a bicycle shall be secured to the frame with a positive locking device and that locking nuts on threaded axles shall require rotation of at least 180° from finger-tight condition to full tightness.

To make the regulation more specific and to allow for design variations as to axle-thread pitch, frames, hubs, and other components, the proposed revision of § 1512.12(a) requires locking nuts on threaded axles to be tightened to the manufacturer's specifications; specifies that the rear axle shall be pulled with a force of 1,780 N (400 lbf) in the direction of rear wheel removal without any relative motion between the axle and the frame; and specifies that the front-wheel locking device shall withstand applications of a torque in the direction of removal of 17 N-m (12.5 ft-lb).

A. Two bicycle manufacturers and two associations of bicycle manufacturers state that the front-wheel removal torque requirement of proposed § 1512.12(a) (2) is unnecessary and unreasonable in that it is not safety-related. One manufacturer states that in its experience nut loosening has never been a problem with respect to front wheels.

The Commission's Hazard Analysis for Bicycles, dated July 1973, lists several cases where a bicycle's front wheel separated from the front fork causing severe injuries to the rider. There are more such cases in the 1,060 NEISS in-depth investigation reports. The Commission considers the cases cited above ample justification to require that front-wheel fasteners, except for quick-release devices, be torqued. Accordingly, the torque requirement is adopted below as proposed.

B. The same four commenters state that the high removal torque requirement of proposed § 1512.12(a) (2) cannot be met using existing technology and may even create problems by causing the front axle to become overstressed and document that proposed the subject re-

visions, the Commission observed (40 FR) thereby cause axle failure. Limited supportive test data were submitted. They request that the proposed removal torque requirement be changed from 17 N-m (12.5 ft-lb) to 10 N-m (7.38 ft-lb).

The Commission has reviewed the submitted test data and conducted additional tests on 10 different bicycles. The tests were performed on each bicycle at least four times and the results were consistent. The tightening torque ranged from 20.4 to 25 N-m (15 to 18 ft-lb), while the removal torque remained at 17.7 N-m (13 ft-lb). Several axles were torqued until the threads were stripped, and the lowest torque that caused the threads to strip was 30 N-m (22 ft-lb). The axles with the stripped threads were examined further and found to be of similar average Rockwell B hardness and tensile strength.

The Commission therefore concludes that the proposed torque requirement, 17 N-m (12.5 ft-lb), which is adopted below, is necessary to provide a sufficient safety margin against stripping axle threads or other damage and for maintaining wheel retention integrity.

C. One of the manufacturers and one of the associations state that proposed § 1512.12(a) (2) and promulgated § 1512.12(c) are redundant because the latter requires a positive retention feature to insure that when the locking devices are released the wheel will not separate from the fork.

The Commission agrees that positive retention devices do provide some protection against the front wheel coming off of the axle; however, these devices are usually at right angles to the frame and the retention component of some of the devices is sometimes short in length. Thus, the rider has little advance warning that the bicycle wheel is loose.

Accordingly, the Commission declines to eliminate either requirement.

4. A manufacturer of bicycle parts questions the reasonableness of requiring the front-wheel locking device to withstand a tightening torque twice as great as that required of the rear-wheel locking device. The manufacturer requests that the less stringent torque specified in proposed § 1512.12(a) (1) be substituted for the more stringent requirement specified in proposed § 1512.12(a) (2).

The Commission concludes that a front wheel is far more likely to accidentally come off than a rear wheel and that the potential cyclist injury therefrom is more serious. Accordingly, the requested change has not been made.

X. Frame strength. Section 1512.14 requires the bicycle fork and frame to be tested for strength in accordance with the frame test prescribed by § 1512.18 (k) (2). For consistency with § 1512.18 (k) (2) and to insure the ductility characteristics of the fork tubes, the proposed revision of § 1512.14 changes the test requirements from "at least 39.5 J (350 in-lb) of energy" to "a load of 890 N (200 lbf) or at least 39.5 J (350 in-lb) of energy, whichever results in the greater force."

In the preamble of the June 16, 1975, 25484) that §§ 1512.14 and 1512.18(k)

(2) did not specify the manner by which the frame is to be held during the frame test. The Commission concluded that any type of rigidly constructed fixture would be suitable for holding the frame during the frame test. Such a fixture could be adjustable to accommodate frames of various sizes and should support the bicycle frame at the front axle and at the intersection of the rear frame and axle. The load is applied in a direction opposite to the fork rake and measurements are taken of the loads and the deflections. Accordingly, the Commission proposed a revision to § 1512.18(k) (2) to specify the way that the frame should be supported during the test.

A manufacturer suggests that since this section calls for the use of a fork and frame assembly to be tested as a unit, the titles for § 1512.14 and § 1512.18 (k) (2) should be changed to read accordingly.

The Commission agrees and the titles of those regulations as promulgated below have been so changed.

XI. Requirements for front and rear reflectors. Section 1512.16 requires that a bicycle be equipped with a front reflector, a rear reflector, reflectors on both the front and rear pedal surfaces, and either side reflectors or retroreflective tires.

The proposed revision of the introductory text of § 1512.16 permits the use of combinations of reflectors off of the center plane of the bicycle if each reflector meets the requirements of § 1512.16 and §§ 1512.18 (m) and (n) and the combination of reflectors has a clear field of view of $\pm 10^\circ$ vertically and $\pm 50^\circ$ horizontally.

The proposed revision 1512.16 (c) and (d) specifies that front and rear reflectors, or the mounts for those reflectors, shall incorporate a distinct, preferred assembly method that shall insure those reflectors meet the optical requirements, respectively, of § 1512.16 (c) and (d) when attached to the bicycle. The proposed revision of § 1512.16 (c) and (d) deletes the manner of applying the force specified to assure reflector alignment and prescribes that the front and rear reflectors shall be tested in accordance with the "reflector mount and alignment test" of § 1512.18(m).

A. A reflector manufacturer requests that the proposed introductory text of § 1512.16 that permits use of a combination of reflectors only when each reflector meets the requirements of §§ 1512.16 and 1512.18 (m) and (n) and the combination has a clear field of view of $\pm 10^\circ$ vertically and $\pm 50^\circ$ horizontally be changed by removing the requirement for the specified clear field of view and by adding a provision that each reflector shall meet the requirements of §§ 1512.16 and 1512.18 (m) and (n) when mounted on the bicycle.

The Commission finds that reflectors could be located on a bicycle in such a way that each individual reflector while meeting the requirements of §§ 1512.16 and 1512.18 (m) and (n) could still become obscured by parts of the bicycle when viewed by a motorist.

The Commission concludes that a combination of reflectors cannot provide adequate visibility unless each reflector in that combination is positioned in such a manner that it is not covered or obscured by any other part of the bicycle. Accordingly, the requested change has not been made.

B. Another reflector manufacturer states that previous correspondence with the Commission indicated that the intent of §§ 1512.16 (c) and (d) is to provide for a continuous uninterrupted signal from the front and rear reflectors. The manufacturer requests that paragraphs (c) and (d) be changed to specifically express this intent.

The Commission's desired objective in proposing §§ 1512.16 (c) and (d) is to provide as nearly a continuous flow of illumination as is physically possible. The Commission concludes that it is realistically meeting this objective by specifying the orientation of the optical axis and the photometric requirements and not the physical implementation of the reflector. In the Commission's judgment the $\pm 5^\circ$ requirement does not prohibit the use of fixed reflectors that are mounted on the bicycle at various angles.

Accordingly, the requested change has not been made. The revisions of § 1512.16 are promulgated below as proposed.

XII. Footbrake force test. Section 1512.18(e)(2) prescribes a footbrake force test requiring that the brake be capable of producing a brake force that is linearly proportional (within 20 percent) when a force ranging from 89 N to 310 N (20 to 70 lbf) is gradually applied to the pedal and requiring that the brake force be not less than 180 N (41 lbf) when 310 N (70 lbf) is applied to the brake pedal.

The proposed revision of § 1512.18(e)(2) clarifies the test by specifying that the measurement of braking force shall be taken after completion of one-half revolution and before completion of one revolution of the wheel instead of after one-half to one revolution of the wheel.

A. A brake manufacturer contends there is confusion concerning methods used to perform the brake force test and suggests certain changes in proposed § 1512.18(e)(2) to provide specific test method and equipment requirements.

Proposed § 1512.18(e)(2) contains a typical general methods for performing the force test. The Commission concludes that § 1512.18(e)(2) should provide brake performance guidelines to be met without limiting manufacturers to a detailed test procedure. Accordingly, the suggested changes have not been made.

B. The same manufacturer suggests requiring the brake force and the crank differential tests to be performed after six to ten braking and driving applications so as to obtain the most realistic results, since changes occur in the braking device after use.

The Commission notes that when a consumer purchases a bicycle, it is received in the "as delivered" condition, namely, without any break-in period for the brakes. Therefore, in order for the Commission to assure that the bicycle

brakes are safely operable at the time of sale, they must be tested before a break-in period occurs. Since the present requirements of § 1512.18(e)(2) most nearly simulate the brakes at time of sale, the Commission declines to make the suggested amendment.

C. Another brake manufacturer states that a coaster brake, because of its design, cannot achieve a steady brake force within one-half to one revolution of the rear wheel but could do so at within one to one and one-half revolutions.

The Commission disagrees and concludes that the requirements of proposed § 1512.18(e)(2) in this respect are readily achievable. Accordingly, the requirement has not been modified for coaster brakes.

D. The same manufacturer suggests changing proposed § 1512.18(e) to permit the pedal or crank to be raised 5 degrees and released to simulate the dynamic force in normal application of the brakes.

The Commission finds that this suggestion coupled with that of item C above would require a tolerance increase from ± 20 to ± 30 percent. Available test data indicate that this suggested change would reduce the reproducibility of the test. Also, the tolerance increase would diminish the stringency of the brake requirements, which could reduce unacceptably the intended level of safety of bicycles.

Accordingly, the suggested change has not been made and the revision of § 1512.18(e)(2) and (3) is promulgated below as proposed.

XIII. Reflector mount and alignment test. Section 1512.18(m) specifies in subparagraph (1) the test procedure for reflector alignment and defines in subparagraph (2) the criteria under which a reflector's optical axis is considered to be aligned. The proposed revision of § 1512.18(m)(2) clarifies the criteria.

A. A foreign vehicle inspection association suggests that since § 1512.18(m) applies only to front and rear reflectors, the paragraph heading be changed by adding the words "front and rear."

The Commission acknowledges that presently § 1512.18(m) applies only to front and rear reflector mounts, but to facilitate possible future extension of its application to other reflectors the Commission declines to make the suggested change.

B. A reflector manufacturer suggests that proposed § 1512.18(m) be changed to provide for spring back of the mounting bracket after removal of the test force because some reflector brackets may bend slightly when the force is applied and then return to their original position when it is removed. An association of bicycle manufacturers agrees and adds that manufacturing tolerances for reflector mounting brackets are around 5 degrees, which is considered the bare minimum which can be adhered to under reasonable manufacturing procedures. Unduly heavy reflector mounts would be required to resist movement beyond 5 degrees while under the test load.

The Commission agrees that heavier reflector mounting brackets could result

if the 5 degree requirement is applied during application of the test load. The intent of the regulation is to require a durable reflector and mount that will withstand normal wear and tear and still provide sufficient reflective illumination when encountering the headlights of automotive vehicles under low-light conditions. The Commission concludes that § 1512.18(m)(2) should be changed, in addition to the proposed clarification, to specify two types of performance criteria: one criteria that applies during the test and another that applies after removal of the test load. A 15-degree alignment criteria is specified during the test and the 5-degree alignment criteria for the post-test condition. This should permit sufficient manufacturing tolerances while providing a reflector mounting bracket that does not permanently deform or deflect from normal handling and use.

XIV. Reflector performance test. Section 1512.18(n) prescribes the photometric performance test and acceptance criteria for reflectors. Thereafter, the Commission found that the definition of "entrance angle" in § 1512.18(n)(2)(ii) did not wholly correspond with the illustration in figure 3 and in addition, that §§ 1512.18(n)(2)(iv) and (vii) were in need of clarification.

As repropounded on June 16, 1975, the Commission revised § 1512.18(n)(2)(iv) and (vii) and figure 3 to eliminate the contradiction between the definition of "entrance angle" and the illustration thereof in figure 3 and clarified the reflector performance test.

A. Figure 3. A vehicle inspection association notes that figure 3 is inconsistent with § 1512.18(n)(2)(i) and (ii) by its labeling of the entrance angle as "negative" and "positive" and suggests that the entrance angle should be changed to "left" and "right" with the left and right of the entrance angle being normal to the direction of the observation angle.

The Commission agrees and figure 3 as promulgated below has been changed. Also, a clarifying revision of § 1512.18(n)(2)(ii) has been added that changes "a line normal to the center of the reflector" in the second sentence to "the optical axis of the reflector" and that adds to the end of the third sentence "when the plane of the observation angle is vertical and the receiver is above the source."

B. Spoke reflectors. A manufacturer of reflective material for bicycle tires, commenting on the requirements of § 1512.18(n)(2)(v), notes that spoke reflectors are included parenthetically within this section. This manufacturer goes on to state that laboratory and field evaluations of several types of presently marketed spoke reflectors meeting the current photometric requirements indicate that the spoke reflectors reveal serious design discrepancies as they rotate with the wheel and are viewed at various entrance angles. Several of these spoke reflectors reflected little or no light in a variety of attitudes.

The manufacturers states that it may be crucial for a slow-moving or stopped bicycle to be seen at intersections or entrances to a roadway and therefore some minimum reflective brightness should be required for spoke reflectors at all rotational positions.

The Commission is aware that the up-down and left-right requirements in tables 1 and 2 for side reflectors do not provide ideal wide-angle spoke reflector performance characteristics. The reflective performance from side reflectors on a slow-moving bicycle is borderline; however, the lack of good reflective performance requirements for side reflectors on a stationary bicycle is a valid issue and will be investigated.

C. *Definition of color section.* 1. A manufacturer suggests that the Commission accept the Society for Automotive Engineers (SAE) and the National Highway Traffic Safety Administration (NHTSA) standards for signal colors rather than establish another set of color standards as proposed in § 1512.18(n)(2)(vii).

The Commission notes that the color boundaries set forth in proposed § 1512.18(n)(2)(vii) are presently being considered by the SAE as new requirements. These color boundary requirements are included in § 1512.18(n)(2)(vii) as promulgated below in anticipation of the proposed SAE change.

2. A vehicle inspection association points out that X and Y coordinate designation in § 1512.18(n)(2)(vii) should be in small letters rather than capital letters since each style conveys an entirely different meaning.

The Commission agrees and § 1512.18(n)(2)(vii) as promulgated below has been so changed.

XV. *Retroreflective tire test.* Section 1512.18(o) specifies the procedures and criteria for testing the retroreflective tire sidewalls allowable in lieu of spoke-mounted reflectors by § 1512.16(h). The proposed revision of § 1512.18(o)(1) and (2)(iii) corrects certain errors therein and changes the last sentence of § 1512.18(o)(2)(iii) to specify that the minimum value of "A" shall be greater than that listed in table 3. The proposed revision of § 1512.18(o)(2)(iv) expresses the criteria in terms of the ratio "A" rather than a reflectance factor "P" or "R".

A. *Paragraph heading.* A vehicle inspection association and a reflector manufacturer suggest that the word "tire" be added to the heading of paragraph (o) of § 1512.18, making it read "Retroreflective tire test."

This inadvertent omission in the proposal has been restored in the promulgated below.

B. *Apparatus.* A vehicle inspection association suggests deleting from § 1512.18(o)(1) the sentence "Distances shall be measured from the plane of the wheel and the center of the hub," because the next sentence states that for the tests, the distance D between the projector and the center of the wheel and distance d between the center of the wheel and the receiver shall each be at least 15 m (50 ft).

The Commission finds that the sentence, although somewhat unnecessary, helps to give necessary clarity to § 1512.18(o)(1). Accordingly, it has not been deleted from the promulgation below.

C. *Measurement.* The proposed revision of § 1512.18(o)(1) specifies that arrangements for the reflective intensity measurement shall be as shown in figure 3 of Part 1512. Also, in accordance with the proposed revision of § 1512.18(o)(2)(iii), a negative entrance angle (figure 3 of Part 1512) is specified when the entrance angle is small because the location of the receiver with respect to the direction of illumination becomes important for distinguishing between ordinary mirror-like reflection and retroreflection. The entrance angle θ and the observation angle ϕ shall be in the same plane.

An inspection association states that when the entrance angle is -4° ordinary mirror-like reflection of the reflective surface is reflected at an angle of 8° twice the entrance angle and 40 times as large as the observation angle, which is 0.2° . The association suggests that this is not a good reason for requiring the entrance angle and the observation angle to be in the same plane. The association further states that under actual circumstances, the entrance angle and the observation angle are not in the same plane and that the directions of the two angles should be normal to each other.

The inspection association provided a table of values showing a comparison of the apparent reflective areas between the procedure in proposed § 1512.18(o)(2)(iii) and their recommended procedure. In the light of these values of the area, the requirement that the entrance angle and the observation angle shall be in the same plane has an inconsistency in itself. They therefore request that the procedure be amended so that measurement is made with the directions of ϕ and θ not being in the same direction, but being normal to each other.

The Commission agrees. Accordingly, the schematic diagram depicting arrangements for the test in figure 3 has been revised as promulgated below.

The entrance angle and the observation angle are defined as being in the same plane for convenience. Reflective sheeting manufacturers in the United States were originally set up for making highway signs. Since U.S. sheeting manufacturers generally still measure this way and little error is involved, the entrance and observation angles are defined in the same plane. (See Illuminating Engineering Society-Lighting Standard LS 300-A).

Although it is true that mirror reflections from a reflector at the center of the wheel would be deviated by 8° as the association suggests, the same does not apply to reflections from the tire, which is at a relatively large distance from the center of the wheel. The choice of -4° observation angle was made to minimize the chance of objectionable mirror reflections.

The association's comparison of reflective areas denotes differences of one or

two percent between the reduction rate of apparent reflective area of entrance and observation angles. These percentage differences are rather insignificant and, in fact, a one-percent difference is trying the state of the art.

The Commission considers it possible that the sequence of sentences in proposed § 1512.18(o)(2)(iii) has caused some of the confusion. Accordingly, as promulgated below the sixth and seventh sentences of that regulation have been reversed in sequence.

D. *Criteria.* 1. In a letter to the Commission dated September 3, 1974, a tire manufacturer recommended that § 1512.18(o)(2)(iv), including the formula, be deleted. Despite the proposed revision of § 1512.18(o), including partial correction of the formula, the manufacturer continues to urge its deletion, contending that it is superfluous and confusing. The manufacturer states that the formula for the ratio in § 1512.18(o)(2)(iii) adequately establishes the regulated limits and criteria for this property. He further states that § 1512.18(o)(2)(iv) is superfluous and adds nothing to the regulation because the formula for the ratio A would apply to entrance angles and observation angles that are not specified in the regulation and do not need to be checked.

The Commission concludes that the requirements of proposed § 1512.18(o)(2)(iv) are necessary to provide a means to define retroreflectance in the case of retroreflective tires. Therefore, in this regard, the Commission considers it to be necessary and declines to make the deletion requested in this comment.

2. Three tire manufacturers state that the equation in proposed § 1512.18(o)(2)(iv) is incorrect in that the symbol in the denominator should be " ϕ " instead of " θ ". One manufacturer also states that the lower case "m" should be defined. The Commission agrees and both changes are reflected in § 1512.18(o)(2)(iv) promulgated below.

MISCELLANEOUS CHANGES

Minor amendments correcting inadvertent errors are set forth below involving §§ 1512.5(c), 1512.8, and 1512.18(j)(3)(i).

METRIC CONVERSION

For purposes of compliance with Part 1512 as amended, where the metric and English units are not equivalent due to the conversion process the less stringent requirement will prevail. This provision is added below to § 1512.3.

CONCLUSION AND PROMULGATION

Having considered the proposal of June 16, 1975, the comments responding thereto, and other relevant material, the Commission concludes that the bicycle regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304-05, 83 Stat. 187-89; 15 U.S.C. 1261, 1262) and under authority

vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)), 16 CFR Part 1512 is amended as follows:

1. In § 1512.4, paragraphs (b), (d), (e), (g), (h), and (j) are revised to read as follows:

§ 1512.4 Mechanical requirements.

(b) *Sharp edges.* There shall be no unfinished sheared metal edges or other sharp parts on bicycles that are, or may be, exposed to hands or legs; sheared metal edges that are not rolled shall be finished so as to remove any feathering of edges, or any burrs or spurs caused during the shearing process.

(d) *Attachment hardware.* All screws, bolts, or nuts used to attach or secure components shall not fracture, loosen, or otherwise fail their intended function during the tests required in this part. All threaded hardware shall be of sufficient quality to allow adjustments and maintenance. Recommended quality thread form is specified in Handbook H26, "Screw Thread Standards for Federal Services,"¹ issued by the National Bureau of Standards, Department of Commerce; recommended mechanical properties are specified in ISO Recommendation R898, "Mechanical Properties of Fasteners," and in ISO Recommendations 68, 262, and 263, "General Purpose Screw Threads."²

(e) *Protrusions.* The assembled bicycle shall be tested for exposed protrusions in accordance with the exposed protrusion test, § 1512.18(b). There shall be no exposed protrusions that do not have:

- (1) The minor end dimension greater than 3.2 mm ($\frac{1}{8}$ in); and
- (2) The major end dimension greater than 12.7 mm ($\frac{1}{2}$ in) with radii greater than 6.3 mm ($\frac{1}{4}$ in).

(See figure 4 of this Part 1512 for examples of typical protrusions.) Capped exposed protrusions shall meet the requirements of this paragraph (e).

(g) *Excluded area.* There shall be no protrusions located within the area bounded by (1) a line 89 mm ($3\frac{1}{2}$ in) to the rear of and parallel to the handlebar stem; (2) a line tangent to the front tip of the seat and intersecting the seat mast at the top rear stay; (3) the top surface of the top tube; and (4) a line connecting the front of the seat (when adjusted to its highest position) to the junction where the handlebar is attached to the handlebar stem. The top tube on a female bicycle model shall be the seat mast and the down tube or tubes that are nearest the rider in the normal riding position. Control cables no greater than

6.4 mm ($\frac{1}{4}$ in) in diameter and cable clamps made from material no thicker than 4.8 mm ($\frac{3}{16}$ in) may be attached to the top tube.

(h) *Screw length.* Screw lengths shall be such that the threads of the internally threaded fastener are fully engaged by the screw (or the threads of the internally threaded fastener are engaged for a length of more than one screw diameter). Screw lengths that can come in contact with the test cylinder in § 1512.18(b) shall be limited to a maximum length of one major diameter of the screw beyond the internally threaded mating member and shall meet the requirements in § 1512.4(b). Screws that are exposed to any part of a rider's body in a normal riding position, however, shall be limited to a 3.2 mm ($\frac{1}{8}$ in) extension beyond the internally threaded mating member. Adjusting-type screws that meet the exposed protrusion requirements in § 1512.4(e) and that have no threaded ends exposed to a rider's body in the normal riding position are not required to be limited in length to one major diameter.

(j) *Control cable abrasion.* Control cables shall not abrade over fixed parts and shall enter and exit cable sheaths in a direction in line with the sheath entrance and exist so as to prevent abrading.

2. In § 1512.5, paragraphs (b) (3), (4), and (8), (c) (1) and (2) and (d) are revised to read as follows:

§ 1512.5 Requirements for braking system.

(b) *Handbrakes.*

(3) *Grip dimension.* The grip dimension (maximum outside dimension between the brake hand lever and the handlebars in the plane containing the centerlines of the handgrip and the hand brake lever) shall not exceed 89 mm ($3\frac{1}{2}$ in) at any point between the pivot point of the lever and lever midpoint; the grip dimension for sidewalk bicycles shall not exceed 76 mm (3 in). The grip dimension may increase toward the open end of the lever but shall not increase by more than 12.7 mm ($\frac{1}{2}$ in) except for the last 12.7 mm ($\frac{1}{2}$ in) of the lever. (See figure 5 of this Part 1512.)

(4) *Attachment.* Brake assemblies shall be securely attached to the frame by means of fasteners with locking devices such as a lock washer, locknut, or equivalent and shall not loosen during the rocking test, § 1512.18(d) (2) (iii). The cable anchor bolt shall not cut any of the cable strands.

(8) *Hand lever location.* The rear brake shall be actuated by a control located on the right handlebar and the front brake shall be actuated by a control located on the left handlebar. The left-hand/right-hand locations may be reversed in accordance with an individual customer order. If a single hand lever

is used to actuate both front and rear brakes, it shall meet all applicable requirements for hand levers and shall be located on either the right or left handlebar in accordance with the customer's preference.

(c) *Footbrakes.*

(1) *Stopping distance.* Bicycles equipped with footbrakes (except sidewalk bicycles) shall be tested in accordance with the performance test, § 1512.18(e) (3), by a rider of at least 68.1 kg (150 lb) weight and shall have a stopping distance of no greater than 4.57 m (15 ft) from an actual test speed of at least 16 km/h (10 mph) (in its highest gear ratio brake only and the equivalent ground speed of the bicycle is in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),³ the stopping distance shall be 4.57 m (15 ft) from an actual test speed of 24 km/h (15 mph) or greater.

(2) *Operating force.* Footbrakes shall be actuated by a force applied to the pedal in a direction opposite to that of the drive force, except where brakes are separate from the drive pedals and the applied force is in the same direction as the drive force.

(d) *Footbrakes and handbrakes in combination.* Bicycles equipped with footbrakes and handbrakes shall meet all the requirements for footbrakes in § 1512.5(c), including the tests specified. In addition, if the equivalent ground speed of the bicycle is 24 km/h (15 mph) or greater (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),³ the actual test speed specified in § 1512.18(e) (3) shall be increased to 24 km/h (15 mph) and both braking systems may be actuated to achieve the required stopping distance of 4.57 m (15 ft).

3. Also in § 1512.5, the first sentence of paragraph (c) is amended by changing "311 N (70 lbf)" to "310 N (70 lbf)."

4. Section 1512.7(b) is revised to read as follows:

§ 1512.7 Requirements for pedals.

(b) *Toe clips.* Pedals intended to be used only with toe clips shall have toe clips securely attached to them and need not have tread surfaces. Pedals designed for optional use of toe clips shall have tread surfaces.

§ 1512.8 [Amended]

5. Section 1512.8 Requirements for drive chain is corrected by changing "(1,800 lb)" and "(1,400 lb)" to read "(1,800 lbf)" and "(1,400 lbf)".

³This is proportional to a gear development greater than 6.67 m (21.9 ft) in the bicycle's highest gear ratio. Gear development is the distance the bicycle travels in meters, in one crank revolution.

¹ Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

² Copies may be obtained from: American National Standards Institute, 1430 Broadway, New York, New York 10018.

6. Section 1512.10 is revised to read as follows:

§ 1512.10 Requirements for tires.

The manufacturer's recommended inflation pressure shall be molded into or onto the sidewall of the tire in lettering no less than 3.2 mm ($\frac{1}{8}$ in.) in height. The statement of recommended inflation pressure shall be in the English language utilizing Arabic numerals. (The following language is suggested to indicate recommended inflation pressure: "Inflate to ___ PSI.") After inflation to 110 percent of the recommended inflation pressure, the tire shall remain intact on the rim, including while being tested under a load of 2,000 N (450 lbf) in accordance with the rim test, § 1512.18(j). Tubular sew-up tires, nonpneumatic tires, and nonmolded wired-on tires are exempt from this section.

7. Section 1512.12(a) is revised to read as follows (although unchanged, the section's introductory text is included for context):

§ 1512.12 Requirements for wheel hubs.

All bicycles (other than sidewalk bicycles) shall meet the following requirements:

(a) *Locking devices.* Wheels shall be secured to the bicycle frame with a positive lock device. Locking devices on threaded axles shall be tightened to the manufacturer's specifications.

(1) *Rear wheels.* There shall be no relative motion between the axle and the frame when a force of 1,780 N (400 lbf) is applied symmetrically to the axle for a period of 30 seconds in the direction of wheel removal.

(2) *Front wheels.* Locking devices, except quick-release devices, shall withstand application of a torque in the direction of removal of 17 N-m (12.5 ft-lb).

8. In § 1512.14, the section heading and introductory paragraph are revised to read as follows:

§ 1512.14 Requirements for fork and frame assembly.

The fork and frame assembly shall be tested for strength by application of a load of 890 N (200 lbf) or at least 39.5 J (350 in-lb) of energy, whichever results in the greater force, in accordance with the frame test, § 1512.18(k) (2), without visible evidence of fracture or frame deformation that significantly limits the steering angle over which the wheel can be turned. Sidewalk bicycles are exempt from this section.

9. In § 1512.16, the introductory paragraph and paragraphs (c) and (d) are revised to read as follows:

§ 1512.16 Requirements for reflectors.

Bicycles shall be equipped with reflective devices to permit recognition and identification under illumination from motor vehicle headlamps. The use of re-

lector combinations off the center plane of the bicycle (defined in § 1512.18(m) (2)) is acceptable if each reflector meets the requirements of this section and of § 1512.18(m) and (n) and the combination of reflectors has a clear field of view of $\pm 10^\circ$ vertically and $\pm 50^\circ$ horizontally. Sidewalk bicycles are not required to have reflectors.

(c) *Front reflector.* The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The optical axis of the reflector shall be directed forward within 5° of the horizontal-vertical alignment of the bicycle when the wheels are tracking in a straight line, as defined in § 1512.18(m) (2). The reflectors and/or mounts shall incorporate a distinct, preferred assembly method that shall insure that the reflector meets the optical requirements of this paragraph (c) when the reflector is attached to the bicycle. The front reflector shall be tested in accordance with the reflector mount and alignment test, § 1512.18(m).

(d) *Rear reflector.* The reflector or mount shall not contact the ground plane when the bicycle is resting on that plane in any orientation. The reflector shall be mounted such that it is to the rear of the seat mast with the top of the reflector at least 76 mm (3.0 in) below the point on the seat surface that is intersected by the line of the seat post. The optical axis of the reflector shall be directed rearward within 5° of the horizontal-vertical alignment of the bicycle when the wheels are traveling in a straight line, as defined in § 1512.18(m) (2). The reflectors and/or mounts shall incorporate a distinct, preferred assembly method that shall insure that the reflector meets the optical requirements of this paragraph (d) when the reflector is attached to the bicycle. The rear reflector shall be tested in accordance with the reflector mount and alignment test, § 1512.18(m).

10. Section 1512.17(d) is revised to read as follows:

§ 1512.17 Other requirements.

(d) *Toe clearance.* Bicycles not equipped with positive foot-retaining devices (such as toe clips) shall have at least 89 mm ($3\frac{1}{2}$ in) clearance between the pedal and the front tire or fender (when turned to any position). The clearance shall be measured forward and parallel to the longitudinal axis of the bicycle from the center of either pedal to the arc swept by the tire or fender, whichever results in the least clearance. (See figure 6 of this Part 1512.)

11. In § 1512.18, paragraphs (b), (d) (2) (i), (iii), (v), and (vi), (e) (2), and (3), (k) (1) (i) and (2) (i), (m) (2), (n) (2) (i), (iv), and (vii), and (o) (1) and (2) (iii) and (iv) are revised to read as follows:

§ 1512.18 Test and test procedures.

(b) *Exposed protrusion test.* (Ref. § 1512.4(e))

(1) *Apparatus.* A cylinder of 83 mm ($3\frac{1}{4}$ in) diameter and 254 mm (10 in) length.

(2) *Procedure.* All protrusions greater than 7.9 mm ($\frac{5}{16}$ in) in length shall be located and tested with the test apparatus to determine whether the protrusions can be brought into contact with the surface of the cylinder. Any protrusion of the dimensions specified that can be brought into contact with the cylinder is an exposed protrusion.

(d) *Handbrake loading and performance test.* (Ref. § 1512.5(b))

(2) *Procedure.*

(i) *Loading test procedure.* The hand levers shall be actuated with a force applied at a point no more than 25 mm (1.0 in) from the open end of the lever. If the hand lever contacts the handlebar (bottoms) before a force of 445 N (100 lbf) is reached, the loading may be stopped at that point, otherwise the loading shall be increased to at least 445 N (100 lbf).⁴ Application of the loading force shall be repeated for a total of 10 times and all brake components shall be inspected.

(iii) *Rocking test procedure.* A weight of at least 68.1 kg (150 lb) shall be placed on the seat; the force required for the hand levers to contact the handlebars or 445 N (100 lbf), as determined in § 1512.18(d) (2), shall be applied to the hand levers;⁴ and the bicycle shall be rocked forward and backward over a dry, clean, level, paved surface at least six times and for a distance of at least 76 mm (3 in) in each direction.

(v) *Performance test procedure.* The following test conditions, unless otherwise specified in this Part 1512, shall be followed:

(1) The bicycle shall be ridden over a dry, clean, smooth paved test course free from protruding aggregate. The test course shall provide a coefficient of friction of less than 1.0 and shall have a slope of less than 1 percent.

(2) The wind velocity shall be less than 11 km/h (7 mph).

(3) Only the brake system under test shall be actuated.

(4) The bicycle shall attain the specified ground speed while the rider is in the normal riding position.

(5) The rider shall remain in the normal riding position throughout the test.

⁴For hand lever extensions, the loading shall be continued until a force of 445 N (100 lbf) is reached or the hand lever extension is in the same plane as the upper surface of the handlebars or the extension lever contacts the handlebars.

(6) The bicycle must be moving in a straight line at the start of brake application.

(7) Corrections for velocity at the initiation of braking may be made. The corrected braking distance shall be computed as follows:

$$S_c = \left(\frac{V_s}{V_m} \right)^2 S_m$$

where:

S_c = Corrected braking distance,

V_s = Specified test velocity,

V_m = Measured test velocity,

S_m = Measured braking distance.

The test run is invalid if at the commencement of the test, the measured test speed of the bicycle is no less than nor greater than the test speed required by this Part 1512 by 1.5 km/h (0.9 mph).

(8) Four test runs are required. The stopping distance shall be determined by averaging the results of the four test runs.

(9) The stopping distances specified are based on a rider weight of at least 68.1 g (150 lb) and a maximum rider and weight combination of 91 kg (200 lb). Greater stopping distances are allowable for heavier riders and test equipment weights at the rate of 0.30 m per 4.5 kg (1.0 ft per 10 lb).

(10) A test run is invalid if front-wheel lockup occurs.

(vi) *Performance test criteria.* The stopping force applied to the hand lever at a point no closer than 25 mm (1.0 in) from the open end shall not exceed 178 N (40 lbf). Bicycles with an equivalent ground speed in excess of 24 km/h (15 mph) in its highest gear ratio at a pedal crank rate of 60 revolutions per minute shall stop from an actual test speed of 24 km/h (15 mph) or greater within a distance of 4.57 m (15 ft); when the equivalent ground speed is less than 24 km/h (15 mph) under the same conditions, the bicycle shall stop from an actual test speed of 16 km/h (10 mph) or greater within a distance of 4.57 m (15 ft).

(e) *Footbrake force and performance test.* (Ref. § 1512.5(c) (1) and (2))

(2) *Force test.* The braking force shall be measured as the wheel is rotated in a direction of forward motion, and the braking force is measured in a direction tangential to the tire during a steady pull after the wheel completes one-half revolution but before the wheel completes one revolution. The brake shall be capable of producing a linearly proportional brake force for a gradually applied pedal force from 89 N to 310 N (20 to 70 lbf) and shall not be less than 178 N (40 lbf) for an applied pedal force of 310 N (70 lbf). All data points must fall within plus or minus 20 percent of the brake force, based on the measured brake load using the least square method of obtaining the best straight line curve.

(3) *Performance test.* The procedure of § 1512.18(d) (2) (v) shall be followed to test the footbrake performance. The

stopping distance shall be less than 4.57 m (15 ft) from an actual test speed of 16 km/h (10 mph). In addition, if the equivalent ground speed of the bicycle is in excess of 24 km/h (15 mph) (in its highest gear ratio at a pedal crank rate of 60 revolutions per minute),⁵ the stopping distance shall be 4.57 m (15 ft) from an actual test speed of 24 km/h (15 mph) or greater.

NOTE.—No allowance shall be made for rider weight. See § 1512.5(d) for additional requirements for bicycles with both handbrakes and footbrakes.

(k) *Fork and frame test.* (Ref. §§ 1512.13 and 1512.14)

(1) *Fork test—(i) Procedure.* With the fork stem supported in a 76 mm (3.0 in) vee block and secured by the method illustrated in figure 1 of this Part 1512, a load shall be applied at the axle attachment in a direction perpendicular to the centerline of the stem and against the direction of the rake. Load and deflection readings shall be recorded and plotted at the point of loading. The load shall be increased until a deflection of 64 mm (2½ in) is reached.

(2) *Fork and frame assembly test—(i) Procedure.* The fork, or one identical to that tested in accordance with the fork test, § 1512.18(k) (1), shall be replaced on the bicycle in accordance with the manufacturer's instructions; and a load of 890 N (200 lbf), or an energy of at least 39.5 J (350 in-lb), whichever results in the greater force, shall be applied to the fork at the axle attachment point against the direction of the rake in line with the rear wheel axle. The test load shall be counteracted by a force applied at the location of the rear axle during this test.

(m) *Reflector mount and alignment test.* (Ref. § 1512.16 (c) and (d))

(2) *Criteria.* (i) During test: The optical axis of the reflector shall remain parallel within 15° to the line or intersection of the ground plane and the center plane of the bicycle defined as a plane containing both wheels and the centerlines of the down tube and seat mast.

(ii) Post test: The optical axis of the reflector shall remain parallel within 5° to the line or intersection of the ground plane and the center plane of the bicycle defined as a plane containing both wheels and the centerlines of the down tube and seat mast.

(n) *Reflector test.* (Ref. § 1512.16(g))

(2) *Reflector performance test.* * * *

(ii) The observation angle is the angle formed by a line from the point of observation to the center of the reflector with a second line from the center of the reflector to the source of illumination. The entrance angle is the angle between the optical axis of the reflector and a line from the center of the reflector to the source of illumination. The entrance

angle shall be designated left, right, up, and down in accordance with the position of the source of illumination with respect to the axis of the reflector as viewed from behind the reflector when the plane of the observation angle is vertical and the receiver is above the source.

(iv) For visual measurements a comparison lamp, emitting light similar in spectral quality to the reflector, shall be located adjacent to the reflector (at an angle not to exceed 1/2°) and arranged so that the candlepower can be varied from 0.01 to 0.25 to make the intensity duplicate that of the reflector under test. The candlepower of the source of the illumination of the reflector under test shall be known or determined for this test. Means shall be provided to change the intensity of the source of illumination without changing the filament color temperature. The comparison lamp shall be designed to avoid reflection from the source of illumination back in the direction of the observer. It shall be of such size and so diffused that when viewed by the observer (through a 2½× reducing monocular), the candlepower can be readily compared and adjusted to that of the reflector. The observer shall have at least 10 minutes of dark adaption before making observations. For photoelectric measurements, the opening to the photocell shall not be more than 1/2 inch vertical by 1 inch horizontal.

(vii) A recommended coordinate system for definition of color is the "Internationale de l'Eclairage (CIE 1931)" system in the *IES Lighting Handbook*,⁵ fifth edition, 1972. In the coordinate system and when illuminated by the source defined in table 4 of this Part 1512, a reflector will be considered to be red if its color falls within the region bounded by the red spectrum locus and the lines $y=0.980-x$ and $y=0.335$; a reflector will be considered to be amber if its color falls within the region bounded by the yellow spectrum locus and the lines $y=0.382$, $y=0.790-0.667x$ and $y=x-0.120$.

(o) *Retroreflective tire test.* (Ref. § 1512.16(h))

(1) *Apparatus.* Arrangements for the reflective intensity measurement shall be as shown in figure 3 of this Part 1512. A light projector (having a maximum effective lens diameter of $D/500$, where D is the distance from the source to the sidewall being measured) capable of projecting light of uniform intensity shall be used to illuminate the sample. The light falling on the sample shall have a color temperature of $2856K \pm 10\%$ (equivalent to a tungsten filament lamp operated at a color temperature of $2856K \pm 10\%$ having approximately the relative energy distribution given in table 4 of this Part 1512). The light reflected from the test surface shall be measured

⁵ Copies may be obtained from Illuminating Engineering Society, 345 East 47th Street, New York, N.Y. 10017.

See footnote 5 on p. 52823.

with a photoelectric receiver, the response of which has been corrected for the spectral sensitivity of the average photopic human eye. The dimensions of the active area of the receiver shall be such that no point on the perimeter of the receiver is more than $d/1000$ from its center (where d is the distance from the receiver to the sidewall). Tires to be tested shall be mounted on a wheel, the rim and spokes of which have been masked in flat black so that when measured without the tire they indicate no appreciable reflectance. The tire shall be mounted and fully inflated. Distances shall be measured from the plane of the wheel and the center of the hub. For the tests, the distance D between the projector and the center of the wheel and distance d between the center of the wheel and the receiver shall each be at least 15 m (50 ft).

(2) Procedure. * * *

(iii) Measurement. Measure the distance d from the receiver to the center of the wheel and the minimum distance r from the axis of rotation of the wheel to the unmasked portion of the reflective strip. Measure the illumination incident on the reflective strip at uniform intervals of no more than 45° around the wheel, with the receiver oriented in the direction of the incident radiation. The average of such readings will be the mean illumination of the sample E . If any one of such readings differs by more than 10 percent from the mean illumination, then a more uniform source must be obtained. Measure the illumination of the receiver due to reflection from the sidewall for each entrance angle and each observation angle given in table 3 of this Part 1512. The entrance angle and the observation angle shall be in the same plane. A negative entrance angle (figure 3 of this Part 1512) is specified when the entrance angle is small because the location of the receiver with respect to the direction of illumination becomes important for distinguishing between ordinary mirror-like reflection and retro-reflection. The illumination incident on the test surface and the receiver shall be measured in the same units on a linear scale. Compute the ratio A for each combination of entrance angle and observation angle listed in table 3 as follows:

$$A = \frac{E_r}{E_s} \times \frac{d^2}{r^2}$$

Where:

- A = Ratio in meters,
- E_r = Illumination incident upon the receiver,
- E_s = Illumination incident upon a plane perpendicular to the incident ray at the specimen position (see instructions above in this paragraph (o) (2) (iii) for averaging), measured in the same units as E_r ,
- d = The distance in meters from the receiver to the center of the wheel,
- r = The minimum radius in meters of the boundary circles of the retro-reflective strip.

The minimum value of A shall be that listed in table 3 of this Part 1512 for each combination of entrance angle and observation angle. The plane containing the entrance angle and the plane containing the observation angle shall coincide. In table 3, a positive entrance angle corresponds to the case in which the line of sight to the receiver lies between the line of incidence and the optic axis of the reflector, and a negative entrance angle corresponds to the case in which the line of incidence lies between the line of sight of the receiver and the optic axis of the reflector.

(iv) Criteria. The ratio A as defined in § 1512.18(o) (2) (iii) shall not be less than:

$$A = \frac{4 \cos^2 \theta}{1 + \left(\frac{\phi}{0.225}\right)^{3/2}}$$

where A is ratio in meters, θ is the entrance angle, and ϕ is the observation angle in degrees. The criterion applies only for entrance angles from 0° to 40° and observation angles from 0.2° to 1.5°, and performance is not specified beyond this range. The values of A in table 3 are obtained from the above formula by rounding up to two significant figures. Except in cases in which the performance of the reflector is seriously questionable, a reflector with A at least the value given in table 3 at each of the six combinations of entrance and observation angle will be considered to satisfy this criteria.

12. Section 1512.18(j) (3) (i) is corrected by changing "11.2N (25 lbf)" to "112N (25 lbf)".

13. Section 1512.3 is revised to read as follows:

§ 1512.3 Requirements in general.

Any bicycle subject to the regulations in this part shall meet the requirements of this part in the condition to which it is offered for sale to consumers; any bicycle offered for sale to consumers in a disassembled or partially assembled condition shall meet these requirements after assembly according to the manufacturer's instructions. For the purpose of compliance with this part, where the metric and English units are not equal due to the conversion process the less stringent requirement will prevail.

Effective date. The subject regulations, 16 CFR Part 1512, promulgated July 16, 1974 (39 FR 26100), and suspended December 16, 1974 (39 FR 43536), shall, as amended above in this document and as amended by another document also in this issue of the FEDERAL REGISTER, become effective May 11, 1976, except for §§ 1512.5(c) (3), 1512.9(a), 1512.18(e) and 1512.18(f) which become effective November 13, 1976.

(Secs. 2 (f) (1) (D), (q) (1) (A), (s), 3 (e) (1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262)).

Although the Consumer Product Safety Commission does not consider Executive Order 11821 to apply to public safety regulations of this nature, the economic and inflationary impact of the regulation has been studied and is on file at the Commission.

The Commission has considered the possible environmental effects of the bicycle regulations and has determined that the environmental impact of the regulations as issued and amended is negligible. On the basis of this assessment, the Commission believes that no environmental impact statement is necessary. A copy of the environmental assessment is on file at the Commission.

Dated: November 7, 1975.

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

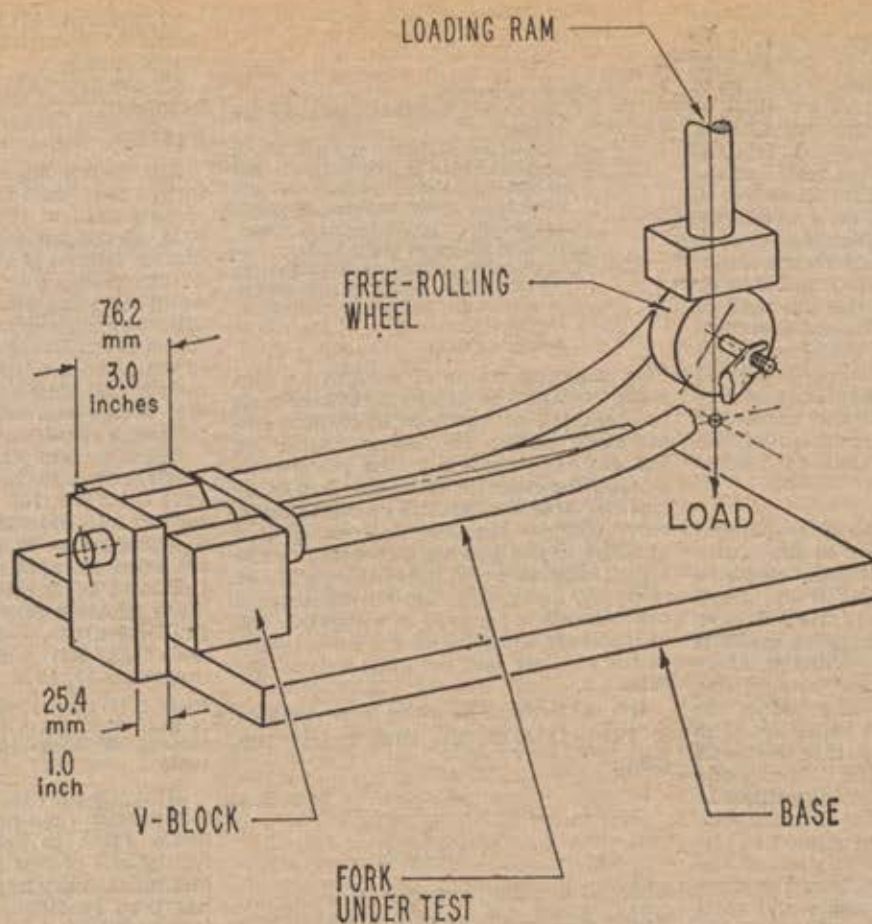


FIG 1-BICYCLE FRONT FORK
CANTILEVER BENDING TEST RIG

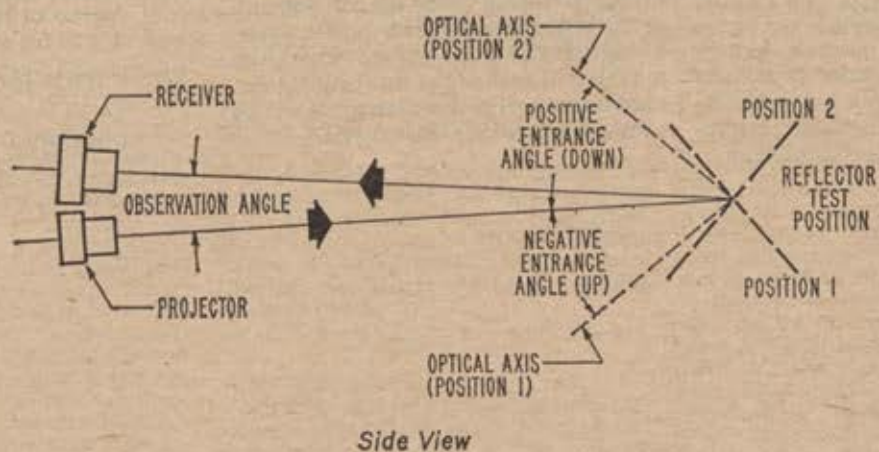


FIG.3-ENTRANCE & OBSERVATION ANGLES

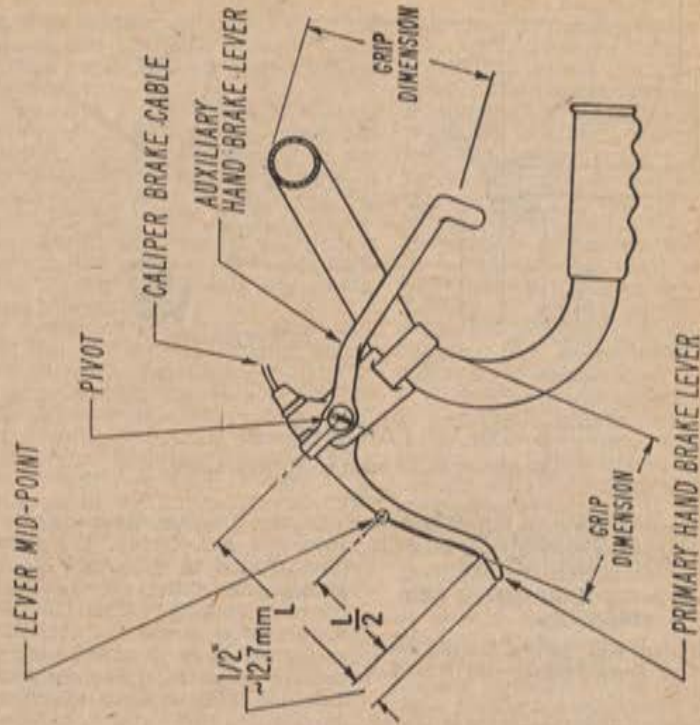
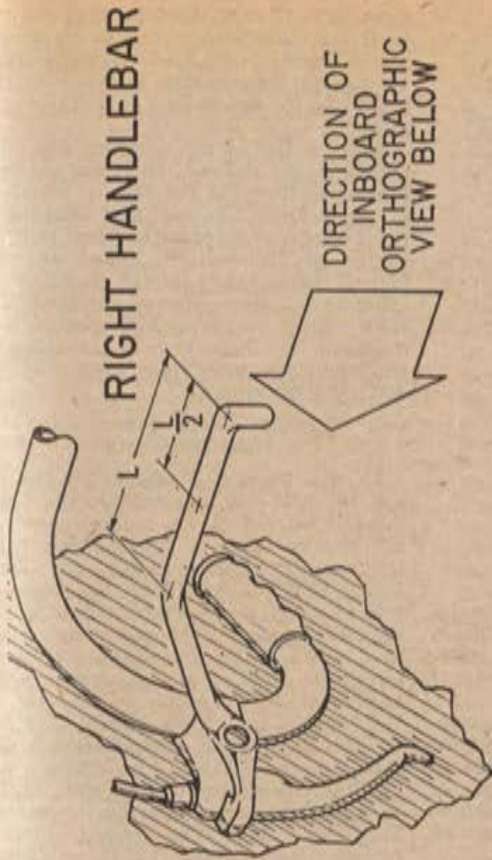


FIG. 5-TYPICAL HANDBRAKE ACTUATOR SHOWING GRIP DIMENSION

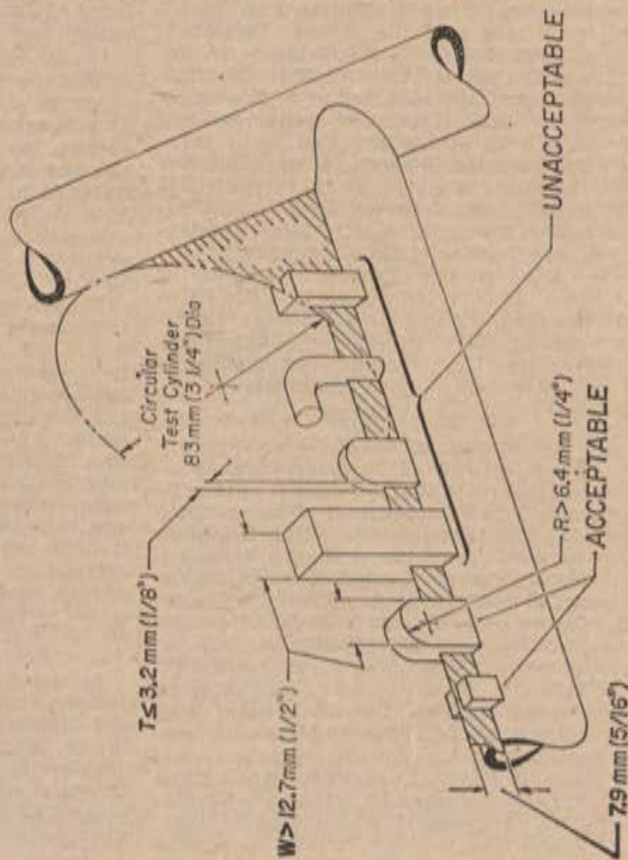


FIG 4-TYPICAL PROTRUSION EXAMPLES

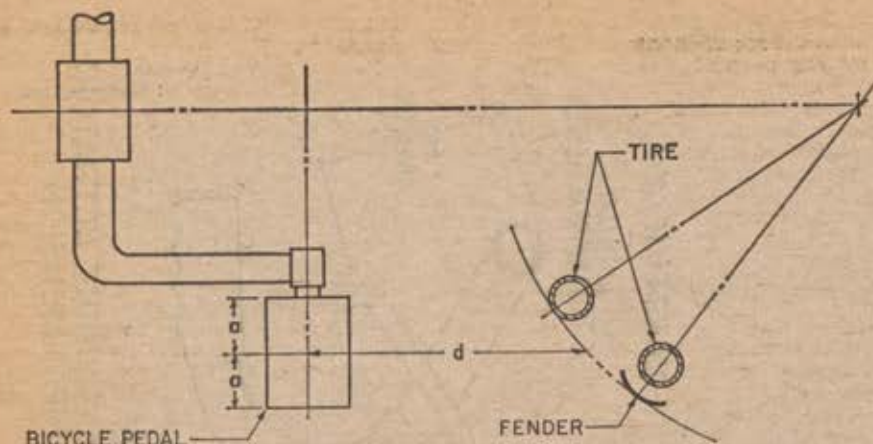


FIG 6—TOE CLEARANCE

[FR Doc. 75-30480 Filed 11-12-75; 8:45 am]

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1512—REQUIREMENTS FOR BICYCLES

Bicycle Banning and Safety Regulations; Adoption of Amendments and New Effective Date

The purpose of this document is (1) to amend the bicycle banning and safety regulations (16 CFR 1500.18(a)(12) and Part 1512) by acting on the proposals of July 16, 1974 (39 FR 26113), and January 7, 1975 (40 FR 1493), and (2) to establish an effective date for these regulations as amended by this document and by another document also published in this issue of the FEDERAL REGISTER that acts on the proposal of June 16, 1975 (40 FR 25480). The effective date established herein, for these bicycle regulations is May 11, 1976 (except for chain, guards and certain footbrake requirements which become effective November 13, 1976).

The amendments adopted by this document concern a temporary label of compliance, the maximum angle between the crank's drive and brake positions for footbrake-equipped bicycles, the handlebar stem-to-fork clamp, chain guards, and bicycle markings for identifying the manufacturer or private labeler and month and year of manufacture.

BACKGROUND

The bicycle banning and safety regulations were proposed by the Commissioner of Food and Drugs in the FEDERAL REGISTER of May 10, 1973 (38 FR 12300), under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261-74) and a delegation of authority from the Secretary of Health, Education, and Welfare (21 CFR 2.120).

On May 14, 1973, the authority to issue regulations under the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (86 Stat. 1231; 15 U.S.C. 2079(a)).

In the FEDERAL REGISTER of July 16, 1974 (39 FR 26100), the Commission promulgated 16 CFR Part 1512, a regulation prescribing safety requirements for bicycles, and 16 CFR 1500.18(a)(12), a regulation classifying certain bicycles as banned toys or articles intended for use by children. The promulgation of July 16, 1974, bore an effective date of January 1, 1975, which, as is explained below, was suspended on December 16, 1974.

Introduction or receipt in interstate commerce of any banned toy or article intended for use by children is prohibited by section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263). Section 6 of the act (15 U.S.C. 1265) authorizes seizure of any such toy or article introduced into interstate commerce, and section 15 of the act (15 U.S.C. 1274) and a regulation promulgated thereunder (16 CFR 1500.202) require repurchase of any banned toy or other article intended for use by children that is introduced into interstate commerce.

Also in the FEDERAL REGISTER of July 16, 1974 (39 FR 26113), the Commission proposed to add to the bicycle regulations a provision (§ 1512.19(d)) requiring bicycle compliance labeling as is explained in more detail below.

REACTION TO PROMULGATION

After promulgation of the bicycle regulations on July 16, 1974, the Commission received more than 50 written communications thereon. Several of these stated that the effective date would not allow adequate time for redesign, retooling, testing, and production of complying bicycles and requested extension of the effective date. Others objected to various provisions of the regulations and requested a public hearing under 16 CFR 1500.201. After consideration of these communications, the Commission concluded that 16 CFR 1500.201 was not applicable to the bicycle regulations and that it would treat these communications as petitions to amend the regulations. Although the Commission determined that a public hearing in accord-

ance with 16 CFR 1500.201 was not required, it directed its staff to conduct a public meeting with all interested parties to receive information relevant to the petitions for amendment of the regulations.

After notice of the meeting was published in the FEDERAL REGISTER on September 3, 1974 (39 FR 31943), members of the Commission staff met with interested parties on September 9 and 10, 1974. Copies of all petitions concerning the bicycle regulations received after July 16, 1974, and a transcript of the presentations made at the public meeting are available for inspection in the Office of the Secretary, 10th Floor, 1750 K Street, NW., Washington, D.C.

EFFECTIVE DATE SUSPENSION; NEW PROPOSALS

In the FEDERAL REGISTER of December 16, 1974 (39 FR 43536), the Commission published an order suspending the effective date of the bicycle regulations until further notice. On January 7, 1975 (40 FR 1493), the Commission proposed a new effective date for the regulations and proposed amendments to § 1512.5(c)(3), footbrake crank differential; § 1512.6(e), requirements for handlebar and clamps; § 1512.9(a), requirements for chain guard; § 1512.18(h)(1), handlebar stem-to-fork clamp test; and § 1512.19(e), instructions and labeling. Interested parties were invited to submit comments on the proposal by February 6, 1975. The proposed new effective date was May 1, 1975, or 120 days after publication in the FEDERAL REGISTER of a document acting on the proposal of January 7, 1975, whichever occurred later.

On January 16 and 24, 1975, members of the Commission staff attended public meetings with manufacturers of bicycles and components, and other interested parties, to discuss various petitioned changes in the regulations that were not included in the proposal of January 7, 1975. Additional public meetings on the same subject were conducted on February 3 and 19, March 19, and April 22, 1975.

In the FEDERAL REGISTER of June 16, 1975 (40 FR 25480), the Commission published a notice to respond to petitions for amendment or interpretation of various sections of the regulations, and to propose amendments pertaining to sharp edges, protrusions, control cable abrasion, attachment hardware, brakes for bicycles and sidewalk bicycles, pedals, tires, locking devices on wheels, frames, and reflectors. A document setting forth the Commission's action on the proposal of June 16, 1975, is also being published in this issue of the FEDERAL REGISTER.

RESPONSE TO THE PROPOSAL OF JULY 16, 1974—COMPLIANCE LABELING

As mentioned above, in the FEDERAL REGISTER of July 16, 1974 (39 FR 26113), the Commission proposed to add to the bicycle regulations a provision (§ 1512.19(d)) requiring that every bicycle subject to Part 1512 that is introduced into interstate commerce on or after the effective date of Part 1512 be labeled with

the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles." Proposed § 1512.19(d)(1) specifies that every such bicycle offered for sale to consumers in a fully assembled condition must bear a label (such as a hang tag) at least 6.4 cm (2.5 in) by 17.8 cm (7 in) with the required statement printed in letters at least 0.6 cm (0.25 in) high. Proposed § 1512.19(d)(2) provides that the retail cartons of such bicycles offered for sale in a partially assembled or unassembled condition must be labeled with the required statement in letters at least 1.3 cm (0.5 in) high.

Interested parties were invited to submit written comments on the proposal by August 15, 1974. The period for comments was extended to August 29, 1974, by a notice published August 19, 1974 (39 FR 29950), and was reopened from January 7 through February 6, 1975, by a notice published on January 7, 1975 (40 FR 1493 at 1494).

In response to the proposal, comments were received from three consumers, two consumer associations, two U.S. bicycle manufacturers, two foreign bicycle manufacturers, two retailers, an association of retailers, a manufacturer of labeling materials, an engineer, a police department, a county department of consumer protection, the American Academy of Pediatrics, and the American National Metric Council. The principal issues raised by these comments and the Commission's decisions thereon are as follows:

I. Conflict with other legislation. A bicycle manufacturer urges the Commission not to promulgate proposed § 1512.19(d) because its provisions may conflict with provisions of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (P.L. 93-637; 88 Stat. 2183; 15 U.S.C. 2301-12), a law that became effective July 4, 1975, and that provides for the establishment of minimum standards for written warranties made for consumer products. The manufacturer asserts that the labeling statement required by proposed § 1512.19(d) would be an express "written warranty" as that term is used in said act and that sections 103 and 104 of that act (15 U.S.C. 2303, 2304) establish requirements for such warranties that conflict with the provisions of proposed § 1512.19(d).

Section 101(6)(A) of the Magnuson-Moss Warranty Act (15 U.S.C. 2301(6)(A)) defines the term "written warranty" as "any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet a specified level of performance over a specified period of time."

The proposed amendment requires each bicycle subject to Part 1512 to be labeled with a statement that it complies with the applicable regulations of the Consumer Product Safety Commission. The proposed amendment does not require a statement that the bicycle

is free from all defects or that it will meet the requirements of the regulations for any particular period of time.

For this reason, the Commission concludes that adopting proposed § 1512.19(d) would not establish a requirement conflicting with the Magnuson-Moss Warranty Act.

II. Necessity for label. A. The same manufacturer states that proposed § 1512.19(d) will be unnecessary if the Commission adopts an amendment it proposed on January 7, 1975 (40 FR 1493), which would add § 1512.19(e) requiring a permanent label on each bicycle to indicate the name of the manufacturer or private labeler and the month and year of manufacture.

The Commission disagrees. The purpose of the § 1512.19(d) labeling statement is to enable consumers to identify those bicycles that are subject to and comply with Part 1512 when such bicycles are offered for sale together with noncomplying bicycles manufactured before the effective date of Part 1512. The purpose of the § 1512.19(e) permanent marking is to enable CPSC personnel to determine which Part 1512 requirements any given bicycle must meet in the event Part 1512 is amended substantially after its effective date. Proposed § 1512.19(e) provides for the date of manufacture to be marked in a code that could be read by the manufacturer and CPSC personnel, but not necessarily by consumers.

B. Another bicycle manufacturer states that if all bicycles are required to be labeled in accordance with proposed § 1512.19(d), the presence of a label will not be a distinguishing feature on a bicycle.

As stated in the proposal's preamble, the Commission anticipates that for some time after Part 1512 becomes effective, bicycles manufactured before it became effective, and therefore not subject to its requirements, will continue to be offered for sale to consumers in retail establishments. The purpose of proposed § 1512.19(d) is to enable consumers to distinguish bicycles manufactured to comply with Part 1512 from those that were not.

For this reason, the Commission proposed to limit the requirements of proposed § 1512.19(d) to a period of two years. The Commission anticipates that by the end of that period few, if any, bicycles manufactured before the effective date of Part 1512 will be offered for sale to consumers.

III. Text of label. A. A consumer requests that proposed § 1512.19(d) be changed to eliminate the labeling statement provision and to require instead that each bicycle manufactured to comply with Part 1512 bear a Commission-approved symbol to indicate such compliance. The commenter suggests that the significance of the symbol could be explained to consumers on a separate card. The commenter objects to the proposed labeling requirements for aesthetic reasons and states that the symbol could be so attractively designed that both children and adults would be eager to display it on bicycles and other articles

that comply with CPSC regulations and standards.

The purpose of proposed § 1512.19(d) is to provide a means whereby consumers can quickly and easily distinguish bicycles that comply with Part 1512 from those that do not. As this comment indicates, if a symbol were used to indicate compliance, a separate card would be necessary to explain the symbol's meaning. The necessity for a separate card would not only detract from the consumer's ability to recognize a complying bicycle quickly, but would also increase the expense of manufacturing the label. As to the proposed labeling being unattractive, it is intended to be nonpermanent and of use to a consumer only while making a purchasing decision. For these reasons, the Commission declines to adopt these suggestions.

B. The American Academy of Pediatrics and an association of consumers request that proposed § 1512.19(d) be changed to require bicycles that do not comply with Part 1512 to be labeled to indicate that fact.

The bicycle banning and safety regulations are applicable only to bicycles introduced into interstate commerce on or after the effective date of the regulations. If instead the regulations applied to all bicycles in channels of commerce as of said effective date, the sale of any noncomplying bicycle introduced into interstate commerce before the effective date would be illegal after that date. Also, all noncomplying bicycles, including those manufactured before the effective date, would be subject to repurchase under provisions of section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and a regulation issued thereunder (16 CFR 1500.202).

Because the bicycle regulations are applicable only to bicycles introduced into interstate commerce on or after the regulations' effective date, no provision of the regulations could require bicycles in the hands of retailers on such effective date to be labeled with a statement indicating that they do not comply with the regulations. The only noncomplying bicycles the Commission could require to be so labeled would be those introduced into interstate commerce on or after the regulations' effective date. The regulations, however, prohibit the introduction of any noncomplying bicycle into interstate commerce after their effective date. Accordingly, the requested change has not been made.

The association of consumers suggests that if a requirement for labeling of noncomplying bicycles is not practicable, proposed § 1512.19(d) should be changed to require retail dealers to separate complying from noncomplying bicycles, to prohibit intermingling of complying and noncomplying bicycles, and to identify displays of complying and noncomplying bicycles by clear and conspicuous signs. The association observes that similar measures are required by CPSC's enforcement regulations for children's sleepwear (16 CFR 302.19 and 302.21).

Proposed § 1512.19(d) requires complying bicycles to be identified by a labeling statement printed in letters at least

0.6 cm (0.25 in) high, which must appear on a label at least 6.4 cm (2.5 in) by 17.8 cm (7 in) on a fully assembled bicycle, or conspicuously and legibly on the retail carton of an unassembled or partially assembled bicycle in letters at least 1.3 cm (0.5 in) high. The Commission concludes that because of the large size specified for the label and its lettering, consumers will be able to recognize complying bicycles easily, and that consumers would derive little or no benefit for additional measures to distinguish complying from noncomplying bicycles, such as physical segregation or posting of signs in retail stores.

C. The association of consumers also suggests a revision of the required labeling statement to indicate that the bicycle complies with the requirements of the regulations as issued on a specific date, contending that if the regulations are substantively amended after the initial effective date, bicycles meeting the original requirements may be offered for sale at the same time as bicycles meeting the amended requirements. The association states that if the regulations are amended after the effective date, consumers should be given a means to determine which set of requirements any given bicycle meets.

The bicycle regulations shall become effective on the date specified at the end of this document. If the regulations are amended thereafter at any time while the requirement for compliance labeling is in effect, the labeling requirement can be changed at that time to enable consumers to determine which set of requirements any particular bicycle meets. Accordingly, the Commission has not adopted the requested change.

IV. *Additional requirements.* A. A police department suggests adding to proposed § 1512.19(d) a requirement that a uniform registration card specifying the make, model, and serial number of the bicycle and the name and address of the purchaser accompany each bicycle sold to a consumer. The purchaser could file a copy of the card with the local police department to facilitate recovery of the bicycle if stolen. The comment states that a national system of bicycle registration is needed to curb the rising incidence of bicycle thefts.

While the Commission supports the purpose of the suggestion, it does not have authority under the Federal Hazardous Substances Act to add to the bicycle regulations a requirement not intended to reduce safety hazards but rather intended to assist law enforcement agencies. The Commission therefore has not adopted the suggested change.

B. An engineer suggests that proposed § 1512.19(d) be changed to require bicycles to have a permanent label indicating the serial number. The purpose would be to facilitate recall of noncomplying bicycles. As indicated above, on January 7, 1975, the Commission proposed § 1512.19(e) requiring bicycles subject to Part 1512 to be manufactured with a permanent label indicating the name of the manufacturer or private labeler and the month and year of man-

ufacture. The Commission's action on that proposal is announced below in this preamble. The Commission concludes that the requirements of § 1512.19(e), as issued below, will be adequate to identify bicycles subject to recall. Accordingly, the engineer's suggested change has not been adopted.

V. *Label size.* Proposed § 1512.19(d) specifies that the label to be attached to fully assembled bicycles shall be at least 6.4 cm (2.5 in) by 17.8 cm (7 in). The American National Metric Council comments that the minimum dimensions for the label, although stated in both centimeters and inches, were obviously formulated with reference to inches rather than centimeters. The Council requests that the label dimensions be formulated with reference to centimeters instead and suggests that 6.5 cm by 18 cm would result in a label approximately the same size as that specified in the Commission's proposal.

Throughout Part 1512 various dimensions, weights, forces, and other values are expressed in the metric system followed in parentheses by the equivalent values expressed in the English system. Most of these were formulated with reference to the English system of measurement. For this reason, the Commission concludes that the requested change would not improve proposed § 1512.19(d).

VI. *Effective date.* A. A retailer states that proposed § 1512.19(d) would prohibit a retailer from attaching a label indicating compliance with Part 1512 to any bicycle introduced into interstate commerce before the regulations' effective date. The Commission disagrees. Although the proposal's purpose is to require attachment of the labeling statement to every complying bicycle introduced into interstate commerce on or after such effective date, the Commission concludes that § 1512.19(d) would not prohibit use of the labeling statement on bicycles meeting the requirements of Part 1512 and introduced into interstate commerce before the effective date.

The American Academy of Pediatrics comments that retailers should be encouraged to place the label required by proposed § 1512.19(d) on complying bicycles offered for sale before the effective date of Part 1512. The Commission agrees, but cautions retailers to be certain that any bicycle introduced into interstate commerce before such effective date that is so labeled does in fact meet all of the Part 1512 requirements.

B. A consumer urges the Commission to establish an effective date for proposed § 1512.19(d) that is earlier than the effective date of § 1500.18(a) (12) and the rest of Part 1512. A manufacturer suggests that the effective date of proposed § 1512.19(d) be no earlier than that of those regulations.

A manufacturer, two retailers, and an association of retailers urge that proposed § 1512.19(d) take effect 6 months after the effective date of the rest of the bicycle regulations. Two other manufacturers urge that the effective date of proposed § 1512.19(d) be delayed for a "reasonable" period of time after the effective date of such regulations. These comments contend that if complying bi-

cycles introduced into interstate commerce on or after the effective date of the regulations are required to be labeled to indicate compliance therewith, noncomplying bicycles manufactured before the effective date that are in dealers' inventories and are not so labeled will be difficult to sell unless they are drastically reduced in price. Several commenters state that retailers would suffer severe economic injury if proposed § 1512.19(d) takes effect on the same date as the rest of the bicycle regulations, although none give any estimate of the losses retailers might sustain.

A county consumer protection department comments that the benefit of the regulations would be diluted if consumers are unable to distinguish complying from noncomplying bicycles after the regulations become effective.

The Commission concludes that § 1512.19(d), promulgated below, should become effective on the same date as § 1500.18(a) (12) and the rest of Part 1512. The Commission finds giving an earlier effective date to § 1512.19(d) impracticable because the Commission anticipates that most manufacturers will not begin to introduce fully complying bicycles into interstate commerce before the general effective date.

The Commission is aware that the value of noncomplying bicycles in retailers' and wholesalers' inventories on the effective date of the regulations may be decreased, but observes that the effective date established for the regulations, including the labeling requirement of § 1512.19(d), is far enough in the future to allow all parties in the chain of distribution to make plans that will minimize any unfavorable economic effect. The Commission concludes that the need of consumers for a means to distinguish complying from noncomplying bicycles after the effective date outweighs any such economic harm that may result.

VII. *Duration of labeling requirement.* Proposed § 1512.19(d) limits the requirement for a compliance label to a period of two years after the effective date of the regulations. An association of consumers suggests adding to § 1512.19(d) a statement that the labeling requirement may be extended for a period of more than two years if the Commission finds that a substantial number of noncomplying bicycles are being offered for sale two years after such effective date.

Information available to the Commission from manufacturers and other parties in the chain of distribution suggests that few if any noncomplying bicycles will be offered for sale two years after such effective date. If this information proves to be incorrect, the Commission can extend the duration of the subject requirement without expressly reserving the right to do so in § 1512.19(d). Accordingly, the Commission declines to adopt the suggestion.

RESPONSE TO THE PROPOSAL OF JANUARY 7, 1975

In response to the afore-described proposal published January 7, 1975, concerning a new effective date and amend-

ment of §§ 1512.5(c)(3), 1512.6(e), 1512.9(a), 1512.18(h)(1), and 1512.19(e), the Commission received comments from five United States bicycle manufacturers, three foreign bicycle manufacturers, an association of U.S. bicycle manufacturers, an association of French bicycle manufacturers, three manufacturers of bicycle components, an importer, two retailers, three individuals, and an association of consumers. The principal issues raised by these comments and the Commission's decisions thereon are as follows:

1. Effective date—A. Timing of proposal. Two foreign bicycle manufacturers, two U.S. bicycle manufacturers, an association of U.S. bicycle manufacturers, and two component manufacturers request the Commission to publish the regulations in final form before proposing an effective date. These respondents state that until they know the requirements of the regulations after final action by the Commission on the two amendment proceedings, they cannot make any meaningful comment on an appropriate effective date.

The Commission disagrees with the statement that no meaningful comment on a proposed effective date can be made until all requirements of the regulations are finalized. As stated above, the regulations were published on July 16, 1974. The amendment proceedings of January 7 and June 16, 1975, were undertaken by the Commission in response to suggestions and objections made by consumers and various segments of the bicycle industry in reaction to the regulations as promulgated on July 16, 1974. The majority of the substantive requirements of the regulations promulgated July 16, 1974, are unaffected by the two amendment proceedings. In most instances, the amendments proposed January 7 and July 16, 1975, (1) modify provisions of the regulations as requested by responses received after promulgation of the regulations on July 16, 1974; (2) relax certain requirements of those promulgated regulations; or (3) provide opportunity for comment on certain provisions of those promulgated regulations which were claimed by respondents to be substantive changes from the regulations proposed by the Commissioner of Food and Drugs on May 10, 1973.

Additionally, as indicated in the discussion above of the events leading to publication of this document, CPSC staff have met frequently with manufacturers, importers, distributors, and other interested parties to discuss the proposed amendments. During these meetings the participants have had opportunity to discuss with CPSC staff the purpose and effect of the proposed amendments and to make oral and written presentations of pertinent data, views, and opinions.

Thus, the Commission concludes that most of the requirements of the regulations that will be implemented by action on the proposed amendments are known to the bicycle industry.

Additionally, the Commission observes that five of the respondents who state that they cannot meaningfully com-

ment on an appropriate effective date have in fact submitted comments on the proposed effective date on the basis of general experience.

B. Establishment of effective date. 1. As promulgated on July 16, 1974, § 1500.18(a)(12) provides that the requirements of 16 CFR Part 1512 are applicable to all bicycles "introduced into interstate commerce on or after January 1, 1975." On December 16, 1974, the Commission suspended the effective date of the regulations and, on January 7, 1975, proposed that the regulations be made applicable to all bicycles introduced into interstate commerce on or after May 1, 1975, or a date 120 days after publication of a document in the FEDERAL REGISTER acting on the proposal of January 7, 1975, whichever occurred later.

An importer requests that § 1500.18(a)(12) be changed to provide that the regulations shall be applicable to bicycles "manufactured" on or after a date that is 180 days after publication in the FEDERAL REGISTER of a document acting on the proposal of January 7, 1975. An association of U.S. bicycle manufacturers suggests that the regulations should apply to bicycles manufactured one year after such publication.

The importer states that if the regulations were applicable to bicycles manufactured on or after a specified date, enforcement would be facilitated by promulgation of proposed § 1512.18(e), which would add a requirement for a marking on the bicycle to indicate the month and year of manufacture. The importer adds that if the regulations were applicable to bicycles "manufactured" on or after a specified date, foreign manufacturers would be given the same lead time before the regulations take effect as domestic manufacturers; however, if the regulations apply to all bicycles "introduced into interstate commerce" on or after a specified date, the lead time for foreign manufacturers will be less than that for domestic manufacturers because of the time required for shipment from the place of manufacture to this country.

An English bicycle manufacturer estimates that 8 weeks are required for transportation of bicycles from England to the United States by ship and requests an effective date provision that will give foreign manufacturers a grace period of 8 weeks to compensate for shipment time.

An association of bicycle manufacturers states that some manufacturers have large inventories of furnished bicycles that were not manufactured to meet the requirements of Part 1512. The association requests revision of § 1500.18(a)(12) to make the regulations applicable to bicycles manufactured after a specified date so that manufacturers may legally sell noncomplying bicycles that are in their inventories after the regulations take effect.

The Commission anticipates that if § 1500.18(a)(12) were revised so that the requirements of Part 1512 are applicable to bicycles "manufactured" on or after a specified date, some manufacturers and distributors might be encouraged to

stockpile noncomplying bicycles and compile self-serving records establishing that the manufacture of noncomplying bicycles was completed before the effective date of the regulations. Such a problem would not be overcome by amending Part 1512 to require a marking on bicycles to show the month and year of manufacture because such a requirement would be applicable only to bicycles manufactured after the effective date of the regulations.

The Commission concludes that the date of "introduction into interstate commerce" can be objectively documented more easily than the date of manufacture. While the lead time for foreign manufacturers is reduced by the time required for shipment if the effective date is established with reference to introduction into interstate commerce, the Commission concludes that the effective date can be sufficiently delayed to allow foreign manufacturers to manufacture and ship complying bicycles and domestic manufacturers to dispose of noncomplying bicycles in their inventories. For these reasons, the Commission declines to make the requested changes.

2. A manufacturer of reflectors states that several firms have completed retooling to produce reflectors complying with §§ 1512.16 and 1512.18 (m) and (n) in anticipation of an effective date of January 1, 1975, and suggests establishment of an earlier effective date for those sections than for the remainder of Part 1512 so that the public could obtain sooner the protection of the reflector requirements.

An association of U.S. bicycle manufacturers states that if various requirements of Part 1512 are given different effective dates, enforcement of the regulations would become "an administrative nightmare" and consumers could be confused.

The Commission agrees that enforcement of Part 1512 would be considerably more complicated if various provisions have different effective dates. The Commission also foresees a greater problem of identifying complying bicycles for consumers if the reflector requirements are made effective before the rest of Part 1512. The Commission concludes that the disadvantages outweigh the advantages of giving the reflector requirements an earlier effective date. Accordingly, a single effective date is established below, except for chain guard and certain foot-brake requirements, which are discussed in 3 below.

3. An association of consumers urges the Commission to establish an effective date that is 60 days after publication in the FEDERAL REGISTER of a document acting on the proposal of January 7, 1975.

A foreign manufacturer states that an effective date that is 120 days after publication of a document acting on the proposal of January 7, 1975, would allow adequate lead time for some, but not all, of the requirements of Part 1512.

Two U.S. bicycle manufacturers request establishment of an effective date that is 180 days after publication of a document acting on the proposal of Jan-

uary 7, 1975. An importer, a component manufacturer, a retailer, a foreign bicycle manufacturer, two brake manufacturers and an association of French bicycle manufacturers suggest effective dates varying from 240 to 340 days after such publication. The majority of foreign and domestic bicycle manufacturers and associations request the effective date for "chain guard" requirements be set at one year after the date of publication of a document acting on the proposed amendments. Some of these submitted schedules indicating the time needed for such activities as redesigning, retooling, manufacturing, testing, and shipping bicycles meeting the requirements. Some state that the effective dates requested will allow time for depletion of inventories of finished bicycles and components that do not comply with Part 1512 and time for production of complying bicycles.

The Commission appreciates that almost all manufacturers will be required to make some modifications of their current production to comply with Part 1512. The Commission also appreciates that if a manufacturer were making a modification of his product on his own initiative, he might allow approximately one year to change over to production of a new model. The Commission observes, however, that the purpose of the bicycle banning and safety regulations is to reduce risks of injury associated with bicycles, and that to the extent modification of current production is required to comply with the regulations, a greater urgency exists for such modification than in the case of a routine model change initiated by a manufacturer.

As indicated above, a substantial portion of Part 1512 as promulgated on July 16, 1974, is unchanged by the amendments proposed on January 7 and June 16, 1975. In many cases the proposed amendments relax or clarify requirements of Part 1512. Almost all of the proposed amendments result from requests submitted after the regulations were promulgated.

In May, 1975, CPSC staff inspected production facilities of five U.S. bicycle manufacturers. Information resulting therefrom indicates that most current bicycle models would require only a few modifications to comply with Part 1512 and, with the exception of those changes needed for compliance with the chain guard and certain foot brake requirements, that the modifications could be accomplished and production of fully complying bicycles could begin within 120 days after publication of this document in the *FEDERAL REGISTER*. Accordingly, the amendment of § 1500.18(a)(12) below provides that the requirements of Part 1512 shall be applicable to bicycles introduced into interstate commerce on or after May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(c) and 1512.18(f) which become effective November 13, 1976.

II. Footbrake crank differential. When the bicycle regulations were proposed by the Commissioner of Food and Drugs on May 10, 1973, the provisions applicable

to bicycles equipped with footbrakes included a requirement that the differential angle between the drive position and the brake position of the crank could not exceed 45 degrees. The proposal of May 10, 1973, did not specify the torque, if any, to be applied to the crank when measuring the differential angle.

As promulgated July 16, 1974, Part 1512 established 60 degrees as the maximum differential angle between the drive and brake positions of a bicycle equipped with footbrakes, and specified that a torque of 13.6 N-m (10 ft-lb) shall be applied to the crank in both the drive and brake positions when measuring the crank differential.

Many responses object to the addition of the requirement for the application of the specified torque when measuring the crank differential, stating that no opportunity had been provided to comment on this additional requirement.

On January 7, 1975, the Commission proposed a revision of § 1512.5(c)(3) specifying that the differential angle between the drive and brake positions of the crank shall not exceed 60 degrees and shall be measured with the crank held against each position under a torque of 13.6 N-m (10 ft-lb). This requirement is the same as that of § 1512.5(c)(3) promulgated on July 16, 1974, and was proposed to provide opportunity for comment by interested parties.

A manufacturer of coaster brakes requests the Commission to modify proposed § 1512.5(c)(3) by establishing the maximum differential angle at 75 degrees and by specifying that an 18.5-pound pedal force shall be applied to a bicycle, and a 13.2-pound pedal force to a sidewalk bicycle, when measuring the crank differential.

The manufacturer states that at the present time the same type of coaster brake is used for all sizes of bicycles, including sidewalk bicycles, and that if § 1512.5(c)(3) is adopted as proposed on January 7, 1975, manufacturers will not be able to use the same brake for sidewalk bicycles that is used for bicycles with wheel diameters of 20 inches and greater. The manufacturer states that if coaster brakes for sidewalk bicycles must be redesigned to meet the requirements of proposed § 1512.5(c)(3), those brakes will require application of a greater amount of force to the pedal and may reduce, rather than improve, the brake performance of sidewalk bicycles.

The manufacturer contends that no evidence is available to establish that a crank differential of 60 degrees would reduce risks of injury below those that would be present if the maximum angle were established at 75 degrees. He adds that if proposed § 1512.5(c)(3) were modified as requested, the same coaster brake could be used for both sidewalk bicycles and bicycles with wheel diameters of 20 inches and greater and that the force required to actuate the footbrake on a sidewalk bicycle would not be increased.

Two U.S. bicycle manufacturers state that they do not produce their own

coaster brakes and therefore defer to the views of any brake manufacturer who may comment on proposed § 1512.5(c)(3).

The Commission observes that most of the requirements of Part 1512, including § 1512.5(c)(3), as promulgated July 16, 1974, and proposed on January 7, 1975, are intended to reflect levels of performance that can be achieved by bicycles currently offered for sale. Available information indicates that several bicycle models, including sidewalk bicycles, will be available with coaster brakes that can meet the requirements of proposed § 1512.5(c)(3) for a crank differential of 60 degrees or less when measured with a torque of at least 13.2 N-m (10 ft-lb) applied to the crank in both the drive and pedal positions.

The Commission concludes that a limitation of 60 degrees on the differential angle between the drive and brake positions of a bicycle equipped with a footbrake is necessary to restrict the distance that the crank must be turned back and the time required to actuate the footbrake. The Commission also concludes that a relaxation of the maximum angle of crank differential from 60 degrees to 75 degrees could increase risks of injury to bicyclists in emergencies when rapid application of the footbrake is required.

Accordingly, the Commission declines to make the requested changes.

III. Steering system. On January 7, 1975, the Commission proposed to amend § 1512.6(e), which prescribes requirements for the handlebars and clamps, and § 1512.18(h)(1), which prescribes the procedure and criteria for testing the handlebar stem-to-fork clamp. As promulgated July 16, 1974, §§ 1512.6(e) and 1512.18(h)(1) required that the bicycle handlebar stem-to-fork clamp be capable of withstanding a torque of 67.5 N-m (50 ft-lb) and that the sidewalk bicycle handlebar stem-to-fork clamp be capable of withstanding a torque of 47.2 N-m (35 ft-lb), without movement of the handlebars relative to the front fork.

The revisions of §§ 1512.6(e) and 1512.18(h)(1) proposed on January 7, 1975, would require that a bicycle handlebar stem-to-fork clamp be able to withstand a torque of 47.2 N-m (35 ft-lb) and the sidewalk bicycle handlebar stem-to-fork clamp be able to withstand a torque of 20.4 N-m (15 ft-lb), without movement of the handlebars relative to the front fork.

Additionally, proposed § 1512.6(e) contains a requirement for instructions to warn against the danger of overtightening the stem bolt that was not in the promulgation of July 16, 1974.

A. Assembly instructions. 1. A manufacturer states that by stressing the danger of overtightening the stem bolt, while not warnig against undertightening, proposed § 1512.6(e), if adopted, may cause the consumer to undertighten the stem bolt and create a loose stem-to-fork assembly more dangerous than an overtightened stem bolt.

The danger from overtightening is well documented and is stressed because its effects are not readily apparent to the

consumer. The effects of undertightening the stem bolt will be obvious to a consumer because an undertightened handlebar will give under the normal pressure the consumer will exert in setting it, thereby alerting the consumer to the need for additional tightening. Accordingly, the Commission concludes that an additional requirement for instructions to warn against undertightening the stem bolt is unnecessary.

2. Another manufacturer states that proposed § 1512.6(e) is design restrictive regarding clamping devices because devices other than stem bolts, such as clamping collars or set screws, could meet the performance requirements.

The Commission agrees. Therefore, the words "or other clamping device" have been added after "stem bolt" in § 1512.6(e) promulgated below.

B. *Test procedure.* 1. Proposed § 1512.18(h)(1)(i) states that the handlebar and handlebar stem "shall be assembled in accordance with the manufacturer's instructions" and prescribes application of a torque about the axis of the stem of the handlebar assembly. A manufacturer suggests that this could be misinterpreted as requiring the handlebar and handlebar stem to be subjected to the torque test as individual components.

The Commission agrees that a literal reading of proposed § 1512.18(h)(1)(i) could result in this unintended interpretation. Accordingly, the pertinent portion of the first sentence of § 1512.18(h)(1)(i) promulgated below has been changed to read "shall be assembled to the bicycle in accordance with the manufacturer's instructions."

2. Proposed § 1512.18(h)(1)(i) provides that after the handlebar stem-to-fork clamp is subjected to the specified torque, it shall be disassembled and examined for "signs of structural damage including cracking, splitting, excessive galling, gouging, scoring, bulging of the stem and fork structures, stripping of threads, and bearing damage." Two manufacturers and an association of manufacturers object to the enumeration of various types of "structural damage" because "galling", "gouging", or "scoring" may be caused by the assembly and disassembly process independently of the "torque test."

One manufacturer and the association also object to the word "excessive" in "excessive galling" because it is inherently subjective.

Another manufacturer states that signs of gouging or scoring may occur during assembly and disassembly because the use of a set screw arrangement as a clamping device requires metal-to-metal contact between the set screw and the handlebar stem. This set screw is used extensively in the manufacture of sidewalk bicycles. The manufacturer requests exemption of sidewalk bicycles from the requirements of proposed § 1512.18(h)(1)(i).

Enumerating the structural damage was done to give the consumer a sense of confidence in the overall integrity of the steering system by enumerating some

of the types of structural damage that may occur as a result of a faulty system.

The Commission agrees that the use of set screws as a clamping device may cause some galling, gouging, or scoring marks on the handlebar-fork components during normal assembly and disassembly operations. The Commission also agrees that the word "excessive" preceding "galling" is inappropriate.

Accordingly, § 1512.18(h)(1)(i) promulgated below has been changed to permit the use of set screws and/or other clamping devices used for sidewalk bicycles that may cause some visible signs of galling, gouging, or scoring during assembly and disassembly, but that do not structurally degrade the steering system. Also, the term "excessive" has been deleted.

C. *Test criteria.* 1. In the proposal of January 7, 1975, the Commission intended to propose a revision of the handlebar stem-to-fork test in § 1512.18(h)(1)(ii) to specify that a torque no less than 47.2 N-m (35 ft-lb) and no greater than 49.91 N-m (37 ft-lb) shall be applied to the handlebar stem of a bicycle and no less than 20.4 N-m (15 ft-lb) and no greater than 23.11 N-m (17 ft-lb) to the handlebar stem of a sidewalk bicycle. A manufacturer notes that the first sentence of proposed § 1512.18(h)(1)(ii) contains typographical errors in the specification of the torque levels to be applied to bicycles and sidewalk bicycles.

In addition to eliminating the typographical errors noted by the comment, the Commission has rounded the torque value to 47 N-m (35 ft-lb) for a bicycle and 20 N-m (15 ft-lb) for a sidewalk bicycle and rounded the upper limit of the tolerance to 3 N-m (2 ft-lb) in § 1512.18(h)(2)(ii) promulgated below.

2. A manufacturer objects to the requirement of proposed § 1512.18(h)(1)(ii) prohibiting any "visible movement" between the stem and fork when the specified torque is applied, contending that it is design restrictive. The manufacturer states that future design might employ the use of a key or other device that will allow a limited amount of rotational movement of the handlebar stem to the fork stem without sacrificing any steering security, and requests that an allowable limit of rotational movement, not to exceed five degrees, be added to § 1512.18(h)(1)(ii).

While the Commission does not intend to stifle technological advances in design and safety, it concludes that an allowance for any degree of rotational movement between the stem and the fork would not be in the interest of public safety. Accordingly, the requested change has not been made.

3. An association of foreign manufacturers claims that the torque specified in proposed § 1512.18(h)(1)(ii) is far in excess of a safe level, is unjustified, and will add unnecessary expense and weight to the bicycle.

As indicated above, the torque levels specified in proposed § 1512.18(h)(1)(ii) have been reduced from 67.5 N-m (50 ft-lb) specified for bicycles and from 47.2 N-m (35 ft-lb) for sidewalk bicycles

in that regulation as originally promulgated July 16, 1974.

The Commission declines to make any further reductions. This decision is based on an examination of injury data and on engineering tests performed by the Commission's staff on an appropriate means to reduce risks of injury presented by the slippage of the handlebar stem-to-fork assembly.

IV. *Protective chain guard.* As promulgated July 16, 1974, § 1512.9(a) requires bicycles that are not capable of being free-wheeled in a direction opposite to the drive direction to have a chain guard that would cover the point where the chain engages the sprocket. The regulation further describes performance requirements for such a chain guard.

The revision of § 1512.9(a) proposed on January 7, 1975, requires that the top strand of the chain and at least 50 percent of the perimeter where the drive chain contacts the drive sprocket be covered by a guard. The proposed revision also changes application of the chain guard requirement from bicycles "having a single sprocket ratio that cannot be free-wheeled in a direction opposite to the drive direction" to simply bicycles "having a single front sprocket." (As adopted below, this has been expanded to bicycles "having a single front sprocket and a single rear sprocket.") The other requirements of proposed § 1512.9(a) are the same as promulgated July 16, 1974.

A. *Coverage.* 1. A manufacturer states that a meeting with CPSC staff on February 3, 1975, gave him the impression that proposed § 1512.9(a) is intended to be applicable only to bicycles with coaster brakes. No such limitation was intended by the Commission regarding proposed § 1512.9(a), and no such limitation is intended regarding its promulgation below. The Commission intends that § 1512.9(a) shall apply to all bicycles except those specifically excluded therein.

2. An importer, a foreign manufacturer, and a U.S. manufacturer state that bicycles having a single front sprocket, specifically, 5-speed models, are equipped with a rear derailleur or tensioning device that will relieve chain tension if clothing becomes entrapped between the drive chain and sprocket, thereby obviating the need for a guard to cover the top strand of the chain.

The Commission agrees. Accordingly, § 1512.9(a) promulgated below excludes bicycles with a chain-tensioning device from its coverage.

B. *Size of chain guard.* Several commenters question whether any safety justification exists for the requirement that the chain guard must cover the top strand of the chain and at least 50 percent of the perimeter where the drive chain contacts the drive sprocket. An association of manufacturers and three manufacturers question the need for a guard to cover the entire top strand of the chain and contend that a potential hazard exists only at the point where the drive chain contacts the drive sprocket.

They state that they are unaware of any injuries that have occurred because the drive chain carried clothing forward into the junction of the chain and drive sprocket.

One manufacturer suggests changing proposed § 1512.9(a) to require that the chain guard cover "those areas of the drive chain which would be contactable by the clothing of a rider."

A study by CPSC staff of in-depth accident investigations compiled by CPSC's National Electronic Injury Surveillance System indicates that 36 injuries were caused by chain-sprocket-guard interfaces. Three of these injuries involved clothing that had become entangled with the chain because of inadequate protection of the chain and resulted when the rider could not remove the clothing entangled in a tight chain in time to avoid an accident. In the judgment of the Commission, these accidents could have been avoided if a guard covering the top strand of the chain had been present on the bicycle.

This study did not reveal any injuries resulting from entanglement of clothing in the area above and forward of the bicycle's rear sprocket. As promulgated below, therefore, § 1512.9(a) makes allowance for manufacturers' fabrication and assembly tolerances and permits the chain to be unguarded a maximum distance of 8 cm (3.2 in) forward of the centerline of the rear axle. It also allows the top surface of the chain guard to be partially unguarded in the area near the rear wheel.

Bicycles are generally designed with a centerline of the drive sprocket somewhat lower than the centerline of the rear sprocket. Because of this design practice, the requirement in proposed § 1512.9(a) that the chain guard must cover at least 50 percent of the perimeter where the chain contacts the drive sprocket could require the chain guard to cover slightly more than 90 degrees of the sprocket teeth. When the Commission proposed § 1512.9(a), it did not intend to require that more than 90 degrees of the drive sprocket be covered by the chain guard. Accordingly, § 1512.9(a) as promulgated below has been changed to reflect that intent and assure a uniform requirement.

The Commission finds that the requirement of proposed § 1512.9(a) for coverage of the perimeter of the drive sprocket is necessary to prevent injuries caused by entanglement of clothing. The requirement is therefore included in § 1512.9(a) and figure 7 promulgated below.

V. Identification labeling. Proposed § 1512.19(e) requires that bicycles subject to Part 1512 bear a permanent marking on the frame from which the manufacturer can identify the month and year of manufacture or the private labeler can identify the manufacturer and the month and year of manufacture. The date of manufacture is defined as the completion by the manufacturer of those construction and assembly operations that are performed by the manufacturer before the bicycle is shipped

for sale to distributors, retailers, or consumers.

A. Four manufacturers, a retailer, and a foreign association of bicycle manufacturers request clarification of "permanent marking on the bike frame." Several ask whether the provision would permit use of permanent pressure-sensitive labels or decals, silk-screen printing, and similar markings on the frame. Two manufacturers and the foreign association suggest that proposed § 1512.19(e) be changed to allow the use of a permanent marking securely affixed to the bicycle frame, such as a metal plate or a metal identification ring.

The purpose of proposed § 1512.19(e) is (1) to provide the Commission with a means to determine which requirements any given bicycle must meet in the event Part 1512 is substantively amended after its effective date and (2) to facilitate identification of bicycles subject to recall that may be in channels of distribution or in the hands of consumers. To achieve this end, the Commission agrees that proposed § 1512.19(e) should be modified to permit the use of permanent labels, decals, metal plates, and other marking devices that are attached or applied to the frame of the bicycle.

Accordingly, § 1512.19(e) promulgated below prescribes that the required information shall be securely affixed on or to the frame of the bicycle by means of a marking or label that cannot be removed without being defaced or destroyed.

B. An association of bicycle dealers asks that, at a minimum, the name and address of the original manufacturer be required as part of the labeling requirements of proposed § 1512.19(e) in order to facilitate efficient, safe service of bicycles subject to Part 1512.

Although the requested change might reduce the risks of injury caused by repairs utilizing improperly fitted parts, its principal purpose is to assist persons who repair and service bicycles rather than to enhance the safety of bicycles. The Commission observes that § 1512.19(a)(3) requires the bicycle to be accompanied by an instruction manual that shall include instructions for proper maintenance of brakes, control cables, bearings, wheels, reflectors, tires, handlebars, seat, etc., or, if such maintenance is beyond the capability of the consumer, locations where such maintenance service can be obtained.

The Commission concludes that the provisions of § 1512.19 as amended below are adequate and therefore decline to make the requested change.

CONCLUSION AND PROMULGATION

Having considered the proposals of July 16, 1974, and January 7, 1975, the comments responding thereto, and other relevant material, the Commission concludes that the bicycle regulations should be amended as set forth below and that a new effective date for the regulations as amended should be established as specified below.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)

(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304-05, 83 Stat. 187-89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)):

1. A new effective date is established for 16 CFR 1500.18(a)(12) and 16 CFR Part 1512 as amended in this document and in another document also published in this issue of the *FEDERAL REGISTER*. The effective date of these regulations was suspended by an order published December 16, 1974 (39 FR 43536). The new effective date is specified at the end of this document.

2. Section 1500.18(a)(12) is revised to read as follows (although unchanged, the introductory text of § 1500.18(a) is included below for context):

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

(12) Any bicycle as defined in § 1512.2(a) of this chapter (except a bicycle that is a "track bicycle" or a "one-of-a-kind bicycle" as defined in § 1512.2(d) and (e) of this chapter) that is introduced into interstate commerce on or after May 11, 1976, and that does not comply with the requirements of Part 1512 of this chapter, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(e) and 1512.18(f), which become effective November 13, 1976.

3. Section 1512.5(c)(3) is revised to read as follows:

§ 1512.5 Requirements for braking system.

(c) *Footbrakes.*

(3) *Crank differential.* The differential between the drive and brake positions of the crank shall be not more than 60° with the crank held against each position under a torque of no less than 13.6 N-m (10 ft-lb).

4. Section 1512.6(e) is revised to read as follows:

§ 1512.6 Requirements for steering system.

(e) *Handlebar and clamps.* The handlebar and clamps shall be tested in accordance with the handlebar test, § 1512.18(h). Directions for assembly of the bicycle required in the instruction

manual by § 1512.19(a)(2) shall include an explicit warning about the danger of damaging the stem-to-fork assembly and the risk of injury to the rider that can result from overtightening the stem bolt or other clamping device. The directions for assembly shall also contain a simple, clear, and precise statement of the procedure to be followed to avoid damaging the stem-to-fork assembly when tightening the stem bolt or other clamping device.

5. Section 1512.9(a) is revised to read as follows and a new figure 7 is added:

§ 1512.9 Requirements for protective guards.

(a) *Chain guard.* Bicycles having a single front sprocket and a single rear sprocket shall have a chain guard that shall cover the top strand of the chain and at least 90° of the perimeter where the drive chain contacts the drive sprocket as shown in figure 7. The chain guard shall extend rearward to a point at least 8 cm (3.2 in) forward of the centerline of the rear axle. The minimum width of the top area of the chain guard shall be twice the width of the chain in that portion forward of the rear wheel rim. The rear part of the top area may be tapered. The minimum width at the rear of the guard shall be one-half the chain width. Such chain guard shall prevent a rod of 9.4 mm ($\frac{3}{8}$ in) diameter and 76 mm (3.0 in) length from entrapment between the upper junction of the chain and the sprocket when introduced from the chain side of the bicycle in any direction within 45° from a line normal to the sprocket.

6. Section 1512.18(h)(1) is revised to read as follows:

§ 1512.18 Test and test procedures.

(h) *Handlebar test.* (Ref. § 1512.6(e))

(1) *Stem-to-fork clamp test.*—(i) *Procedure.* The handlebar and handlebar stem shall be assembled to the bicycle in accordance with the manufacturer's instructions. The handlebar-fork assembly shall be subjected to a torque applied about the axis of the stem, and shall then be disassembled and examined for signs of structural damage including cracking, splitting, stripping of threads, bearing damage, and bulging of the stem and fork structures. The handlebar and handlebar stem components shall be inspected for visible signs of galling, gouging, and scoring not due to normal assembly and disassembly operations.

(ii) *Criteria.* There shall be no visible movement between the stem and fork when a torque of 47 ± 3 , 0 N-m (35 ± 2 , -0 ft-lb) for bicycles and 20 ± 3 , -0 N-m (15 ± 2 , -0 ft-lb) for sidewalk bicycles is applied to the handlebar about the stem-to-fork axis. There shall be no visible signs of damage to the stem-fork assembly or any component part thereof.

7. Section 1512.19 is amended by adding paragraphs (d) and (e) as follows:

§ 1512.19 Instructions and labeling.

(d) Every bicycle subject to the requirements of this Part 1512 and introduced into interstate commerce on or after May 11, 1976 through May 11, 1978, shall be labeled with the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles."

(1) Every such bicycle, displayed or offered for sale to consumers in a fully assembled condition, shall bear a label (such as a hang tag) at least 6.4 cm (2.5 in) by 17.8 cm (7 in) setting forth the required labeling statement legibly and conspicuously in capital letters at least 0.6 cm (0.25 in) high. No other words or symbols may appear on the label.

(2) The required labeling statement shall appear legibly and conspicuously in capital letters at least 1.3 cm (0.5 in) high on the retail carton of every such bicycle offered for sale to consumers in an unassembled or partially assembled condition.

(e) Every bicycle subject to the requirements of this Part 1512 shall bear a marking or label that is securely affixed on or to the frame of the bicycle in such a manner that the marking or label cannot be removed without being defaced or destroyed. The marking or label shall identify the name of the manufacturer or private labeler and shall also bear some form of marking from which the manufacturer can identify the month and year of manufacture or from which the private labeler can identify the manufacturer and the month and year of manufacture. For purposes of this paragraph, the term "manufacture" means the completion by the manufacturer of

a bicycle of those construction or assembly operations that are performed by the manufacturer before the bicycle is shipped from the manufacturer's place of production for sale to distributors, retailers, or consumers.

Effective date. The bicycle banning and safety regulations, 16 CFR 1500.18 (a) (12) and Part 1512, promulgated July 16, 1974 (39 FR 26100), and suspended December 16, 1974 (39 FR 43536), shall, as amended above in this document and as amended by another document also in this issue of the FEDERAL REGISTER, become effective May 11, 1976, except for §§ 1512.5(c)(3), 1512.9(a), 1512.18(e) and 1512.18(f) which become effective November 13, 1976.

(Secs. 2 (f) (1) (D), (q) (1) (A), (s), 3(e) (1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262))

Although the Consumer Product Safety Commission does not consider Executive Order 11821 to apply to public safety regulations of this nature, the economic and inflationary impact of the regulation has been studied and is on file at the Commission.

The Commission has considered the possible environmental effects of the bicycle regulation and has determined that the environmental impact of the regulations as issued and amended is negligible. On the basis of this assessment, the Commission believes that no environmental impact statement is necessary. A copy of the environmental assessment is on file at the Commission.

Dated: November 7, 1975.

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

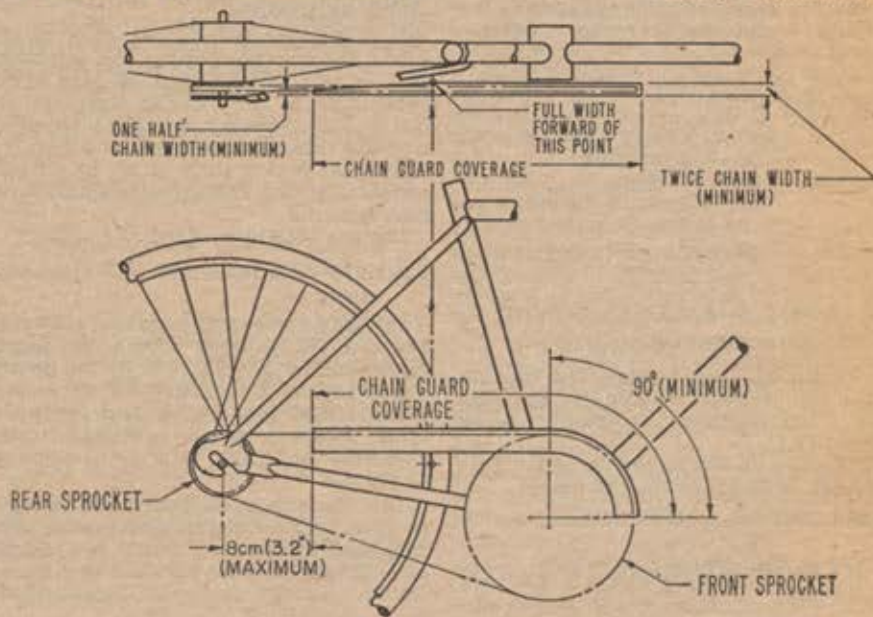


FIG 7-CHAIN GUARD REQUIREMENTS

[FR Doc.75-30479 Filed 11-12-75;8:45 am]

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the General Counsel is excepted under Schedule C.

Effective on November 13, 1975.

Section 213.3313(d) (4) is added as set out below:

§ 213.3313 Department of Agriculture.

(d) Office of the General Counsel.

(4) One Confidential Assistant to the General Counsel.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
 to the Commissioners.*

[FR Doc.75-30640 Filed 11-12-75;8:45 am]

PART 213—EXCEPTED SERVICE
Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Deputy Under Secretary for Congressional Relations is excepted under Schedule C.

Effective on November 13, 1975.

Section 213.3313(c) (6) is revised as set out below:

§ 213.3313 Department of Agriculture.

(c) Office of the Under Secretary.

(6) Six Confidential Assistants to the Deputy Under Secretary for Congressional Relations.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant
 to the Commissioners.*

[FR Doc.75-30641 Filed 11-12-75;8:45 am]

PART 213—EXCEPTED SERVICE
Farm Credit Administration

Section 213.3343 is amended to show that one position of Deputy Governor and Chief Examiner, is excepted under Schedule C.

Effective on November 13, 1975 § 213.3343(f) is added as set out below.

§ 213.3343 Farm Credit Administration.

(f) Deputy Governor and Chief Examiner.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

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

[FR Doc.75-30642 Filed 11-12-75;8:45 am]

Title 7—Agriculture

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

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

This document authorizes the South Texas Lettuce Committee to spend \$20,200 for its operations during the fiscal period ending July 31, 1976, and to collect one cent (\$0.01) per carton on assessable lettuce handled by first handler's to defray such expenses.

The committee is the administrative agency established under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the October 24 FEDERAL REGISTER (40 FR 49791) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than November 6, 1975. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable lettuce from the beginning of such period.

Section 971.215 is added as follows:

§ 971.215 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1976, by the South Texas Lettuce Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to \$20,200.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one cent (\$0.01) per carton of assessable lettuce handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 971.43(a) (2).

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

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

Dated: November 7, 1975.

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

[FR Doc.75-30574 Filed 11-12-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Area

Section 1822.83(j) of Subpart D of Part 1822, Title 7, Code of Federal Regulations (40 FR 4278) is revised to implement changes made in the Rural Housing loan program by Public Law 93-383, Housing and Community Development Act of 1974, which allows Rural Rental Housing loans in communities of up to 20,000 population in certain cases. It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rulemaking process; however, inasmuch as this revision implements the Housing and Community Development Act of 1974, it is being published without notice of proposed rulemaking because such notice would delay provision of needed rental housing to communities and would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before December 15, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section of Subpart D of Part 1822, as revised, will remain effective until it is further amended.

As revised § 1822.83(j) reads as follows:

§ 1822.83 Definitions.

(j) "Rural area" is open country or rural places as defined in § 1822.3(c).

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23;

delegation of authority by the Asst. Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This revision shall become effective November 13, 1975.

Date: November 5, 1975.

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.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-30576 Filed 11-12-75;8:45 am]

[FmHA Instruction 444.8]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Area

Section 1822.263(c) of Subpart G of Part 1822, Title 7, Code of Federal Regulations (35 FR 10687) is revised to implement changes made in the Rural Housing loan program by Public Law 93-383, an amendment to the Housing and Community Development Act of 1974, which allows Rural Housing site loans in communities of up to 20,000 population in certain cases.

It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rule-making process; however, inasmuch as this revision implements the Housing and Community Development Act of 1974, it is being published without notice of proposed rulemaking because such notice would delay provision of needed housing to communities and would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before December 15, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section of Subpart G of Part 1822, as revised, will remain effective until it is further amended.

As revised, § 1822.263(c) reads as follows:

§ 1822.263 Definitions.

(c) "Rural area" is open country or rural places as defined in § 1822.3(c).

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

Effective date. This revision shall become effective November 13, 1975.

Date: November 5, 1975.

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.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-30577 Filed 11-12-75;8:45 am]

[FmHA Instruction 444.10]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Area

Section 1822.323(c) of Subpart I of Part 1822, Title 7, Code of Federal Regulations (35 FR 11226) is revised to implement changes made in the Rural Housing loan program by Public Law 93-383, an amendment to the Housing and Community Development Act of 1974, which allows Technical Assistance funds to finance programs of technical and supervisory assistance for self-help housing to be built in communities of up to 20,000 population in certain cases.

It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rule-making process; however, inasmuch as this revision implements the Housing and Community Development Act of 1974, it is being published without notice of proposed rulemaking because such notice would delay provision of needed rental housing to communities and would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before December 15, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section of Subpart I of Part 1822, as revised, will remain effective until it is further amended.

As revised, § 1822.323(c) reads as follows:

§ 1822.323 Definitions.

(c) "Rural area" is open country or rural places as defined in § 1822.3(c).

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

Effective date. This revision shall become effective November 13, 1975.

Dated: November 5, 1975.

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.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-30578 Filed 11-13-75;8:45 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Size Tolerances for Undersized Prunes

On October 2, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 45443) regarding a proposal to amend the Administrative Rules and Regulations (7 CFR 993.101-993.174) to provide additional tolerances to those currently prescribed in paragraph (g) of § 993.150 for prunes disposed of by handlers as undersized prunes. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended, regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Interested persons were given until October 17, 1975, to submit written data, views, or arguments with respect to the proposal. None were submitted.

Section 993.150(g)(3) currently contains tolerances for use whenever an undersized regulation prescribes openings of 23/32 of an inch for French prunes and 28/32 of an inch for non-French prunes. On September 15, 1975, an action was published in the FEDERAL REGISTER (40 FR 42530; 7 CFR 993.400) modifying the openings prescribed in § 993.49(c) to permit undersized regulations to prescribe openings of 24/32 of an inch for French prunes and 30/32 of an inch for non-French prunes. Thus, it is necessary to prescribe tolerances for use whenever an undersized regulation prescribes those larger openings.

Consistent with this, the Committee recommended the following tolerances: For any quantity of French prunes disposed of by a handler in compliance with § 993.50(g), the quantity shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening of $\frac{25}{32}$ of an inch in diameter; and for any quantity of non-French prunes so disposed of, the quantity shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening of $\frac{27}{32}$ of an inch in diameter.

After consideration of all relevant matter presented, including that in the notice, the recommendation of the Committee, and other available information, it is found that prunes disposed of as undersized prunes subject to the tolerances prescribed in this action are reasonably comparable in size to those prunes determined by the inspection service as undersized in the incoming evaluation, and that the additional tolerances prescribed herein should be established to accomplish the purposes of the act and the efficient administration of the order.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This proposal was unanimously recommended by the Prune Administrative Committee, and

handlers and producers are aware of this action; (2) prunes received by handlers are being size-graded resulting in the accumulation of undersized prunes; (3) handlers are preparing to dispose of those prunes, and this action should be made effective on the date provided at the end of this action to enable handlers to use the tolerances as soon as possible; (4) this action imposes no restrictions on handlers; and (5) no useful purpose would be served by postponing its effective time.

Therefore, paragraph (g)(3) of § 993.150 of Subpart—Administrative Rules and Regulations is revised to read as follows:

§ 993.150 Disposition of prunes by handlers.

(3) *Tolerances permitting a deviation in prune sizes from applicable undersized openings.* (i) *Undersized French prunes.* Whenever an undersized regulation specifies an opening of $\frac{3}{32}$ of an inch for French prunes, any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 15 percent by weight of prunes which do not pass freely through a round opening $\frac{3}{32}$ of an inch in diameter. Whenever an undersized regulation specifies an opening of $\frac{1}{16}$ of an inch in diameter for French prunes, any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening $\frac{3}{32}$ of an inch in diameter.

(ii) *Undersized non-French prunes.* Whenever an undersized regulation specifies an opening of $\frac{3}{32}$ of an inch for non-French prunes, any quantity of non-French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 10 percent by weight of prunes which do not pass freely through a round opening $\frac{3}{32}$ of an inch in diameter. Whenever an undersized regulation specifies an opening of $\frac{1}{16}$ of an inch in diameter for non-French prunes, any quantity of non-French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening $\frac{3}{32}$ of an inch in diameter.

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

Dated: November 7, 1975, to become effective November 17, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 75-30657 Filed 11-12-75; 8:45 am]

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

PART 78—BRUCELLOSIS

Brucellosis Areas

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Macon County in Missouri; LeFlore and Pushmataha Counties in Oklahoma; McMullen, Robertson, and Starr Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they again come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Angelina, Chambers, Falls, Fannin, Galveston, Goliad, Hunt, Kleberg, Lavaca, Lubbock, McLennan, Morris, Orange, Red River, Runnels, Sabine, Shelby, Stephens, Taylor, Uvalde, Wichita, and Wilbarger Counties in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Certified Brucellosis-Free Area in § 78.1(i): Corsen County in South Dakota; Ector, Newton, and Reeves Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they again come within the definition of a Certified Brucellosis-Free Area in § 78.1(i): Big Horn, Cascade, Elaine, Fergus, Garfield, Glacier, Golden Valley, Judith Basin, Liberty, Musselshell, Pondera, Prairie, Roosevelt, Stillwater, and Yellowstone Counties in Montana; Brewster County in Texas.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(i): Henry County in Illinois; Childress County in Texas.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified

Areas, respectively, are revised to read as follows:

§ 78.20 Certified brucellosis-free areas.

(a) *Entire states.* Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific counties within states.*

Alabama: Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Houston, Lee, Russell.

Arkansas: Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Pope, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

Colorado: Adams, Alamosa, Arapahoe, Archuleta, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Phillips, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida: Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia: Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, Madison, McIntosh, Monroe, Peach, Rabun, Richmond, Rockdale, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho: Ada, Adams, Bannock, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington, Yellowstone National Park.

Illinois: Adams, Alexander, Boone, Bond, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Greene, Grundy, Hamilton, Hancock, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Mont-

gomery, Morgan, Moultrie, Ogle, Peoria, Perry, Platt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermillion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Barry, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

Montana. Big Horn, Beaverhead, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Elaine, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.

New Mexico. Bernalillo, Catron, Dona Ana, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Sandoval, San Juan, Santa Fe, Sierra, Taos.

South Dakota. Aurora, Bennett, Bon Homme, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Custer, Davison, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton.

Tennessee. Anderson, Bledsoe, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Granger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sevier, Sullivan, Union, Van Buren, Warren, Washington, White.

Texas. Brewster, Cochran, Comal, Crane, Childress, El Paso, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshute, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Albonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Oldra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Hymacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Moravia, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) Entire States. Alaska, Nebraska.

(b) Specific counties within states.

Alabama. Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Chicot, Clark, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, Whit.

Colorado. Baca, Kiowa, Morgan, Prowers, Pueblo, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bingham, Bonneville, Franklin.

Illinois. Brown, Effingham, Fulton, Gallatin, Hardin, Mason, Pike, Pope, Wayne, Williamson, Woodford.

Iowa. Allamakee, Appanoose, Crawford, Davis, Decatur, Guthrie, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Davies, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Laclede, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Louisiana. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, Winn.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Davies, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon,

Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Hidalgo, Lea, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Socorro, Torrance, Union, Valencia.

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Nobel, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

South Dakota. Brookings, Edmunds, Jones, Marshall, Stanley, Crow Creek Indian Reservation.

Tennessee. Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putman, Rhea, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harrison, Hays, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jim Hogg, Johnson, Jones, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lubbock, Lynn, McCulloch, McLennan, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Refugio, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 Noncertified areas.

Oklahoma. LeFlore, Pushmataha.

South Dakota. Beadle, Corson, Ziebach.

Texas. Cameron, Duval, Ector, Harris, Haskell, Hidalgo, Jefferson, Jim Wells, Karnes, Liberty, Live Oak, McMullen, Newton, Reeves, Robertson, Starr, and Upshur.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16).

Effective date. The foregoing amendments shall become effective November 13, 1975.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 7th day of November.

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

[FR Doc. 75-30575 Filed 11-12-75; 8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Advance Notice of Certain Shipments of Special Nuclear Material

On April 4, 1975, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (40 FR 15098) proposed amendments to its regulations in 10 CFR Part 73 to require that advance notice of shipments involving certain quantities of special nuclear material (SNM) be provided to the NRC, and that the NRC be notified upon arrival of such shipments. Interested persons were invited to submit comments and suggestions for consideration in connection with the proposed amendments within 30

days after publication in the FEDERAL REGISTER. Upon consideration of the comments received and other factors involved, the NRC has adopted the proposed amendments with certain modifications set forth below.

Significant differences from the amendments published for comment are: (1) the amount of information to be supplied in the advance shipping notice has been reduced; (2) in addition to notifying the NRC Inspection and Enforcement Regional Office by mail, the licensee is required to notify the Director of the appropriate Regional Office by telephone seven days in advance of the shipping date that an advance shipping notice had been sent by mail; (3) the requirement for advance shipping notice is not applicable to spent fuel shipments, and would also not be applicable to shipments or transfers of SNM by road with one way transit times of one hour or less in duration between installations of a licensee; (4) telephone and telegraph or teletype notifications are required when the shipment arrives at its destination in all cases; (5) and a definition of the appropriate NRC Regional Inspection and Enforcement Office to be notified of shipments has been added.

The following discussion pertains to items (1) through (5) respectively:

(1) The proposed rule specified that the advance notice of shipment contain information as specified in § 73.70(g). Comments on this requirement indicated that some of the information in proposed § 73.70(g) is not available seven days in advance of a shipment. Accordingly this provision has been revised to require only the following information in the advance shipping notice: shipper, receiver, carrier(s), estimated date and time of departure and arrival, transfer points, and modes of shipment.

(2) A telephone call to the Director of the appropriate NRC Inspection and Enforcement Regional Office assures that the Regional Office would be alerted to the fact that advance shipping information details were being sent by mail. Appropriate action could be taken if the information did not arrive as expected.

(3) Several commenters requested clarification on whether the advance shipping notice was required for spent fuel shipments. It was not intended that the advance shipping notice apply to spent fuel shipments. Accordingly, § 73.6 has been revised to except spent fuel shipments from the requirement for an advance shipping notice. Additionally, one commenter requested that inter-site shipments between closely spaced installations also be excluded from the requirement of an advance shipping notice. Section 73.72 has been accordingly revised to exclude the requirement of an advance shipping notice for "road shipments or transfers with one way transit times of one hour or less in duration between installations of a licensee."

(4) Paragraph 73.36(c)(3) of the proposed rule required the consignee to notify the shipper upon arrival of a ship-

ment by telephone, telegraph or teletype. Paragraph 73.36(e) of the proposed rule required that the consignee inform the shipper and the appropriate Regional Office by telephone and telegraph or teletype. In order to make notification requirements upon arrival of a shipment consistent, paragraph 73.36(c) (3) has been revised to require that the consignee inform the shipper by telephone and telegraph or teletype.

(5) In order to be more definitive as to the "appropriate" NRC Inspection and Enforcement Regional Office to be informed of shipments a new definition has been added in paragraph 73.2(r). For domestic shipments the appropriate Regional Office is the office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located. For export and/or import shipments the appropriate Regional Office is the office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located and also the Regional Office for the region in which the last or first point of exit or entry from or into the U.S. is located, as appropriate.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 73 are published as a document subject to codification.

1. A new paragraph (r) is added to § 73.2 to read as follows:

§ 73.2 Definitions.

(r) "Appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A" means:

(1) For domestic shipments—the Regional Office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located.

(2) For export shipments—the Regional Office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located, and the Regional Office for the region in which the last point of exit of the shipment from the U.S. is located.

(3) For import shipments—the Regional Office within whose region the licensee who is responsible for the physical protection arrangements of the shipment is located, and the Regional Office for the region in which the first point of entry of the shipment into the U.S. is located.

2. Section 73.6 is revised to read as follows:

§ 73.6 Exemptions for certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of §§ 73.30 through 73.36, and of §§ 73.60, 73.70 and 73.72 of this part, with respect to the following special nuclear material:

(a) Uranium-235 contained in uranium enriched to less than 20 percent in the U-235 isotope;

(b) Special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding; and

(c) Special nuclear material in a quantity not exceeding 350 grams of uranium-235, uranium-233, plutonium, or a combination thereof, possessed in any analytical, research, quality control, metallurgical or electronic laboratory.

3. Paragraphs (c) (3) and (e) of § 73.36 are revised to read as follows:

§ 73.36 Miscellaneous requirements.

(c) (3) Each licensee who delivers special nuclear material to a carrier for transport or releases special nuclear material f.o.b. at the point where it is delivered to a carrier for transport shall also make arrangements with the consignee to be notified immediately by telephone and telegraph or teletype, of the arrival of the shipment at its destination.

(e) Each licensee who receives a shipment of special nuclear material shall immediately notify by telephone and telegraph or teletype, the person who delivered the material to a carrier for transport and the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of the arrival of the shipment at its destination. When an Energy Research and Development Administration (ERDA) license-exempt contractor is the consignee, the licensee who is the consignor shall notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of the arrival of the shipment at its destination immediately upon being notified of the receipt of the shipment by the license-exempt contractor as arranged pursuant to paragraph (c) (3) of this section. In the event such a shipment fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone and telegraph or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part, and the licensee or other person who delivered the material to a carrier for transport. The licensee who made the physical protection arrangements shall also immediately notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of the action being taken to trace the shipment.

4. A new § 73.72 is added to read as follows:

§ 73.72 Requirement for advance notice of shipment of special nuclear material.

Each licensee who plans to import, export, transport, deliver to a carrier for transport in a single shipment, or take delivery of a single shipment free on board at the point where it is delivered to a carrier quantities of special nuclear material as specified in § 73.1(b) (2) shall notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A by U.S. Mail, postmarked at least seven days in advance of the shipping date. The following information shall be furnished in the advance notice: shipper, receiver, carrier(s), estimated date and time of departure and arrival, transfer point(s), and mode(s) of shipment. The Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office shall also be notified by telephone seven days in advance of the shipping date that an advance shipping notice has been sent by mail, and of any changes to the shipment itinerary prior to the shipment date. Road shipments or transfers with one way transit times of one hour or less in duration between installations of a licensee are exempt from the requirements of this section.

Effective date: The foregoing amendments become effective on December 15, 1975.

(Sec. 161, Pub. L. 93-703, 68 Stat. 948; Sec. 201, Pub. L. 93-433, 88 Stat. 1243 (42 U.S.C. 2201, 5841))

Dated at Washington, D.C. this 7th day of November 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 75-30596 Filed 11-12-75; 8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 210—GENERAL ALLOCATION AND PRICE RULES

Extension of Stripper Well Lease Exemption Amendment

The Federal Energy Administration hereby adopts an amendment to extend for 90 days beginning November 30, 1975, the May 15, 1975 amendment to the stripper well lease exemption of 10 CFR 210.32, which became effective on June 3, 1975 and was subsequently extended for a period of 90 days beginning September 1, 1975, but which under the provisions of section 4(g) (2) of the Emergency Petroleum Allocation Act of 1973 ("EPAA", Pub. L. 93-159, as amended, Pub. L. 93-511, as further amended, Pub. L. 94-99) will expire on November 29, 1975. This extension of the May 15 amendment is also being submitted to Congress for its review pursuant to section 4(g) (2) of the EPAA. Unless disapproved by either House of Congress during the five-day period allowed for

legislative review, the May 15 amendment to the stripper well lease exemption will be extended for another 90 days, beginning November 30, 1975. This action is being taken at this time to ensure that the amendment will continue in its present form on November 30, should the EPAA be extended beyond November 15, 1975.

The May 15 amendment is designed to remove a disincentive to increased production from marginally-producing stripper well leases that existed under the previous regulation, and provides that once a property qualifies as a stripper well lease on the basis of its average daily production per well for any calendar year beginning after December 31, 1972, the property will continue to enjoy exempt status, regardless of any increased production in a subsequent year.

The amendment was adopted pursuant to the procedures of section 4(g)(2) of the EPAA, which provides:

If at any time after the date of enactment of this Act the President finds that application of the regulation under subsection (a) to crude oil, residual fuel oil, or a refined petroleum product is not necessary to carry out this Act, that there is no shortage of such oil or product, and that exempting such oil or product from such regulation will not have an adverse impact on the supply of any other oil or refined petroleum products subject to this Act, he may prescribe an amendment to the regulation under subsection (a) exempting such oil or product from such regulation for a period of not more than ninety days. The President shall submit any such amendment and any such findings to the Congress. An amendment under this paragraph may not exempt more than one oil or one product. Such an amendment shall take effect on a date specified in the amendment, but in no case sooner than the close of the earliest period which begins after the submission of such amendment to the Congress and which includes at least five days during which the House was in session and at least five days during which the Senate was in session; except that such amendment shall not take effect if before the expiration of such period either House of Congress approves a resolution of that House stating in substance that such House disapproves such amendment.

The FEA originally submitted the stripper well lease amendment and accompanying findings to each House of Congress on May 15, 1975 (40 FR 22123, May 21, 1975) and the five day period for Congressional review began on May 16, 1975. The period beginning May 16, 1975 and ending June 2, 1975 included five days during which each House was in session, and during which neither House of Congress approved a resolution stating in substance that such House disapproved the amendment. Accordingly, the amendment became effective June 3, 1975 (40 FR 24517, June 9, 1975), and the last day of the 90-day period provided for by section 4(g)(2) of the EPAA was August 31, 1975.

Included with the May 15 submission to Congress were the following findings, required under section 4(g)(2) of the EPAA:

It is clear from the legislative history, as well as from the language of the EPAA, that

application of the allocation and price regulations to the first sale of crude oil produced from leases whose average daily production is 10 barrels or less per well was not deemed necessary to implement the overall congressional policy embodied in the Act.

The report of the House Interstate and Foreign Commerce Committee indicates that "pricing controls and forced allocation of [crude oil produced from stripper well leases] would unnecessarily inhibit production" since "pricing restrictions imposed under other federal authority have demonstrably had the effect of inhibiting production from such wells." The Committee clearly stated its intent "that a similar result should not be made possible by the Mandatory Petroleum Allocation Program called for [by the EPAA]."

Similarly, the legislative history of the Trans-Alaska Pipeline Authorization Act of 1973 (Pub. L. 93-153, enacted eleven days prior to the EPAA) contained a similar exemption for stripper wells, again indicating a clear congressional policy in favor of ensuring that price controls would not inhibit the continued production from these marginally-producing properties. The Senate Committee on Interior and Insular Affairs stated the purpose of the exemption as being "to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons." (Emphasis added.) Continuation of the existing regulation, however, would have effects contrary to those that Congress expressly sought to achieve.

The FEA finds that there is currently no shortage of crude oil available to refiners in the United States, and that this amendment will not have an adverse impact on other products covered by FEA regulations. These findings, however, although called for by the EPAA, are not necessarily material considerations in the adoption of this amendment, which is designed to encourage the increased domestic production of crude oil from marginally-producing stripper well leases, and thereby more adequately to carry out the intent of the congressionally-mandated stripper well lease exemption. The impact, therefore, of the amendment on crude oil and other products should be simply to displace with increased domestic production the crude oil that would otherwise need to be imported in order to maintain adequate and reliable supplies of petroleum products. Continuation of the regulation in its present form, on the other hand, would effectively eliminate this potential source of additional domestic crude oil, and would tend to accelerate the decline in production from marginally-producing properties. Accordingly, the FEA finds that the continued regulation of this narrow category of crude oil is unnecessary to carry out the purposes and objectives of the EPAA, and that the effect of the amendment will be to promote the increased production of domestic crude oil, thereby decreasing the Nation's dependence on foreign supplies.

This amendment is not intended to effect any change in the method of measuring the number of barrels of production from a property or in the method of counting the number of production wells for purposes of the stripper well lease exemption. These aspects of the stripper well lease exemption were specifically treated in Ruling 1974-29 and Ruling 1974-30, neither of which is altered in any way by the amendment adopted herein. The amendment is also intended to have no effect on the continued viability of Ruling 1974-28 (Inapplicability of the "Stripper Well Lease" Exemption of 10 CFR 210.32 to Gas Wells), which the FEA is currently reconsidering in a separate proceeding (40 FR 18004, April 24, 1975).

Insofar as the amendment might have the effect of releasing from the ceiling price some crude oil that is produced from properties that lost the stripper well lease exemption because of production levels in excess of ten barrels per well per day during calendar year 1974, the amendment will operate prospectively only. Therefore, for those properties in this narrow category, crude oil may be sold without regard to the ceiling price rule of 10 CFR 212.73, as of the effective date of the amendment. However, such producers may not retroactively increase the price of such crude oil for sales that occurred prior to the effective date of this amendment.

(40 FR 22123, 22124, May 21, 1975.)

The May 15 findings and amendment were adopted by FEA after a rulemaking and public hearing. After notice of the proposed amendment was given on February 28, 1975 (40 FR 10195, March 5, 1975), comments were received from thirty-three interested persons, and a public hearing was held on March 21, 1975, at which five interested persons presented oral testimony. Consideration of all the written and oral presentations led FEA to conclude that it had been correct in its preliminary analysis that the prior regulation provided a disincentive to increased production. Accordingly, the amendment was adopted for a 90-day period beginning June 3, 1975.

Prior to the expiration of that 90-day period on August 31, 1975, FEA gave notice of the adoption of an extension—for a second 90 days beginning September 1, 1975—of the May 15 amendment. On July 24, FEA reaffirmed its May 15 findings and afforded an opportunity for comment from interested persons to ensure that there had been no changes in circumstances such as would affect the validity of the May 15 findings. No comments were received. Inasmuch as neither House of Congress took any action disapproving the July 24 extension it became effective for a second 90-day period beginning September 1.

Prior to the expiration of that 90-day period on November 29, FEA gave notice of a further extension of the May 15 amendment, beginning November 30, 1975. Comments were again solicited from interested persons on the continued validity of the May 15 findings. Four timely comments were received in support of the proposed extension.

The May 15 findings, however, although called for by the EPAA, were not then (and are not now) deemed necessarily material considerations in the adoption of the amendment, the purpose of which is to encourage the increased domestic production of crude oil from marginally-producing stripper well leases, and thereby more adequately to carry out the intent of the congressionally-mandated stripper well lease exemption. (Section 4(e)(2)(A) of the EPAA.) The impact, therefore, of the amendment on crude oil and other products was seen as simply one of displacing with increased domestic production the crude oil that would otherwise need to be imported in order to maintain adequate and reliable supplies of petroleum products. Continuation of the regulation in

its prior form, on the other hand, would effectively have eliminated this potential source of additional domestic crude oil, and would have tended to accelerate the decline in production from marginally-producing properties. Accordingly, the FEA found that the continued regulation of this narrow category of crude oil was unnecessary to carry out the EPAA, and that the effect of the amendment would be to promote the increased production of domestic crude oil, thereby decreasing the Nation's dependence on foreign supplies.

There is presently no justification to depart from the conclusions reached as a result of the rulemaking proceeding and contained in the findings submitted to Congress on May 15, 1975. Moreover, just as continuation of the regulation in its prior form would effectively have discouraged a potential source of additional domestic crude oil, reversion at this time to the disincentives of the prior regulation might have the effect of forcing the premature abandonment of many projects continued or begun in reliance upon the amendment. Indeed, the amendment itself, as well as the comments and testimony received in the rulemaking proceeding, reflect the premise that, to be effective, the stripper well lease amendment must continue in its present form on an indefinite basis, so long as there is a price differential between exempt stripper well lease oil and other domestic crude oil.

Therefore, FEA hereby reaffirms its May 15 findings and again finds that (1) the application of the Mandatory Petroleum Price Regulations to crude oil produced from leases whose average daily production is 10 barrels or less per well in any year since 1972 is not necessary to implement the overall Congressional policy embodied in the EPAA; (2) there is no shortage of crude oil available to refiners in the United States; and (3) this amendment will not have an adverse impact on other products covered by FEA regulations.

Pursuant to section 4(g) (2) this action extending the stripper well lease amendment will be sent to Congress for its review. If neither House takes any action disapproving this extension, it will become effective for a period of 90 days beginning November 30, 1975, provided the EPAA is extended beyond November 15, 1975.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511 and 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, Part 210 of Chapter II, Title 10 of the Code of Federal Regulations, as amended May 15, 1975 (as set forth below), and originally effective June 3, 1975, is continued in effect for a period of 90 days or for such longer period as may be permitted under applicable law, effective November 30, 1975, unless this amendment or any portion thereof is disapproved by either House of Congress before that date.

Issued in Washington, D.C., November 7, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

The last paragraph of § 210.32(b) is continued in effect to read as follows:

§ 210.32 Stripper well leases.

(b) "Stripper well lease" means a "property" whose average daily production of crude oil, including condensates, per well did not exceed 10 barrels per day during any preceding calendar year beginning after December 31, 1972.

[FR Doc. 75-30604 Filed 11-10-75; 1:40 pm]

Title 12—Banks and Banking
CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER
STATE BANKS

Correction

In FR Document 75-129093 appearing on page 50457 of the issue for Thursday, October 30, 1975, the following items should be added to Form F-5:

Item 8. Relationship with independent public accountants. If the solicitation is made on behalf of management of the bank and relates to an annual meeting of security holders at which directors are to be elected, or financial statements are included pursuant to Item 15, or relates to a meeting at which action is to be taken with respect to the selection or approval of auditors, furnish the following information describing the bank's relationship with its independent public accountants:

(a) The name of the principal accountant selected or being recommended, to shareholders for election, approval or ratification for the current year. If no accountant has been selected or recommended, so state and briefly describe the reasons therefor.

(b) The name of the principal accountant for the fiscal year most recently completed if different from the accountant selected or recommended for the current year or if no accountant has yet been selected or recommended for the current year.

(c) If a change or changes in accountants have taken place since the date of the proxy statement for the most recent annual meeting of shareholders, and if in connection with such change(s) a disagreement between the accountant and bank has been reported on Form F-3 or in the accountant's letter filed as an exhibit thereto, the disagreement shall be described. Prior to submitting the preliminary proxy material to the Board which contains or amends such description, the bank shall furnish the description of the disagreement to any accountant with whom a disagreement has been reported. If that accountant believes that the description of the disagreement is incorrect or incomplete, he may include a brief statement, ordinarily expected not to exceed 200 words, in the proxy statement presenting his view of the disagreement. This statement shall be submitted to the bank within 10 business days of the date the accountant received the bank's description.

(d) The proxy statement shall indicate whether or not representatives of the prin-

cipal accountants for the current year and for the most recently completed fiscal year are expected to be present at the stockholders' meeting with the opportunity to make a statement if they desire to do so and whether or not such representatives are expected to be available to respond to appropriate questions.

(e) If the bank has an audit or similar committee of the Board of Directors, state the names of the members of the committee. If the Board of Directors has no audit or similar committee, so state.

Item 10. Pension and retirement plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period, (2) the estimated annual payment to be made with respect to current services, and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers, and (ii) employees.

(c) State (1) the name and position with the bank of each person specified in Item 7 (a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the bank and its subsidiaries for the benefit of such person for the last fiscal year of the bank if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all [present] directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) of (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The instructions to Item 9 shall apply to this item.

Board of Governors of the Federal Reserve System, November 5, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary
of the Board.

[FR Doc. 75-30608 Filed 11-12-75; 8:45 am]

Title 20—Employees' Benefits
CHAPTER II—RAILROAD RETIREMENT BOARD

PART 395—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Handling of Mail

This document provides revisions of the Board's regulations with respect to the handling of mail and delegation of authority during a national emergency, and deletions with respect to the requirements of the Emergency Disbursing Plan of the Department of the Treasury as to required signatures on cards and bonds and the designation of emergency cashiers.

(Section 7 of the act of October 16, 1974 (88 Stat. 1338; 45 U.S.C. § 231f) and by section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. § 362))

Sections 395.4, 395.5(b) (2) and 395.6 (b) (2) (ii) of Part 395 of the regulations under such act are amended as follows:

§ 395.4 Mailing instructions.

In a national emergency as defined in § 395.2, all mail shall be directed to Board offices at their normal locations.

§ 395.5 Organization and functions of the Board, delegations of authority, and lines of succession.

(b) * * *

(2) In the absence or incapacity of the chairman of the Board, the authority of the chairman to act for the Board shall pass to the available successor highest on the following list:

Labor Member of the Board.
Management Member of the Board.
Chief Executive Officer.
Director of Retirement Claims.
Director of Research.
Director of Unemployment and Sickness Insurance.
Director of Data Processing and Accounts.
Director of Budget and Fiscal Operations.
Director of Management Control.

The Regional Director highest on the following list: Kansas City, Cleveland, Atlanta, New York, and San Francisco.

§ 395.6 Personnel, fiscal, and service functions.

(b) * * *

(ii) Emergency certifying officers shall be appointed under the authority delegated by this section when (a) normal channels for certifying payments have been rendered inoperable, and (b) clearance has been obtained from the ranking official in line of succession as set forth in § 395.5(b) (1) and (2) and under such

instructions and conditions as he may prescribe.

(3) [Removed]

Dated: November 7, 1975.

By Authority of the Board.

R. F. BUTLER,
Secretary of the Board.

[FR Doc. 75-30559 Filed 11-12-75; 8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1303—QUOTAS

Definition of Inventory; Statement of Policy and Interpretation

In the case of determining an individual manufacturing quota for a manufacturer of a basic class of controlled substance in Schedule I or II, the Administrator of the Drug Enforcement Administration is delegated to perform the functions of the Attorney General as set forth in Section 826, Title 21, United States Code.

The definition of inventory found in § 1303.02(b), Title 21, Code of Federal Regulations is an integral part of the procedures governing application for an individual manufacturing quota and the actual fixing of an individual manufacturing quota pursuant to §§ 1303.22 and 1303.23 of Title 21, Code of Federal Regulations.

Therefore, in an effort to clarify recent questions which have arisen concerning the definition in § 1303.02(b), and in furtherance of the applicable statutory and regulatory requirements, and in accordance with Section 3(a), as amended, of the Administrative Procedure Act (5 U.S.C. 552 (a) (1) (D)), and under the authority vested in the Attorney General by 21 U.S.C. 826, and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28, Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority delegated to the Acting Administrator by § 0.132(d) of Title 28, Code of Federal Regulations, the Acting Administrator hereby issues the following interpretation: As used in the definition of inventory in Title 21 Code of Federal Regulations, § 1303.02(b) the phrase "in finished form of a basic class of controlled substance" has always been and continues to be interpreted by the Drug Enforcement Administration as including all factory and branch stocks, which have reached that point in manufacturing as to be identifiable, whether in bulk form, in the process of manufacture, in finished form, or otherwise (e.g., damaged, defective, or impure substances awaiting disposal, substances held in quarantine, or substances maintained for extemporaneous compounding), as a basic class of controlled substances man-

ufactured or otherwise acquired by a registrant, whether in containers, commercial containers, or contained in pharmaceutical preparations in the possession of the registrant (including stocks held by the registrant under separate registration as manufacturer, importer, exporter, or distributor).

[Interprets 21 U.S.C. 826]

Dated: November 6, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc. 75-30662 Filed 11-12-75; 8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. R-75-359]

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Admission Income Limits

The following amendment is being made to § 236.72 in order to reflect a change in the method of establishing income limits for Section 236 projects as provided by Section 212(5) of the Housing and Community Development Act of 1974. Section 212(5) provides that contracts for assistance payments may be entered into only with respect to tenants whose incomes do not exceed 80 per centum of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families. Further, the Secretary may establish income ceilings higher or lower than 80 per centum of the median family income for the area when the Secretary finds that variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors. In accordance with the Housing and Community Development Act of 1974, the Secretary has determined that income ceilings may be increased above 80 percent of median area income for individual projects in certain cases where the rise in basic rents associated with increased operating cost has significantly reduced the number of potential tenants with incomes high enough to pay these rents but low enough to come within the income limits. It is contemplated that this authority will be used only where it is determined that the financial condition of the projects will be improved as a result of an increase in the income limits and that consideration will be given to the existence of collection, vacancy or rent-up problems in determining whether there has been a significant reduction in eligible applicants.

In order to provide for the above increases, project-by-project determinations must be made. At present, however, 24 CFR 236.72 provides only for

income limits established on a locality-wide basis. Accordingly, § 236.72 is being amended in a way that will permit income limits to be set for individual projects as well as on a locality basis.

Section 236.72 is being further amended to eliminate, for those projects utilizing income limitations in effect after August 22, 1974, certain preference provisions based on a requirement in prior law that was deleted by Section 212(5) of the Housing and Community Development Act of 1974.

The amendments are designed to ameliorate the financial difficulties facing many Section 236 projects. It will take some time, however, before the benefits of higher income limits will be felt by affected projects, and in view of the serious condition of many of these projects, it is therefore necessary that the amendments be implemented as soon as possible. Accordingly, the Assistant Secretary for Housing Management has determined that it is impracticable to provide for a public comment procedure and that good cause exists for making these amendments effective November 13, 1975.

The Department has determined that an environmental impact statement is not required with respect to this amendment. The finding of inapplicability prepared in connection with this amendment is on file with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Part 236 is amended as follows:

Section 236.72 (a) and (b) (3) are revised and a new paragraph (d) is added reading respectively as follows:

§ 236.72 Guidelines for assisted admission.

(a) *Maximum income.* The adjusted income of an applicant shall not exceed the maximum income limits established by the Secretary.

(b) * * *

(3) The applicant is a qualified tenant on whose behalf the project owner will receive rent supplement payments under Part 215 of this title, or rental assistance payments under Part 236 and Part 426 of this title.

(c) * * *

(d) *Projects utilizing income limitations in effect subsequent to August 22, 1974.* The preference provided for in paragraph (c) of this section is not applicable to projects utilizing income limitations in effect subsequent to August 22, 1974.

(Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535 (a)))

Effective date. This amendment is effective November 13, 1975.

It is hereby certified that the economic and inflationary impacts of this final

rule have been carefully evaluated in accordance with OMB Circular A-107.

DAVID S. COOK,
Assistant Secretary for Housing
Production and Mortgage
Credit, FHA Commissioner.

[FR Doc.75-30582 Filed 11-12-75; 8:45 am]

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING MANAGEMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-360]

PART 425—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Admission Income Limits

The following amendment is being made to § 425.22 in order to reflect a change in the method of establishing income limits for Section 236 projects as provided by Section 212(5) of the Housing and Community Development Act of 1974. Section 212(5) provides that contracts for assistance payments may be entered into only with respect to tenants whose incomes do not exceed 80 per centum of the median family income for the area, as determined by the Secretary, with adjustments for smaller and larger families. Further, the Secretary may establish income ceilings higher or lower than 80 per centum of the median family income for the area when the Secretary finds that variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors. In accordance with the Housing and Community Development Act of 1974, the Secretary has determined that income ceilings may be increased above 80 percent of median area income for individual projects in certain cases where the rise in basic rents associated with increased operating costs has significantly reduced the number of potential tenants with incomes high enough to pay these rents but low enough to come within the income limits. It is contemplated that this authority will be used only where it is determined that the financial condition of the projects will be improved as a result of an increase in the income limits and that consideration will be given to the existence of collection, vacancy or rent-up problems in determining whether there has been a significant reduction in eligible applicants.

In order to provide for the above increases, project-by-project determinations must be made. At present, however, 24 CFR 425.22 provides only for income limits established on a locality-wide basis. Accordingly, § 425.22 is being amended in a way that will permit income limits to be set for individual projects as well as on a locality basis.

Section 425.22 is being further amended to eliminate, for those projects utilizing income limitations in effect after August 22, 1974, certain preference provisions based on a requirement in prior law that was deleted by Section 212(5) of the Housing and Community Development Act of 1974.

The amendments are designed to ameliorate the financial difficulties fac-

ing many Section 236 projects. It will take some time, however, before the benefits of higher income limits will be felt by affected projects, and in view of the serious condition of many of these projects, it is therefore necessary that the amendments be implemented as soon as possible. Accordingly, the Assistant Secretary for Housing Management has determined that it is impracticable to provide for a public comment procedure and that good cause exists for making these amendments effective upon their publication in the FEDERAL REGISTER.

The Department has determined that an environmental impact statement is not required with respect to this amendment. The finding of inapplicability prepared in connection with this amendment is on file with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Part 425 is amended as follows:

Section 425.22 (a) and (b) (3) are revised and a new paragraph (d) is added reading respectively as follows:

§ 425.22 Guidelines for assisted admission.

(a) *Maximum income.* The adjusted income of an applicant shall not exceed the maximum income limits established by the Secretary.

(b) * * *

(3) The applicant is a qualified tenant on whose behalf the project owner will receive rent supplement payments under Part 215 of this title, or rental assistance payments under Part 236 and Part 426 of this title.

(c) * * *

(d) *Projects utilizing income limitations in effect subsequent to August 22, 1974.* The preference provided for in paragraph (c) of this section is not applicable to projects utilizing income limitations in effect subsequent to August 22, 1974.

(Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).))

Effective date. This amendment is effective November 13, 1975.

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

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

[FR Doc.75-30581 Filed 11-12-75; 8:45 am]

Title 25—Indians

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

PART 221—OPERATION AND MAINTENANCE CHARGES

Water Charges on the Ahtanum Indian Irrigation Project

NOVEMBER 6, 1975.

These final regulations are issued under the authority delegated to the Com-

missioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On page 46114 of the October 6, 1975, *FEDERAL REGISTER* (40 FR 194), there was published a notice of intention to modify § 221.1 of Part 221, Subchapter T, Chapter I, Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for Calendar Year 1976 and subsequent years. This modification was proposed pursuant to the authority contained in the Act of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

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

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Ahtanum Indian Irrigation Project as set forth below.

The modified § 221.1 shall become effective December 15, 1975.

§ 221.1 Charges.

Pursuant to the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385.387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1976 and subsequent years until further notice, and hereby fixed at \$4.65 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

(Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210))

FRANCIS E. BRISCOE,
Area Director.

[FR Doc.75-30542 Filed 11-12-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Water Charges on the Toppenish-Simcoe Indian Irrigation Project

NOVEMBER 6, 1975.

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 46114 of the October 6, 1975, *FEDERAL REGISTER* (40 FR 194), there was published a notice of intention to modify § 221.73 of Part 221, Subchapter T, Chapter I, Title 25 of the

Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for Calendar Year 1976 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

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

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Toppenish-Simcoe Indian Irrigation Project as set forth below.

The modified § 221.73 shall become effective December 15, 1975.

§ 221.73 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1976 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre..... \$4.85
(Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210))

FRANCIS E. BRISCOE,
Area Director.

[FR Doc.75-30543 Filed 11-12-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Basic and Other Water Charges on the Wapato Indian Irrigation Project

NOVEMBER 6, 1975.

These final regulations are issued under the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On page 46114 of the October 6, 1975, *FEDERAL REGISTER* (40 FR 194), there was published a notice of intention to modify § 221.86 of Part 221, Subchapter T, Chapter I, Title 25 of the Code of Federal Regulations by changing the basic rates for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for Calendar Year 1976 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments,

suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for basic and other water charges for the Wapato Indian Irrigation Project as set forth below.

The modified § 221.86 shall become effective December 15, 1975.

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the Calendar Year 1976 and subsequent years until further notice are:

- (1) Minimum charges for all tracts in noncontiguous single ownership—\$13.30.
- (2) Flat rate upon all farm units or tracts for each assessable acre except Additional Works lands—\$13.30.
- (3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre—\$1.20.
- (4) Flat rate upon all farm units or tracts for each assessable acre of Additional Works lands—\$14.10.

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected from all lands except Additional Works lands beginning with the Calendar Year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of \$0.20 to defray the cost of replacing a wooden pipeline.

(Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210))

FRANCIS E. BRISCOE,
Area Director.

[FR Doc.75-30544 Filed 11-12-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 20—CRIMINAL JUSTICE INFORMATION RECORDS

Collection, Storage, and Dissemination of Information

On May 20, 1975, the Law Enforcement Assistance Administration published in the *FEDERAL REGISTER* (40 FR 23114) regulations governing the collection, storage, and dissemination of criminal history record information. Due to the concerns raised by many individuals regarding the dissemination of criminal history records to noncriminal justice agencies, notice is hereby given that hearings will be held to consider comments from interested parties concerning the dissemination provisions in the regulations.

Pursuant to the authority vested in the Law Enforcement Assistance Adminis-

tration by Section 501 and Section 524 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 (42 U.S.C. 3701 et seq.) (Aug. 6, 1973), LEAA will hold hearings on December 11 and 12 to consider changes to §§ 20.20 (b) and (c) and 20.21 (b), (c) and (d) of 28 CFR Part 20 based upon comments received.

Hearings will be held beginning at 10:00 a.m. each day in the Federal Trade Commission Building, 7th and Pennsylvania Avenue, N.W., Washington, D.C., Room 552. Interested persons who wish to testify should notify Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531, no later than December 8, 1975.

Written views should be submitted to the LEAA Office of General Counsel no later than December 15, 1975.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-30558 Filed 11-12-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 456-1]

PART 435—OFFSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Extension of Comment Period

This notice extends the period for comments to the notice, published September 15, 1975, promulgating Interim Final Rules for the Offshore Segment of the Oil and Gas Extraction Point Source Category (40 FR 42543).

Requests for an extension of time were submitted by several persons having an interest in commenting. They argue that additional time is needed to review the notice in sufficient detail to provide meaningful comments.

In view of the requests, the Environmental Protection Agency has determined it is in the public interest that the period for comment on interim final regulation be extended until December 15, 1975.

Dated: November 4, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator
for Water and Hazardous
Materials.

[FR Doc.75-30534 Filed 11-12-75;8:45 am]

[FRL 455-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Arizona; Approval of Compliance Schedule; Correction

On January 27, 1975 there was published in the FEDERAL REGISTER (FR Doc. 75-2265, 40 FR 3994), a compliance schedule for the Flintkote Company, Nelson, Arizona. The notice published stated that § 52.134 of Title 40 was being

amended by adding the schedule to the table in subparagraph (c) of that section. However, no subparagraph (c), and no table within that subparagraph, had previously been promulgated under § 52.134. Therefore, the promulgation under § 52.134(c) which occurred on January 27, 1975 was incorrect and is hereby revoked.

Because this revocation constitutes a correction of an incorrect promulgation, and since the compliance schedule for Flintkote Company has now expired and the Company is required to be in compliance with applicable air pollution control regulations, EPA finds that good cause exists for making this revocation effective immediately.

[42 U.S.C. 1857c-5]

Dated: November 8, 1975.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

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

§ 52.134 [Amended]

Section 52.134(c) is removed and reserved.

[FR Doc.75-30669 Filed 11-12-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

[IPMR #75-10]

PART 114-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

PART 114-41—AUDIT OF TRANSPORTATION PAYMENTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Part 114-40 of Chapter 114, Title 41 of the Code of Federal Regulations, is deleted in its entirety and new Part 114-41 is added as set forth below.

This revision relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this revision shall become effective November 13, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

NOVEMBER 5, 1975.

1. The material in Part 114-40 became obsolete when FPMR Temporary Regulation G-23 was published. Therefore, 41 CFR 114-40 is deleted from the Code of Federal Regulations.

2. New Part 114-41 is added to read as follows:

Subpart 114-41.3—Freight Transportation Services Furnished for the Account of the United States

Sec.

114-41.304 Exception to the use of U.S. Government bills of lading.

114-304-2 Limited authority to use commercial forms and procedures.

AUTHORITY: 5 U.S.C. 301, Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114-41.3—Freight Transportation Services Furnished for the Account of the United States

§ 114-41.304 Exception to the use of U.S. Government bills of lading.

§ 114-41.304-2 Limited authority to use commercial forms and procedures.

(a) In accordance with the authority delegated in 205 DM 9, the head of each bureau and office is authorized to exercise the discretionary authority to use commercial forms and procedures in accordance with the procedures set forth in 101-41.304-2 of FPMR Temporary Regulation G-23 and subject to the limitations established therein.

[FR Doc.75-30557 Filed 11-12-75;8:45 am]

Title 43—Public Lands; Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

PART 3300—OUTER CONTINENTAL SHELF LEASING; GENERAL

Qualified Joint Bidders

In the FEDERAL REGISTER publication of October 1, 1975, a notice was published (40 FR 45171; FR Doc. 75-26212) amending 43 CFR Part 3300 concerning the restriction of joint bidding for Outer Continental Shelf oil and gas leases.

§ 3302.3-2 [Amended]

Notice is hereby given that in § 3302.3-2(a), the regulation is amended as follows:

1. Strike the words "October 20, 1975"
2. Substitute therefor the words "the close of business December 8, 1975"

Prospective bidders are alerted to the requirements of the regulation that Statements of Production referred to therein must be under oath and refer to the production period of January 1, 1975, through June 30, 1975.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 7, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-30536 Filed 11-12-75;8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1602—PROCEDURES FOR DISCLOSURE OR PRODUCTION OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act, 42 U.S.C. 2996-2996i ("the Act"). Section 1005(g) of the Act, 42 U.S.C. § 2996d(g), provides that the Corporation shall be subject to the provisions of the Freedom of Information Act, 5 U.S.C. § 552.

On page 42374 of the **FEDERAL REGISTER** of September 12, 1975, there were published proposed regulations for Procedures for Disclosure or Production of Information by the Corporation under the Freedom of Information Act. Interested persons were given until October 11, 1975 in which to submit comments, suggestions, or objections regarding the proposed regulations. All comments submitted with respect to the proposed regulations were given due consideration. The proposed regulations were adopted by the Board of Directors of the Corporation with the following minor changes:

1. The third and fourth sentences of § 1602.3, pertaining to policy, were deleted. The third sentence was eliminated as a redundancy. The fourth sentence was eliminated out of concern that it might create a mechanistic test which would deprive the Corporation of the best legal advice. It is the intention of the Board of Directors that exemption decisions be made in a two step process. The first step involves the determination of whether an exemption applies as a matter of law. The second step, which obtains only if an exemption is available under the law, involves the discretionary determination of whether and in what form the requested information should be released. This discretion is to be guided by the policy set forth in the remainder of § 1602.3 and in § 1602.9. Among the considerations which prompted the deletion of the fourth sentence was the fear that a mandatory restrictive interpretation of several of the exemptions might result in undesirable invasions of personal privacy.

2. The Corporation's address and telephone number were inserted in the first sentence of § 1602.5(a). The addresses and telephone numbers of regional records offices were inserted in a new § 1602.6(b).

3. The third sentence in § 1602.8(b) (5) was revised to read, "Fees may be required to be paid in advance in accordance with Section 1602.13." This change clarifies an inconsistency in the earlier draft.

4. A new § 1602.8(e) was inserted in order to give expression to the policy that the Corporation will provide a substantive response to requests for information in a diligent fashion, once a determination is made that a request will be granted.

5. Section 1602.10, pertaining to officials authorized to grant or deny requests for records, was revised to provide that a denial may be made only by the General Counsel or his delegate. This revision is intended to assure that a decision to withhold information is made at a high level in the Corporation by a legal expert who does not otherwise have line responsibility for the records which are likely to be requested.

6. Several additional minor changes of a perfecting nature, not having substantive implications, were made throughout the text.

Accordingly, with these changes and additions, the proposed regulations are

adopted as set forth below, to become effective December 15, 1975, pursuant to section 1008(e) of the Act.

Subpart A—General

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AUTHORITY: Sec. 1005(g), 88 Stat. 381 (42 U.S.C. § 2906d(g)).

Subpart A—General

§ 1602.1 Purpose.

These regulations provide information concerning the procedures by which records of the Legal Services Corporation may be made available pursuant to section 1005(g) of the Legal Services Corporation Act, 42 U.S.C. 2906d(g), and the Freedom of Information Act, as amended in 1974, 5 U.S.C. 552.

§ 1602.2 Definitions.

As used in this Part,—

(a) "Act" means the Legal Services Corporation Act, 42 U.S.C. 2906-2906f;

(b) "Corporation" means the Legal Services Corporation;

(c) "FOIA" means the Freedom of Information Act, as amended in 1974, 5 U.S.C. 552;

(d) "President" means the President of the Legal Services Corporation;

(e) "Records" means books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Corporation in connection with the transaction of the Corporation's business and preserved or appropriate for preservation by the Corporation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Corporation or because of the informational value of data in them. The term does not include books, magazines, or other materials acquired solely for library purposes and available through any officially designated library of the Corporation.

§ 1602.3 Policy.

It is and will be the policy of the Corporation to maximize the extent to which records concerning its operations, activities, and business will be available to the public. Records will be withheld from the public only in accordance with the FOIA and these implementing regulations. Records which may be exempted from disclosure will generally be made available as a matter of discretion when disclosure is not prohibited by law and

it does not appear adverse to legitimate public or personal interests.

The Corporation will attempt to provide the fullest possible assistance to requesting parties, including information as to how and where the request may be submitted. The Corporation will provide the most timely possible action on requests for records.

Subpart B—Maintenance of Records

§ 1602.4 Index of records.

The Corporation will maintain a current index identifying any matter within the scope of § 1602.5(b) (1)-(3) which has been issued, adopted, or promulgated by the Corporation, and other information published or made publicly available. The index will be maintained and made available for public inspection and copying at the Corporation's headquarters in Washington, D.C., and at each regional office. The Corporation will publish the index or a supplement thereto at least once each quarter and will distribute copies on request, at a cost not to exceed the direct cost of duplication.

§ 1602.5 Central records room.

(a) The Corporation will maintain a central records room at its headquarters at 733 15th Street, NW., Suite 700, Washington, D.C. 20005, (202) 376-5100. This room will be supervised by a Records Officer, and will be open during regular business hours of the Corporation for the convenience of members of the public in inspecting and copying records made available pursuant to this Part. Certain records, as described in paragraph (b) of this section, will be regularly maintained in or in close proximity to the records room, to facilitate access thereto by any member of the public.

(b) Subject to the limitation stated in paragraph (c) of this subsection, there will be available in the central records room the following:

(1) All final opinions, including concurring and dissenting opinions, and orders made in the adjudication of cases;

(2) Statements of policy and interpretations adopted by the Corporation;

(3) Administrative staff manuals and instructions to the staff which affect the public;

(4) To the extent feasible, guidelines, forms, published regulations, notices, program descriptions, and other records considered to be of general interest to members of the public in understanding activities of the Corporation or in dealing with the Corporation in connection with those activities;

(5) The current index required by § 1602.4

(c) Certain types of staff manuals or instructions, such as instructions to auditors or inspection staff, or instructions covering certain phases of contract negotiation, which deal with the performance of functions that would automatically be rendered ineffective by general awareness of the Corporation's techniques or procedures, may be exempt from mandatory disclosure even though they affect or may affect the public. These records

will not be maintained in the central records room.

(d) Certain records maintained in the records room or otherwise made available pursuant to this Part may be "edited" by the deletion of identifying details concerning individuals, to prevent a clearly unwarranted invasion of personal privacy. In such cases, the record shall have attached to it a full explanation of the deletion.

§ 1602.6 Regional records rooms.

(a) Each regional office shall have either a specially designated records room similar to the central records room described in § 1602.5 or, if that is not feasible, a designated area within the office, a principal function of which is to serve the public in accordance with this Part. The Corporation will endeavor to maintain and have readily available in its regional offices the records described in § 1602.5(b), and will designate a Records Officer in each regional office to receive and process requests submitted pursuant to this Part.

(b) The regional records rooms are located at the following addresses:

Boston Regional Office, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617) 223-4093.

New York Regional Office, 26 Federal Plaza, 32nd Floor, New York, New York 10007 (212) 264-1940.

Philadelphia Regional Office, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104 (215) 597-6105.

Atlanta Regional Office, 730 Peachtree Street, N.E., Atlanta, Georgia 30308 (404) 526-3040.

Chicago Regional Office, 300 South Wacker Drive, 26th Floor, Chicago, Illinois 60606 (312) 353-1155.

Dallas Regional Office, 1100 Commerce Street, Dallas, Texas 75202 (214) 740-1357.

Kansas City Regional Office, 911 Walnut Street, Kansas City, Missouri 64106 (816) 374-5118.

Denver Regional Office, 1961 Stout Street, Denver, Colorado 80202 (303) 837-4026.

San Francisco Regional Office, 690 Market Street, Room 700, San Francisco, California 94104 (415) 556-8484.

Seattle Regional Office, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101 (206) 442-0593.

Subpart C—Procedure

§ 1602.7 Use of records rooms.

(a) Any member of the public who wishes to inspect or copy records regularly maintained in the central or a regional records room may secure access to these records by presenting himself or herself at the records room during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities.

(b) Each records room will also be available to any member of the public to inspect and copy records which are not regularly maintained in such room. To obtain such records a person should present his or her request identifying the records to the Records Officer. Because it will sometimes be impossible to produce these records or copies of them on short

notice, a person who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by telephone or letter request made to the Records Officer of the facility which he or she desires to use. Persons submitting requests by telephone will be advised by the Records Officer or another designated employee whether a written request would be advisable to aid in the identification and expeditious processing of the records sought. Persons submitting written requests should identify the records sought in the manner provided in § 1602.8(b) and should indicate whether they wish to use the records room facilities on a specific date. The Records Officer will endeavor to advise the requesting party as promptly as possible if, for any reason, it may not be possible to make the records sought available on the date requested.

§ 1602.8 Availability of records on request.

(a) In addition to the records made available through the records rooms, the Corporation will make such records available to any person in accordance with paragraphs (b) and (c) of this section, unless it is determined that such records should be withheld and are exempt from mandatory disclosure under the FOIA and § 1602.9 of these regulations.

(b) Requests. (1) A request will be acceptable if it identifies a record with sufficient particularity to enable officials of the Corporation to locate the record with a reasonable amount of effort. Requests seeking records within a reasonable specific category will be deemed to conform to the statutory requirement of a request which "reasonably describes" such records if professional employees of the Corporation who are familiar with the subject area of the request would be able, with a reasonable amount of effort, to determine which particular records are encompassed within the scope of the request, and to search for, locate, and collect the records without unduly burdening or materially interfering with operations because of the staff time consumed or the resulting disruption of files. If it is determined that a request does not reasonably describe the records sought as specified in this paragraph, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of this paragraph and shall extend to the requesting party an opportunity to confer with Corporation personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requesting party and the requirements of this paragraph.

(2) To facilitate the location of records by the Corporation, a requesting party should try to provide the following kinds of information, if known: (i) the specific event or action to which the record refers; (ii) the unit or program of the Corporation which may be responsible for or may have produced the record; (iii) the date of the record or the date or period to which it refers or relates; (iv) the type of record, such as an applica-

tion, a grant, a contract, or a report; (v) personnel of the Corporation who may have prepared or have knowledge of the record; (vi) citations to newspapers or publications which have referred to the record.

(3) The Corporation is not required to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations, the requesting party should be referred to those sources only if gathering the information would unduly burden or materially interfere with operations of the Corporation.

(4) All requests for records under this section shall be made in writing, with the envelope and the letter clearly marked: "Freedom of Information Request." All such requests shall be addressed to the Records Officer at the headquarters of the Corporation or at any regional records office. Any request not marked and addressed as specified in this subparagraph will be so marked by Corporation personnel as soon as it is properly identified, and forwarded immediately to the Records Officer. A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in paragraph (c) of this section until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligence by Corporation personnel. On receipt of an improperly addressed request, the Records Officer shall notify the requesting party of the date on which the time period commenced to run.

(5) A person desiring to secure copies of records by mail should write to the Records Officer at the headquarters in Washington, D.C. The request should identify the records of which copies are sought and should indicate the number of copies desired. Fees may be required to be paid in advance in accordance with § 1602.13. The requesting party will be advised of the estimated fee, if any, as promptly as possible. If a waiver of fees is requested, the grounds for such request should be included in the letter.

(c) The Records Officer, upon request for any records made in accordance with this Part, shall make an initial determination of whether to comply with or deny such request and dispatch such determination to the requesting party within ten days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such request, except for unusual circumstances in which case this time limit may be extended for not more than ten working days by written notice to the requesting party setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. In determining whether to issue a notice of extension of time for a response to a request beyond the ten-day period, Corporation officials shall consult with the Office of the General Counsel. As used herein, "unusual circumstances" are limited to the following, but only to the extent reasonably neces-

sary to the proper processing of the particular request:

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

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

(3) The need for consultation, 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 Corporation having substantial subject matter interest therein.

(d) If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requesting party may deem his request denied, and exercise a right of appeal in accordance with § 1602.12. When no determination can be dispatched within the applicable time limit, the Records Officer shall nevertheless continue to process the request. On expiration of the time limit, he shall inform the requesting party of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the President in accordance with § 1602.12; and he may ask the requesting party to forego appeal until a determination is made.

(e) After it has been determined that a request will be granted, the Corporation will act with diligence in providing a substantive response.

§ 1602.9 Invoking exemptions to withhold a requested record.

(a) A requested record of the Corporation may be withheld from public disclosure only if one or more of the following categories exempted by the FOIA apply:

(1) Matter which is (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) is in fact properly classified pursuant to such Executive Order;

(2) Matter which is related solely to the internal personnel rules and practices of the Corporation;

(3) Matter which is specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Corporation;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right of a fair trial or an impartial

adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Matter which is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) In the event that one or more of the above exemptions applies, any reasonably segregable portion of a record shall be provided to the requesting party after deletion of the portions which are exempt. In appropriate circumstances, subject to the discretion of Corporation officials, it may be possible to provide a requesting party with: (1) a summary of information in the exempt portion of a record or (2) an oral description of the exempt portion of a record. In determining whether any of the foregoing techniques should be employed in accordance with this paragraph or whether an exemption should be waived in accordance with paragraph (c) of this section, Corporation officials shall consult with the Office of General Counsel. No requesting party shall have a right to insist that any or all of the foregoing techniques should be employed in order to satisfy a request.

(c) Records which may be exempted from disclosure pursuant to paragraph (a) of this section may be made available as a matter of discretion when disclosure is not prohibited by law, if it does not appear adverse to legitimate public or personal interests.

§ 1602.10 Officials authorized to grant or deny requests for records.

The General Counsel shall furnish necessary advice to Corporation officials and staff as to their obligations under this Part and shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of the provisions of this Part by and within the Corporation. Officials of the Corporation shall consult with the General Counsel before denying requests under this Part, or before granting requests for waiver or modified application of an exemption or for categories of documents which the General Counsel determines may present special or unusual problems. Only the General Counsel or his delegate, is authorized to deny requests under this Part. The General Counsel, and subject to consultation with him when required, the Records Officer, each Regional Director, and each Re-

gional Records Officer, are authorized to grant requests under this Part.

§ 1602.11 Denials.

(a) A denial of a written request for a record issued by an official of the Corporation shall be in writing and shall include the following:

(1) A reference to the applicable exemption or exemptions in § 1602.9(a) upon which the denial is based;

(2) An explanation of how the exemption applies to the requested records;

(3) A statement explaining why it is deemed unreasonable to provide segregable portions of the record after deleting the exempt portions;

(4) The name and title of the person or persons responsible for denying the requests; and

(5) An explanation of the right to appeal the denial and of the procedures for submitting an appeal, including the address of the official to whom appeals should be submitted.

(b) Whenever the Corporation makes a record available subject to the deletion of a portion of the record, such action shall be deemed a denial of a record for purposes of paragraph (a) of this section.

(c) All denials shall be treated as opinions and shall be maintained and indexed accordingly, subject only to the necessity of deleting identifying details the release of which would constitute a clearly unwarranted invasion of personal privacy for a member of the public.

§ 1602.12 Appeals of denials.

(a) Any person whose written request has been denied is entitled to appeal the denial within ninety days by writing to the President of the Corporation at the headquarters in Washington, D.C. The envelope and letter should be clearly marked: "Freedom of Information Appeal." An appeal need not be in any particular form, but should adequately identify the denial, if possible, by describing the requested record, identifying the official who issued the denial, and providing the date on which the denial was issued.

(b) No personal appearance, oral argument, or hearing will ordinarily be permitted on appeal of a denial. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference may be arranged with the President, or the President's specifically designated representative, for this purpose.

(c) The decision of the President on an appeal shall be in writing and, in the event the denial is in whole or in part upheld, shall contain an explanation responsive to the arguments advanced by the requesting party, the matters described in § 1602.11(a)(1)-(4), and the provisions for judicial review of such decision under Section 552(a)(4) of the FOIA. The decision shall be dispatched to the requesting party within twenty working days after receipt of the appeal, unless an additional period is justified pursuant to Section 1602.8(c) and such

period taken together with any earlier extension does not exceed ten days. The President's decision shall constitute the final action of the Corporation. All such decisions shall be treated as final opinions under § 1602.5(b).

§ 1602.13 Fees.

(a) Information provided routinely in the normal course of doing business will be provided at no charge.

(b) The Records Officer may waive or reduce fees where special circumstances, including but not limited to the benefit of the general public, warrant. A Records Officer shall waive fees where the requesting party is indigent unless the fees would exceed \$25 and may waive or reduce fees for the request of an indigent where the fees would exceed \$25. These provisions will be subject to appeal in the same manner as appeals from denial under § 1602.12.

(c) There shall be no fee charged for services rendered by the Corporation pursuant to this Part, unless the charges, as calculated in paragraph (e) of this Section, exceed \$6.50. Where the charges are calculated to exceed \$6.50, the fee shall be the difference between \$6.50 and the calculated charges.

(d) Ordinarily, no fee shall be levied where the records requested are not provided or made available. However, if the time expended in processing the request is substantial, and if the requesting party has been notified of the estimated cost pursuant to paragraph (f) of this section, and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(e) The schedule of charges for services regarding the production or disclosure of the Corporation's records is as follows:

- (1) Search for records: \$1.50 per one-quarter hour.
- (2) Computer Time:
Central Processing Unit, \$10.80 per minute.
Card Reader, .60 per 1000 cards.
Printer, .60 per 333 cards.
Tape or Disk, .60 per 100 lines; .75 per 1000 number of reads or lines.
Minimum charge, \$1.50.
- (3) Reproduction, duplication, or copying of records: \$0.10 per page.
- (4) Reproduction, duplication, or copying of microfilm:
Microfilm, \$0.75 per frame.
Microfiche, \$1.45 per jacket.
- (5) Certification of true copies: \$1.00 each.

(f) Where it is anticipated that the fee chargeable under this Part will amount to more than \$25, and the requesting party has not indicated in advance his willingness to pay so high a fee, the requesting party shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requesting party is notified of the anticipated cost and agrees to bear it. Such a notification shall be transmitted as soon as possible, but in any event within five working days, giving

the best estimate then available. The notification shall offer the requesting party the opportunity to confer with appropriate representatives of the Corporation for the purpose of reformulating the request so as to meet his needs at a reduced cost.

(g) Where the anticipated fee chargeable under this Part exceeds \$25, an advance deposit of 25 percent of the anticipated fee may be required. Where a requesting party has previously failed to pay a required fee, an advance deposit of the full amount of the anticipated fee together with the fee then due and payable may be required.

(h) The Corporation reserves the right to limit the number of copies that will be provided of any document to any one requesting party, or to require that special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or reproduction.

Effective date: December 15, 1975.

DAVID S. TATEL,
Counsel to the Corporation.

[FR Doc.75-30638 Filed 11-12-75;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. MC-56; Notice 75-23]

PART 393—PROHIBITION AGAINST OPERATING WITH OVERLOADED OR UNDERINFLATED TIRES

Spot Amendment to FMCSR

● Purpose. This order clarifies the intent of the amendment to § 393.75 of the Federal Motor Carrier Safety Regulations (FMCSR), pertaining to tires published in the Federal Register on September 29, 1975 (40 FR 44555). ●

Section 393.75(f)(2) of the FMCSR (49 CFR 393.75(f)(2)) is being amended to delete the phrase, "and marked on the tire's sidewall." The cited words would require all tires on other than front-wheels to have the load capacity marked on them after October 1, 1976.

It was intended that § 393.75 specify load requirements for tires and for front-wheel tires to meet all the requirements of FMVSS No. 119 after April 1, 1976. It was not the intent to preclude the use of tires, new and used, after October 1, 1976, if they were not marked with a load capacity rating, provided the load on the tire did not exceed that specified in FMVSS No. 119 for the size tire in question.

A miscalculation has been made on the turnover time of tires now in service without a load rating marked on the sidewall. Tires presently in service, new and used, made before FMVSS No. 119 went into effect on March 1, 1975, may or may not have a load rating mark on the tire sidewall. A decision has been made to amend § 393.75(f)(2) to allow the use of tires presently in service on and after October 1, 1976, even though they do not have a load rating marked on the tire

if the load capacity for the tire is not exceeded.

In consideration of the foregoing, § 393.75 is amended by revising paragraph (f)(2) to read as follows:

§ 393.75 Tires.

(f) * * *
(2) Other than front-wheels. On and after October 1, 1976, no motor vehicle shall be operated with tires on wheels other than the front-wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) except for those vehicles being operated at reduced speed under the terms of a special permit issued by one of the several States and specifying reduced speeds.

(Section 204, Interstate Commerce Act, 49 U.S.C. 304, section 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively)

Effective date: November 4, 1975.

Since this amendment is nonsubstantive in character and does not impose additional burden on any person, notice and public procedures thereon are unnecessary and it is effective on date of issuance as set forth below, except as provided in the rule.

Issued on November 4, 1975.

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

[FR Doc.75-30561 Filed 11-12-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Nevada

The following special regulations are issued and are effective on January 1, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions: Fishing shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, OR 97208.

Charles Sheldon Antelope Range. (Headquarters: P.O. Box 111, Lakeview, OR 97630.)
Ruby Lake National Wildlife Refuge, Ruby Valley, NV 89833.

Stillwater National Wildlife Refuge, P.O. Box 592, Fallon, NV 89406.

Special Condition: Refuge closed to fishing during the migratory waterfowl hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

WILLIAM H. MEYER,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc. 75-30550 Filed 11-12-75; 8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER:

§ 28.23 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The operation of off-road vehicles commonly referred to as all-terrain vehicles (ATVs) is prohibited on the Kenai National Moose Range except the use of lightweight, motorized vehicles commonly identified by the general term "snowmobile" is authorized on certain designated areas of the Kenai National Moose Range subject to the following special conditions:

1. Only "snowmobiles" with an overall width of 40 inches or less will be permitted.

2. The use of "snowmobiles" will be authorized during the period of December 1, 1975 through April 30, 1976 and only when snow depth is sufficient to protect underlying vegetation and terrain along the route of travel and when determined and announced by the refuge manager.

3. The use of "snowmobiles" on maintained roads within the Moose Range is prohibited, except that, a "snowmobile" may cross a maintained road only after stopping and when traffic on the roadway allows crossing safely.

4. The use of "snowmobiles" for racing purposes is prohibited.

5. That area above timberline located between Skilak Lake and Tustumena Lake is not authorized for "snowmobile" use.

6. The area within T. 4 N., R. 10 W., Section 5 and those portions of Sections 6 and 7 east of the Sterling Highway right-of-way, including the Soldotna Ski Hill, the cross-country ski trails, Headquarters Lake and Nordic Lake, is not a designated "snowmobile" area.

7. The Swanson River canoe route lakes and portages are closed to "snowmobile" use.

8. An area including the Swan Lake canoe route and several public recreational lakes is not a designated "snowmobile" area. That area closed to such use is bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the section line immediately west

of Arrow Lake (which is located at the eastern terminus of Swan Lake Road open to the public) and proceeds south 5.8 miles to its intersection with the headwaters of Moose River (one-half mile southeast of the easternmost shore of Swan Lake), thence down-stream along the west bank of Moose River, and bounded on the south by the Moose Range boundary.

9. The use of "snowmobiles" is prohibited in those game management units of the Kenai National Moose Range during any established moose hunting season. In addition, the use of "snowmobiles" as an aid in big game hunting or for transporting big game is not authorized except on the Mystery Creek access road and that portion of the Anchorage Natural Gas Pipeline right-of-way extending north from its junction with the Mystery Creek access road and all refuge lands east thereof, only during that period when "snowmobile" use is authorized on the refuge and as a means of access or transportation in conjunction with legal caribou hunting in State Game Management Unit 7.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through November 30, 1976.

JAMES B. MONNIE,
Refuge Manager, Kenai National Moose Range, Kenai, Alaska.

OCTOBER 30, 1975.

[FR Doc. 75-30549 Filed 11-12-75; 8:45 am]

PART 20—MIGRATORY BIRD HUNTING

Emergency System for Closure or Suspension

These regulations provide an emergency system for the closure or temporary suspension of a migratory bird hunting season in those cases where the continuation of the season would pose an imminent threat to an endangered or threatened species of wildlife. These regulations carry out the intent of section 7 of the Endangered Species Act of 1973, which provides that all of the authorities of the United States Fish and Wildlife Service are to be used in a manner consistent with the conservation of endangered and threatened species. From time to time, the unexpected presence of an endangered or threatened species in an area where migratory birds may be hunted may lead to an emergency situation. In order to avoid harm, or fatal injury to endangered or threatened wildlife, it may be necessary to close or temporarily suspend the hunting season for migratory birds in a given area.

For example, on November 7, 1975, the U.S. Fish and Wildlife Service and the

North Dakota Game and Fish Department determined that a number of whooping cranes were present in North Dakota northwest of an 8-county sandhill crane hunting area. The hunting season for sandhill cranes in North Dakota is routinely delayed until after the usual departure date for whooping cranes from that State. As a result of unexpectedly warm weather in the region, however, whooping cranes migrated into North Dakota later than usual, and were still present on the opening day of the sandhill crane season, November 8, 1975.

Intensive field surveillance by State and Federal personnel indicated that no whooping cranes were present in the sandhill crane hunting area. However, because the migration pattern for the whooping cranes could take them through parts of the 8 counties in North Dakota where sandhill crane hunting is permitted, the Fish and Wildlife Service has concluded that its responsibilities under the Endangered Species Act necessitate the promulgation of an amendment to 50 CFR Part 20 which would authorize the Director to expeditiously close or temporarily suspend part of the migratory bird hunting season, should an imminent threat to the safety of whooping cranes actually develop. Accordingly, subpart C is amended by the addition of a new § 20.26 which provides for prompt suspension or closure authority should the need occur in the future.

Because of the potential need to exercise this authority in the immediate future, the Fish and Wildlife Service finds that it is impractical and contrary to the public interest to issue this amendment as a proposed rulemaking, subject to comment. Because of the same time constraints, the Fish and Wildlife Service also finds that "good cause" exists within the meaning of Section 553 of the Administrative Procedure Act to have this regulation become effective November 13, 1975.

Accordingly, Part 20 of Chapter I Title 50, Code of Federal Regulations, is amended as set forth below:

Amend Subpart C by adding a new section 20.26, reading as follows:

§ 20.26 Emergency Closures.

(a) The Director may close or temporarily suspend any season established under Subpart K of these regulations:

(1) Upon a finding that a continuation of such season would constitute an imminent threat to the safety of any endangered or threatened species;

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the FEDERAL REGISTER simultaneous with the local public notice referred to in para-

graph (a)(2) of this section. However, in the event that it is impractical to publish a FEDERAL REGISTER notice simultaneously, due to the restrictions in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the

FEDERAL REGISTER notice, or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension the date and time when the season may be resumed shall be provided by a subsequent local notification to the public.

AUTHORITY: Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704); and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

Effective: November 13, 1975.

F. V. SCHMIDT,
Acting Director,
U.S. Fish and Wildlife Service.

NOVEMBER 11, 1975.

[FR Doc. 75-30792 Filed 11-12-75; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1094]

[Docket No. AO-103-A38]

MILK IN THE NEW ORLEANS, LOUISIANA MARKETING AREA

Notice of Extension of Time

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, Louisiana, marketing area which was issued October 22, 1975 (40 FR 50051) is hereby extended to December 1, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: November 7, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc. 75-30658 Filed 11-12-75; 8:45 am]

Farmers Home Administration

[7 CFR Part 1803]

TREASURY LOAN DISBURSEMENT SYSTEM

Supplemental Notice of Proposed Rulemaking

In the October 23, 1975, issue of the FEDERAL REGISTER (40 FR 49577), the Farmers Home Administration (FmHA) published a notice of proposed rulemaking regarding 7 CFR 1803, "Supervised Bank Accounts," to implement a new method of disbursing loan and grant funds called the Treasury Loan Disbursement System (TLDS). TLDS for Sections 502 and 504 Rural Housing loans for construction and repair work, using a multiple advance feature, will be field tested in three States (Kentucky, New York, and Oregon) before its nationwide implementation.

This document supplements the notice by notifying the public that in addition to sections 502 and 504 Rural Housing the use of the multiple advance feature will be expanded to include the following loan types:

Farm Ownership, Individual Soil and Water, Recreation Loans, and Emergency Loans, pursuant to sections 302, 303, 304,

and 321 of the Consolidated Farm and Rural Development Act.

Date November 10, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 75-30671 Filed 11-12-75; 8:45 a.m.]

Animal and Plant Health Inspection Service

[9 CFR Part 314]

PARASITIC LIVER HANDLING

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provision in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service is considering amending § 314.10 of the federal meat inspection regulations (9 CFR 314.10), pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), to eliminate certain special handling requirements for livestock livers condemned because of fluke or fringed tapeworm infestations, and to provide that livers condemned because of hydatid disease be destroyed.

Statement of considerations: The current federal meat inspection regulations require the cooking or freezing of livestock livers infested with flukes, and cooking of livers infested with fringed tapeworms (*Thysanosoma actinioides*) or hydatid cysts before the livers can be shipped from federally inspected establishments. Livers so treated may presently be used in manufacturing animal foods, but cannot be used for human food. These requirements were initiated many years ago in an effort to break the parasites' life cycle, thereby reducing the incidence of infestation. However, there is no information or evidence that these requirements have contributed to a reduction in the incidence of these parasitisms. These requirements have caused additional expense to the slaughterers and required additional inspection supervision apparently without significant beneficial results.

Based on information currently available to the Department, it appears that cooking and freezing such livers has not had significant impact in reducing the incidence of such parasitic infestation of livestock, and that the proposed change with respect to livers infested with flukes or fringed tapeworms poses no threat to human health. However, since canines consuming livers infected with hydatid cysts may become infected with the adult form of the tapeworm (*Echinococcus granulosus*) and, in turn, could infect

humans through their ingestion of eggs from this parasite, it appears that livers infected with hydatid cysts should be destroyed.

The list of denaturing agents for certain livers shipped from an official establishment would be changed to coincide with the list of denaturing agents presently permitted for use on livers outside of official establishments. It appears that any of these agents would adequately denature such livers so as to deter them from being used for human food.

Also, the certificate requirements in connection with the shipment of certain condemned livers would be deleted, in that it appears that denaturing and labeling clearly identify materials as inedible and the certificates are not needed by the Program. Certificates are submitted to the Program for statistical purposes only, and it appears that such statistics are no longer needed.

Therefore, § 314.10 of the federal meat inspection regulations would be revised to read as follows:

§ 314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal for purposes other than human food.

(a) Livers condemned on account of hydatid cysts shall be disposed of by tanking pursuant to the provisions of § 314.1 of this subchapter if condemned at official establishments having facilities for tanking; otherwise they shall be destroyed pursuant to the provisions of § 314.3 of this subchapter.

(b) Livers condemned because of parasites other than hydatid cysts; and livers condemned because of telangiectasis, angiodysplasia, "sawdust" condition, cirrhosis, carotenosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be shipped from an official establishment only for purposes other than human food, and only if all tissue affected with abscesses is removed and destroyed within the establishment, and all livers are processed and denatured, with any agent prescribed in § 325.13(a) (1) or (2) or (5), and in accordance with § 325.13(a) (6) of this subchapter. This provision for movement from an official establishment is made solely under the Federal Meat Inspection Act and is not intended to relieve or modify any other applicable requirements under any other law regarding the movement of such articles, for purposes other than use as human food.

(c) Livers condemned because of conditions described in paragraph (b) of

this section shall be in containers plainly marked "inedible".

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by January 12, 1976.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: November 6, 1975.

F. J. MULHERN,
Administrator, Animal and
Plant Health Inspection Service.

[FR Doc. 75-30659 Filed 11-12-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 192]

[Docket No. OPSO-36, Notice No. 75-6]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Caulked Bell and Spigot Joints

The Office of Pipeline Safety Operations (OPSO) is considering a revision of § 192.753(a) to permit cast iron caulked bell and spigot joints subject to pressures of 25 psig or more to be sealed by any means which maintains flexibility in the joint, bonds chemically or mechani-

cally with cast iron, and satisfies the general requirements of §§ 192.53 and 192.143 applicable to the materials and the design of pipeline components.

Currently, § 192.753(a) requires that cast iron caulked bell and spigot joints subject to pressures of 25 psig or more must be sealed with mechanical leak clamps. This requirement is based on the recommended safety practice contained in the United States of America Standards Institute B31.8 Code, 1968 edition, which was widely used by the pipeline industry before Part 192 was adopted (35 FR 13248, August 19, 1970).

The need for the additional seal by mechanical leak clamps is indicated by both the gas pressure and the drying effect of natural gas on caulked bell and spigot joints. When most of the cast iron bell and spigot joints being used in the transportation of natural gas in the U.S. were installed, they were caulked with a jute packing material to prevent the escape of gas. The jute caulking, which must be kept moist with oil or water to remain gas tight, provided a satisfactory seal for the manufactured gases that were transported when the joints were installed. However, when joints caulked with jute are used in the transportation of natural gas, which is not as moist as manufactured gas, the jute caulking soon dries out, causing gas leaks. In addition, until recently, mechanical leak clamps were the only reliable means of sealing a cast iron caulked bell and spigot joint subject to pressures of 25 psig or more to prevent it from leaking.

Since Part 192 was adopted, the pipeline industry has developed new methods and materials for sealing cast iron bell and spigot joints. OPSO believes that at least one recently developed method can be used to seal a caulked joint subject to pressures of 25 psig or more as well as or better than a mechanical leak clamp. Other new methods may also provide a satisfactory alternative to mechanical leak clamps, and their use should not be precluded by Part 192.

The new method which results in the chemical bonding of a rubber compound to the surfaces of a bell and spigot joint, permanently sealing the joint to prevent the escape of gas, was developed by a British chemical firm, Avon Lippitt Hobbs, Ltd., in consultation with the British Gas Council and the Dutch Gas Institute. This new method is popularly known as the Avonseal method. In Great Britain the method has been used to seal over 300,000 joints, many of which are operated at pressures well in excess of 25 psig. The first 100,000 of the seals installed in Great Britain were recorded and checked by the British Gas Council. Only 17 leaks occurred on the 100,000 joints, and upon investigation, each of these leaks was found to be due to human error with no failure in material. In view of this development, by letter dated July 8, 1974, the Miller Pipeline Corporation petitioned OPSO to amend § 192.753(a) to permit the use of this new method as an alternative to mechanical leak clamps.

The Ohio Public Utilities Commission (PUC) also believes that § 192.753(a) should not restrict the use of new methods as safe as mechanical leak clamps. On June 5, 1975, acting under Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)), the PUC granted a waiver from the requirements of § 192.753(a) to three Ohio gas companies permitting them to use the Avonseal method on cast iron caulked bell and spigot mains operating below 50 psig. The record of this State waiver and the OPSO action entering no objection to it are contained in OPSO Docket No. OH-75-1.

OPSO has reviewed the tests and data supporting the safety of the Avonseal method submitted by the Ohio PUC and the Miller Pipeline Corporation along with information relevant to the use of other sealing methods. On the basis of that review, OPSO has developed criteria which it believes any sealing method subject to pressures of 25 psig or more should meet if the method is to provide a safe alternative to mechanical leak clamps. These criteria are (1) maintenance of flexibility in the joint to minimize stresses at the joint that could cause pipe breakage, (2) a chemical or mechanical bond between the sealing material and the metal surfaces of both the pipe bell and spigot to provide a permanent seal, and (3) the sealing material and the bond must have a strength sufficient to withstand anticipated forces, be resistant to adverse environmental conditions, and be chemically compatible with materials to which the joint may be exposed. (The criteria in clause (3) are based on requirements now applicable to pipeline materials and components under §§ 192.53(a), (b) and 192.143.) OPSO believes that revising § 192.753(a) to permit the use of sealing methods which meet these criteria would have the benefit of removing the existing restriction against the use of technological advances, while maintaining the level of safety now provided.

In consideration of the foregoing, § 192.753(a) would be revised to read as follows:

§ 192.753 Caulked bell and spigot joints.

(a) Each cast iron caulked bell and spigot joint that is subject to pressures of 25 psig or more must be sealed with—

- (1) Mechanical leak clamps; or
- (2) A means which—
 - (i) Does not reduce the flexibility of the joint;
 - (ii) Permanently bonds, either chemically or mechanically, or both, a sealing material with the bell and spigot metal surfaces; and
 - (iii) Utilizes a sealing material and bond that meet the strength, environmental, and chemical compatibility requirements of §§ 192.53(a) and (b) and 192.143.

Interested persons are invited to participate in this rule making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory

docket and notice numbers and be submitted in duplicate to the Director, Office of Pipeline Safety Operations, Department of Transportation, Washington, D.C. 20590. All communications received by December 29, 1975, will be considered by the Director before taking final action on the notice. Late filed comments will be considered to the extent practicable. All comments will be available for examination by interested persons at the Office of Pipeline Safety Operations, Room 6226, 2100 Second Street, S.W., Washington, D.C., before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672), § 1.64 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.64), and the redelegation of authority to the Director, Office of Pipeline Safety Operations, set forth in Appendix A to Part 102 of the regulations of the Office of the Director, Materials Transportation Bureau (49 CFR Part 102).

Issued in Washington, D.C., on November 7, 1975.

CESAR DELEON,
Acting Director, Office of
Pipeline Safety Operations.

[FR Doc. 75-30673 Filed 11-12-75; 8:45 am]

**National Highway Traffic Safety
Administration**

[49 CFR Part 571]

[Docket No. 75-16; Notice 03]

BUS AIR BRAKE SYSTEMS

Amendment of Standard No. 121

This notice proposes an amendment of Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, to suspend until January 1, 1977, the service brake stopping distance requirements as they apply to buses. This modification of the standard is responsive to information developed at a public meeting held in Washington, D.C., on October 29, 30, and 31, 1975, as well as other information collected by the NHTSA on field experience since the standard's implementation. A separate response will address the issues raised with regard to the standard's implementation in trucks and trailers.

The NHTSA called the public meeting (40 FR 43049, September 18, 1975) to collect all existing information as soon as possible on the operation of the new brake systems built to conform to the standard (a transcript of the meeting is available in the NHTSA public docket). But performance was reviewed by manufacturers and users of transit and intercity buses, and by Rockwell International Corporation, the manufacturer of virtually all axles and antilock components installed in these vehicles. The California Highway Patrol also submitted reports on antilock performance in California transit operations. Submitted informa-

tion confirmed a pattern of erratic behavior of bus antilock equipment that had begun to appear in other data received by the NHTSA.

The American Public Transit Association (APTA) submitted a report that summarizes the experience of 30 transit systems, including those that addressed the public meeting. The report revealed symptomatic defects in the installed antilock systems which have resulted in erratic braking performance of the new buses. The Maryland Mass Transit Administration, summarizing the views of other transit operators, called for a temporary cancellation of the standard. Additionally, the speakers asked for reevaluation of the standard as it applies to transit buses.

Intercity bus operators were represented by the National Association of Motor Bus Owners, Greyhound Corporation, and the manufacturers of a majority of intercity buses, Motor Coach Industries (MCI) and General Motors Corporation. MCI called for a 1-year suspension of the "no-lockup" requirement for buses, to be followed by the introduction of new requirements for buses different from those specified for trucks.

The NHTSA has studied the materials and arguments submitted by each speaker, along with the other material collected on experience with the 121 systems in buses. The agency has arrived at the following tentative findings:

(1) Manufacturers of both transit and intercity buses do not appear prepared at this time to utilize antilock systems other than those manufactured by Rockwell International Corporation.

(2) The Rockwell antilock system currently available for bus application is characterized by malfunction that warrants its deactivation on all vehicles on which it is installed while a correction is fully developed.

(3) Information furnished by Rockwell does not provide a basis to conclude that a demonstrably satisfactory correction to its antilock system defects is at hand.

(4) A situation wherein purchasers of new buses are required to pay for antilock systems which are to remain deactivated for an indefinite period is inappropriate.

In view of these findings, the NHTSA tentatively concludes that a 1-year suspension of parts of the standard for buses is in order. Accordingly, it is proposed that the section that requires vehicles to stop within a specific distance without wheel lockup (§5.3.1) be suspended for buses until January 1, 1977.

The efficacy of a 1-year suspension depends on the success of the fleet testing undertaken by Rockwell and any other manufacturers, such as the AC Division of General Motors, that are entering the bus antilock field. Additionally, the cooperation of bus users, both intercity and transit operators, will be required for successful evaluation of revised systems. Based on comments at the meeting, all parties intend to participate

actively and the NHTSA solicits comment on manufacturer and user plans to use the 1-year suspension of §5.3.1 to achieve maximum field evaluation. If justified, a public meeting on implementation of Standard No. 121 in buses could be called in the latter part of 1976 to evaluate data generated.

§ 571.121 [Amended]

In consideration of the foregoing, it is proposed that §5.3.1 of Standard No. 121 (49 CFR 571.121) be amended by the addition of the words: "Except for a bus manufactured before January 1, 1977, and" at the beginning of the first sentence.

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

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

Comment closing date: December 15, 1975.

Proposed effective date: Date of publication of the final rule in the FEDERAL REGISTER.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on November 11, 1975.

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

[FR Doc. 75-30680 Filed 11-11-75; 9:31 am]

**CONSUMER PRODUCT SAFETY
COMMISSION**

[16 CFR Part 1207]

SWIMMING POOL SLIDES

Proposed Safety Standard; Correction

In FR Doc. 75-29501, published October 31, 1975 (40 FR 50728), the following correction is necessary:

The top line of Table 3 should read as follows:

A foot ± 0.5 ft. B foot ± 0.5 ft. C foot ± 0.5 ft.

As printed, A and B incorrectly read "+0.5 ft." and C incorrectly reads "+.05 ft."

Dated: November 7, 1975.

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

[FR Doc.75-30584 Filed 11-12-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 435]

[FRL 456-2]

OFFSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Extension of Comment Period

This notice extends the period for comments to the notice, published September 15, 1975, proposing Effluent Limitations for Existing Sources, Standards of Performance and Pretreatment Standards for the Offshore Segment of the Oil and Gas Extraction Point Source Category (40 FR 42572).

Requests for an extension of time were submitted by several persons having an interest in commenting. They argue that additional time is needed to review the notice in sufficient detail to provide meaningful comments.

In view of the requests, the Environmental Protection Agency has determined it is in the public interest that the period for comments on the proposed regulation be extended until December 15, 1975.

Dated: November 4, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.75-30535 Filed 11-12-75; 8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[10 CFR Part 790]

GEOTHERMAL ENERGY RESEARCH DEVELOPMENT, DEMONSTRATION AND PRODUCTION

Federal Guaranties on Loans

Correction

In FR Doc. 75-28868 appearing at page 50100 in the issue for Tuesday, October 28, 1975, the text for § 790.6 was inadvertently omitted. The material should have appeared as set forth below.

790.6 Loan guaranty criteria.

In addition to meeting the requirements for eligibility and priority set forth in § 790.4 of this Part, guaranties shall be made only if the following conditions are met as determined by the Administrator:

(a) The application is signed by an authorized official of the lender and is accompanied by a statement signed by

the borrower evidencing knowledge of the application and intent to comply with this regulation;

(b) The loan is to be made to a qualified borrower;

(c) Except as provided in § 790.43 of this Part, the loan amount to be guaranteed does not exceed 75 percent of the estimated aggregate cost of the project, however; there is no prohibition against the guaranty being equal to 100% of the loan to be made by the lender;

(d) The lender affirms either that the loan would otherwise not be made to the borrower or that the prevailing prime rate of interest charged to preferred customers would not be made available without a Federal loan guaranty;

(e) There is satisfactory evidence demonstrating that the lender has a management organization competent to administer the terms and conditions of a loan guaranteed under this regulation;

(f) When the maximum permissible guaranty is requested as provided in paragraph (c) of this section, the lender must affirm that its confidence in geothermal technology and utilization as related to the project is insufficient, and therefore until the lender gains experience with new geothermal technology and resources, the lender is unwilling to approve a loan at less than the maximum permissible guaranty;

(g) The loan bears interest at a rate not to exceed an annual percent on the principal obligation outstanding as the Administrator determines, in consultation with the Secretary of the Treasury, to be reasonable, taking into account the range of interest rates and lending practices prevailing in the private sector for similar loans and risks by the United States. However, it is expected that the borrower and lender will negotiate a mutually acceptable interest rate that recognizes the benefits to the lender from a Federal guaranty;

(h) The terms of such loans require full repayment over a period of up to thirty years, or the expected useful life of any physical asset to be financed by such loan, whichever is less;

(i) The amount of the loan together with other funds available to the borrower will be sufficient to carry out the project;

(j) There is reasonable assurance of payment of interest and repayment of the guaranteed portion of the loan by the qualified borrower, such as, evidence that there exists or will exist a market for the project's product or results;

(k) The amount of the guaranty for a project does not exceed \$25,000,000;

(l) The total dollar amount of guaranties made under this regulation for any combination of outstanding loans to any single qualified borrower does not exceed \$50,000,000;

(m) The project is to be performed in the United States, its territories or possessions, or for the benefit of facilities owned or leased by the United States from foreign governments;

(n) The project is technically feasible and uses environmentally acceptable processes;

(o) The project is to be initiated and completed in a timely and efficient manner;

(p) When necessary to carry out the project, there is a sufficiency of encouraging geophysical, geological, hydrological and geochemical data;

(q) The borrower agrees to make available on a timely basis any technical and economic information as specified in the guaranty agreement, and subject to provisions in §§ 790.33 and 790.44(b) of this Part, further agrees to its use for public dissemination purposes;

(r) There is satisfactory evidence of the borrower's interest in geothermal resources;

(s) There is satisfactory evidence that the borrower is capable of completing the project in an acceptable manner;

(t) An environmental statement or negative declaration has been prepared and issued by the appropriate Federal agency, in compliance with the National Environmental Policy Act of 1969;

(u) The project, whether conducted on public or private land, will be carried out with full regard to the use of environmentally acceptable processes in such a manner as to mitigate adverse environmental impact to the maximum extent practicable;

(v) The environmental risks of the project have been evaluated in accordance with § 790.23 of this part;

(w) The borrower and lender agree that the terms and conditions set forth in the loan agreement shall be acceptable to the Administrator and be part of the guaranty agreement;

(x) The borrower and non-guaranteed lender agree that the terms and conditions set forth in that loan agreement, including the provision that a loan guaranteed under this regulation shall not be subordinated to any other long term financing, shall not be effective until approved by the Administrator; and

(y) The borrower and lender agree to such other terms and conditions as the Administrator deems necessary and appropriate.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 39, 91, 93]

[Docket No. 20665; RM-2324; FCC 75-1215]

TRANSMITTER POWER

Specifications

In the matter of Amendment of Parts 89, 91 and 93 of the Commission's Rules and Regulations to eliminate the required annual measurement of transmitter power, frequency and modulation, and to specify transmitter power in terms of output power; Docket No. 20665; RM-2324; FCC 75-1215.

Adopted: October 29, 1975.

Released: November 7, 1975.

By the Commission: Commissioner Reid absent.

1. HT&B Electronics (HTB) has filed a petition requesting elimination of the required annual transmitter power

measurement and amendment of Parts 91 and 93 of the Rules to specify the use of radio frequency output power as the preferred method of measurement.

2. Regarding deletion of the presently required annual transmitter power measurement, HTB argues that:

Design of equipment is normally such that power output deteriorates with time rather than increasing. For this reason, measurement of output power on an annual basis is unnecessary for the limitation of interference. The inclusion of the annual requirement precludes a service company from making all required transmitter measurements at a distance saving considerable expenditure of time, fuel and funds compared to the presently required visit to the station for local measurements.

Continuing in a similar vein, HTB points out that the goal of minimization of interference would be furthered by allowing measurement from a distance since measurements could be made more frequently per unit of cost, and because remote monitoring techniques would, in many cases, give indications of other types of transmitter spectrum deficiencies.

3. We believe the arguments presented by HTB have merit. On-the-air measurement of pertinent transmitter technical parameters is a most reliable technique and has long been in use at the Commission's monitoring stations. We feel that expanded use of on-the-air measurement techniques should be encouraged since the efficiency with which such measurements can be made results in increased benefit to the subscribing licensee and furthers the national goal of optimizing the use of available energy resources. For these reasons we believe similar deletion of annual measurement of frequency and modulation is appropriate.

4. The Rules have and will continue to require that transmitters be operated in accordance with applicable technical standards. In requiring the annual measurement of transmitter power, frequency and modulation, the Commission merely sought to implement a frequency of measurement suitable for a typical land mobile transmitter. We recognize that while semiannual or quarterly measurement of older model transmitters may be necessary, measurement at other time intervals may suffice for present state-of-the-art models. Therefore, since the annual measurement requirements appear to have become irrelevant, restrictive, and in some cases burdensome, in keeping with our policy of eliminating non-essential station operating requirements we propose to amend the Rules to eliminate these requirements, thereby providing for increased flexibility in transmitter maintenance policy and procedure. It should be emphasized that this proposal does not relieve licensees of their responsibility to take appropriate measures to insure that their radio equipment is at all times operated in accordance with the applicable technical standards.

5. HTB also requested that the Commission update its Rules to specify

output power as the preferred method of transmitter power measurement. HTB states, and we agree, that there is "... a need to recognize modern equipment construction (use of transistors in lieu of tubes) and modern measurement techniques." Other arguments advanced by HTB are that (1) individual equipment designs have varying efficiencies of the final output stage and therefore, specifying "plate input power" does not indicate the desired interference parameter as accurately as does "output power". (2) The term "plate input power" refers to tube construction and is not a valid technical term for use with transistors, while output power is applicable to all radio frequency generating devices. (3) Widely available test equipment enables the serviceman to measure output power more easily and, in some cases more accurately than direct current input power to the final radio frequency stage. (4) The use of wattmeters having the capability of measuring both forward and reflected transmitter output power are widespread. Such wattmeters provide a measure of the performance of the associated antenna system, thereby assuring optimum system performance. Numerous informal letters and comments from representatives of the communications industry received over the last decade confirm the validity of the afore-stated arguments. Accordingly, we propose to amend the Rules to specify output power instead of input power to final frequency stage (input power). While the petitioner requested amendment of Parts 91 and 93 only, we believe it is in the best public interest to extend this proposal to include Part 89 since operations under the three parts are essentially similar.

6. The output powers stated in the Appendix were derived using a transmitter final stage efficiency factor of .75 for frequencies below 25 MHz and .60 for frequencies above 25 MHz. These are the standards used by the Commission when converting input power to output power. We recognize, however, that there are devices (such as varactor diodes) with somewhat greater efficiencies. For this reason we also propose to amend the Rules to change the range over which the permissible power may vary to 20 percent of the output power listed on the authorization.

7. The proposed amendment of Parts 89, 91 and 93 of the Rules, as set forth below, are issued pursuant to the authority contained in Sections 4(i) and 303 (c), (h) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before January 15, 1976, and reply comments on or before February 14, 1976. All relevant and timely comments and reply comments will be considered by the Commission before

¹ For the sake of simplicity, with the exception of the output power specified in Section 91.555, all low-value (3 watts or less) output powers were rounded up to the nearest watt after conversion.

final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission will also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of Section 1.419 of the Commission Rules, an original and 11 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

1. Section 89.3(b) is amended by adding the following in alphabetical order as follows:

§ 89.3 Definitions.

(b) Definitions of stations: . . .

Output Power. The radio frequency output power of a transmitter's final radio frequency stage at the output terminals.

2. Section 89.15(a)(2) is revised as follows:

§ 89.15 Frequency coordination procedures.

(a) . . .
(1) . . .

(2) Requests to change existing facilities by increasing the authorization output, or raising the authorized height of the antenna or moving the authorized station location (including the antenna), or by adding a base station within the licensee's existing area of operation.

3. Section 89.61(c)(10) is revised as follows:

§ 89.61 Request for special temporary authority.

(c) . . .
(10) Output power of the transmitter

4. Section 89.101 (d)(1) and (p) are revised as follows:

§ 89.101 Frequencies.

(d) . . .

(1) Notwithstanding the rule provisions relating to permissible communications, points of communication and emissions in the applicable subpart of this part, the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz may be used to accomplish any radio communication requirement which is necessary to the licensee's activity: Provided, That

all operations are otherwise in accordance with the rules in this chapter; that the bandwidth of emission does not exceed 8 kHz; and that output power is limited to no more than 20 watts.

(p) The following frequencies may be assigned to fixed stations in the Public Safety Radio Service on a secondary, non-interference basis to land mobile operations in the Industrial (except Business) and Land Transportation Radio Services. All such use of these frequencies for fixed systems is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15dB. For two-frequency systems the separation between transmit-receive frequencies is 5 MHz. The centers of urbanized areas of 200,000 or more population are determined from the Appendix, page 226, of the U.S. Commerce Publication "Air Line Distance Between Cities in the United States." Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 1-50.

5. The table in § 89.103(a) and paragraph (b) are revised as follows:

§ 89.103 Frequency stability.

Frequency range (megahertz)	[In percentage]		
	All fixed and base stations	All mobile stations	
		Over 2 W	2 W or less
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 150	.0005	.0005	.005
150 to 470	.00025	.0005	.0005
470 to 512	.00025	.0005	.0005
512 to 821	.00015	.00025	.00025
821 to 866	.00015	.00025	.00025
147 to 173.5	.03	.03	.03
Above 1835	(1)(f)	(1)(f)	(1)(f)

¹ Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73-74.6 MHz may operate with a frequency tolerance of 0.005 pct.

² Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

³ For control stations, the frequency stability is 0.00025 pct.

⁴ For fixed stations with power output above 120 W, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex, the frequency tolerance may be increased to 0.05 pct.

⁵ Radiolocation equipment using pulse modulation shall meet the following frequency tolerance. The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other radiolocation equipment, tolerances will be specified in the station authorization. See also sec. 89.121.

⁶ The frequency tolerance for base and mobile stations will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section,

the power of a transmitter shall be the maximum rated output power as specified by the manufacturer.

6. Section 89.109(c) is revised as follows:

§ 89.109 Modulation requirements.

(a) * * *

(b) * * *

(c) Each transmitter shall be equipped with a device which automatically prevents modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: Provided, however, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

7. The table in § 89.111(b) and paragraph (c) are revised to read as follows:

§ 89.111 Power and antenna height.

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, the maximum power that will be authorized is shown in the following tabulation:

[In percentage]		
Frequency range (megahertz)	Maximum output power (watts)	Maximum effective radiated power (watts)
1.3 to 3		1,500
3 to 25		750
25 to 100		300
100 to 470		350
470 to 512		1,000
806 to 821	(1)	(1)
851 to 866	(2)	(1)
2150 to 2500	(2)	5
2500 to 10,550	(2)	
10,550 to 10,680	3	
Above 10,680	(2)	

¹ For power limitations see sec. 89.651.

² The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dBW).

³ To be specified in the station authorization.

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

8. Section 89.115 is amended by referencing output power instead of input power and deleting paragraphs (a) (3), (a) (4), (b) (3), and (c) (3).

§ 89.115 Transmitter measurement.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) * * *

(2) * * *

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorization stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

(1) * * *

(2) When any change is made in the transmitter which may affect the transmitter power output.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) * * *

(2) * * *

(d) * * *

(e) * * *

9. Section 89.126(h) is revised as follows:

§ 89.126 Secondary alarm and signalling operations.

(h) The output power shall not exceed 30 watts (at the remote site).

10. Section 89.259(g) (6) is revised as follows:

§ 89.259 Frequencies available to the Local Government Radio Service.

(6) Available for assignment: Provided That the output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

11. Section 89.309(h) (9), (13), (14), (15), (17) is amended as follows:

§ 89.309 Frequencies available to the Police Radio Service.

(h) * * *

(9) This frequency is available for assignment to zone and interzone stations in the Police Radio Service for use with A1 emission only and an output power of 750 watts.

(13) Subject to the restrictions contained in Section 89.111(a), base stations operating on this frequency and render-

ing service to state police mobile units may be authorized to use a maximum output power in excess of the maximum indicated in Section 89.111(b) but not in excess of 7500 watts; Provided, That such operation will cause no harmful interference to the service of other stations.

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission and an output power of 750 watts.

(15) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission with output power of 750 watts, subject to the condition that no harmful interference is caused to the service of any police station employing type A1 emission on this frequency including any operations conducted in accordance with outstanding regional agreements and further subject to the condition that no harmful interference is caused to the service of any station, which in the discretion of the Commission may have priority on the frequency with which interference results.

(17) The maximum output power of any transmitter authorized to operate on this frequency, after June 1, 1956, shall not exceed 2 watts. Licensees holding a valid authorization as of June 1, 1956, for base or mobile station operations on this frequency, with a power in excess of 2 watts, may continue to be authorized for such operation without regard to this power limitation.

13. Section 89.359(g) (6) is revised as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

(6) The output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

PART 91—INDUSTRIAL RADIO SERVICES

14. Section 91.3 is amended by adding the following in alphabetical order:

§ 91.3 Definitions.

Output Power. The radio frequency output power of a transmitter's final radio frequency stage at the output terminals.

15. Section 91.7 is amended by revising (b) (7) and (e) (4) as follows:

§ 91.7 Relay and control stations.

(a) * * *

(b) * * *

(7) A mobile station associated with one or more mobile relay stations may be authorized to operate only on a mobile

service frequency above 25 MHz which is available for assignment to mobile stations. In the Business Radio Service any low-power frequency below 450 MHz may be authorized for that purpose when such stations are limited to a maximum output power of 1 watt or less.

(e) * * *

(4) Notwithstanding paragraph (e) (1) and (3) of this Section, in the Business and Special Industrial Radio Services in the frequency bands below 450 MHz only low power frequencies (2 watts or less output power) may be assigned for the purposes described in paragraph (e) (1) and (2) of this Section.

16. Section 91.8(a) is revised as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) The frequencies which normally may be assigned to stations in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All licensees of stations in these services shall cooperate in the use of the frequencies assigned in order to minimize interference, and thereby obtain the most effective use of the authorized facilities. Each frequency or band of frequencies listed in this part is available on a shared basis only and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions contained in this part or in the station authorization. Except for applications listed in subparagraph (1) of this paragraph, each application for assignment of a new frequency or to change existing facilities by increasing the authorized output power, or raising the height of the antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence of frequency coordination in the form set forth either in paragraph (2) or (3) of this paragraph:

17. Section 91.53(c) (10) is revised as follows:

§ 91.53 Procedure for obtaining special temporary authority.

(c) * * *

(10) Output power of the transmitter.

18. Section 91.102 is amended by revising the table in (a) and revising (b) as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range (megahertz)	Transmitter output power (percent)			
	Fixed and base stations		Mobile stations	
	Over 200 W	200 W or less	Over 2 W	2 W or less
Below 25 ¹	0.005	0.01	0.01	0.02
25 to 30.....	.002	.003	.003	.005
30 to 450.....	.0005	.0005	.0005	.005
450 to 470.....	.00025	.00025	.0005	.0005
470 to 512.....	.00025	.00025	.0005	.0005
512 to 821.....	.00015	.00015	.00025	.00025
821 to 866.....	.00015	.00015	.00025	.00025
1427 to 1435.....	.03	.03	.03	.03
Above 1435.....	(1)(7)	(1)(7)	(1)(7)	(1)(7)

¹ Industrial radiolocation service stations operating in the frequency bands 70-90 kHz and 110-130 kHz will be required to maintain the carrier frequency of each authorized transmitter within 0.01 pct of the assigned frequency. Industrial radiolocation service stations operating in frequency bands above 130 kHz must comply with the tolerance requirements indicated in the column for fixed and base stations in this table.

² Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73-74.6 MHz may operate with a frequency tolerance of 0.005 pct.

³ Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

⁴ The frequency tolerance for base and mobile stations authorized to operate in these bands will be specified in the station authorization.

⁵ For control stations, the frequency stability is 0.00025 pct.

⁶ For fixed stations with an output power above 150 W, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 150 W or less and using time division multiplex, the frequency tolerance may be increased to 0.05 pct.

⁷ Radar stations in the industrial radiolocation service using pulse modulation shall meet the following frequency tolerance. The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other equipment, tolerances will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this Section, the power of a transmitter shall be the maximum rated output power as specified by the manufacturer.

19. Section 91.105(c) is revised as follows:

§ 91.105 Modulation requirements.

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: Provided, however, that this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

20. Section 91.106 is amended by revising the table in (b) and revising (c) as follows:

§ 91.106 Power and antenna height.

(a) * * *

(b) * * *

Frequency range (megahertz)	Output power (watts)	Maximum effective radiated power (watts)
1.6 to 6.....	1,500	
25 to 100.....	300	
100 to 216.....	350	
216 to 220.....	(1)	(1)
220 to 470.....	350	
470 to 512.....		1,000
512 to 821.....	(1)	(1)
821 to 868.....	(1)	(1)
2450 to 2500.....	5	
2500 to 10,550.....	(1)	
10,550 to 10,680.....	3	
Above 10,680.....	(1)	

records, in accordance with the following:

- (1) * * *
- (2) * * *
- (d) * * *
- (e) * * *

22. Section 91.253(c) (2) is revised as follows:

§ 91.253 Station limitations.

(2) The output power shall not exceed 30 watts.

23. Section 91.254(b) is revised as follows:

§ 91.254 Frequencies available.

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, vol. 1, table 23, page 1-50. The centers of urbanized areas are determined from the appendix, Page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

24. Section 91.303(b) (2) is revised as follows:

§ 91.303 Station limitations.

(2) The output power shall not exceed 30 watts.

25. Section 91.304(b) (6) and (29) are revised as follows:

§ 91.304 Frequencies available.

(6) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed in an occupied bandwidth of 8 kHz, for intermittent

transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, vol. 1, table 23, page 1-50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

26. Section 91.354(b) (6), (10) and (29) are revised as follows:

§ 91.354 Frequencies available.

(6) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

(10) Authorizations to operate on this frequency will be issued for A2 or F2 emission for tone signalling or for a combination of such emission with A3 or F3 emission with a maximum bandwidth of 20 kHz. The output power shall not exceed 2 watts. The maximum distance between any transmitter and the center of the radiating portion of its antenna shall not exceed 25 feet. Operation on this frequency is subject to the condition that no harmful interference is caused to stations operating in the Business Radio Service.

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population except that the dis-

1 To be specified in the station authorization.
2 For power limitations, see sec. 89.651.
3 The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dbW).

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

21. Section 91.108 is amended by referencing output power instead of input power and deleting paragraphs (a) (3), (a) (4), (b) (3), and (c) (3).

§ 91.108 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

- (1) * * *
- (2) * * *

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorization stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

(1) * * *

(2) When any change is made in the transmitter which may affect the transmitter output power.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station

tance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 1-50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

27. Section 91.404(b) (5) is revised as follows:

§ 91.404 Frequencies available.

(b) * * *

(5) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

28. Section 91.454(b) (2) is revised as follows:

§ 91.454 Frequencies available.

(b) * * *

(2) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

29. Section 91.504(b) (8), (14), (26), and (33) are revised as follows:

§ 91.504 Frequencies available.

(b) * * *

(8) Other rule provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

(14) This frequency is limited to a maximum output power of 2 watts; and each station authorized hereon will be

classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and provided further, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1, table 23, page 1-50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(33) The maximum transmitter output power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit; provided, however, that when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmission, and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

30. Section 91.553(a) is revised as follows:

§ 91.553 Station limitations.

(a) Mobile relay stations will not be authorized in the Business Radio Service within the continental limits of the United States, except when (1) such stations and all associated control and mobile stations are to be operated exclusively on frequencies above 450 MHz, or (2) when such stations are to be operated on frequencies designated for low power operation and are limited to a

maximum output power of 1 watt with the mobile relay antenna system no more than 40 feet above the ground.

31. Section 91.554(b) (8), (10), (13), (17), (20), (26), (27), (37), (38), (39), (47), and (c) are revised as follows:

§ 91.554 Frequencies available.

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

(10) Operation on this frequency is limited to a maximum output power of 110 watts.

(13) This frequency is limited to a maximum output power of 2 watts and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

(17) Operation on this frequency is limited to a maximum output power of 35 watts.

(20) This frequency is limited to a maximum output power of 1 watt and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

(26) Operation on this frequency is limited to an output power of 75 watts.

(27) Operation on this frequency is limited to an output power of 20 watts.

(37) This frequency is available for assignment to stations in the Business Radio Service for use at locations removed by 75 or more miles from the boundaries of airports in urbanized areas of 200,000 or more population, U.S. Census of Population, 1960, Vol. 1, Table

23, page 1-50. Maximum permissible output power is 110 watts.

(38) This frequency may be assigned to fixed stations in the Business Radio Service. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1 Table 23, page 1-50. The centers of urbanized areas are determined from the Appendix page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(39) This frequency will be assigned only to stations operated with local control. Maximum output power may not exceed 110 watts. Overall height of antenna above ground may not exceed 100 feet. Control point location to be within one-half air mile of the transmitter location.

(47) This frequency will be assigned only for the specific purpose of one-way tone or voice paging. The output power shall not exceed 20 watts.

(c) Except for frequencies separated by 12.5 KHz from regularly assigned frequencies in the bands 460.650-460.875 MHz and 465.650-465.875 MHz, low power mobile stations of 2 watts or less output power may be assigned any frequency separated by 12.5 KHz from any mobile frequency in the band 450-470 MHz listed in paragraph (a) of this section. Such station may be used to provide any function of a base, mobile relay, or mobile station: Provided, That all operation is limited to the confines of an industrial complex. When used as a base station or mobile relay, the height of the antenna shall not exceed 20 ft. above ground. All operation is subject to the condition that harmful interference is not caused to adjacent mobile operations.

32. Section 91.555 is amended as follows:

§ 91.555 Exemption from technical standards.

Transmitters licensed in this Service which have an output power not exceeding 120 milliwatts are exempt from the technical requirements set out in Subpart C of this part: Provided, however, that the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance shall be so adjusted that any emission appearing on a frequency 40 KHz or more removed from the assigned frequency is attenuated at least 30 dB below the unmodulated carrier. Such transmitters

may operate in the continuous carrier transmit mode.

33. Section 91.604(b) (9) is revised as follows:

§ 91.604 Frequencies available.

(9) Station assignments on frequencies in this band will be made subject to the conditions that the maximum output power shall not exceed 375 watts and the maximum authorized bandwidth shall not exceed 2 KHz.

34. Section 91.730(b) (1), (3), (8), and (14) are revised as follows:

§ 91.730 Frequencies available.

(b) * * *

(1) This frequency is shared with the Forest Products and Petroleum Radio Services. The output power of all transmitters operating on this frequency shall not exceed 110 watts.

(3) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 KHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

(8) The maximum transmitter output power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: Provided, however, That when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 KHz. This frequency is available for voice or tone control transmissions, and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

(14) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000

or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1 Table 23 page 1-50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

35. Section 91.754(b) (3) and (10) are revised as follows:

§ 91.754 Frequencies available.

(3) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 KHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

(10) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1, Table 23 page 1-50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

PART 93—LAND TRANSPORTATION RADIO SERVICES

36. Section 93.7 is amended by adding the following in alphabetical order:

§ 93.7 Definitions.

Output Power: The radio frequency output power of a transmitter's final radio frequency stage at the output terminals.

PROPOSED RULES

Section 93.9(a) is revised as follows:

§ 93.9 Frequency coordination.

(a) Except for applications listed in subparagraph (1) of this paragraph, each application for assignment of a new frequency, or to change existing facilities by increasing the authorized output power or raising the height of the station antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence that the applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. Evidence of frequency coordination may be submitted in the form set forth either in subparagraph (2) or (3) of this paragraph. In no instance will an application be granted where the proposed station is located less than 7 miles from an adjacent-channel station 15 kHz removed.

37. Section 93.53(c) (10) is amended as follows:

§ 93.53 Special Temporary Authority.

(c) ***

(10) Output power of the transmitter

38. Section 93.101(b) is revised as follows:

§ 93.101 Frequencies.

(b) The following frequencies may be assigned to fixed stations in the Land Transportation Radio Service on a secondary non-interference basis to Land Mobile Stations in the Public Safety and Industrial Radio Services. All such use of these frequencies for fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population except that the distance may be 75 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency operation the separation between transmit and receive frequencies is 5 MHz. The center of urbanized areas of 200,000 or more population are determined from the Appendix, page 226 of the U.S. Commerce publication, "Air Line Distance Between Cities in the United States."

39. Section 93.102 is amended by revising the table in (a) and by revising (b) as follows:

§ 93.102 Frequency stability.

Frequency range (megahertz)	[In percentage]		
	All fixed and base stations	All mobile stations	
		Over 2 W	2 W or less
Below 25.....	0.01	0.01	0.02
25 to 50.....	.002	.002	.005
50 to 450.....	.0005	.0005	.005
450 to 470.....	.00025	.0005	.0005
470 to 512.....	.00025	.00025	.00025
512 to 831.....	.00015	.00025	.00025
831 to 896.....	.00015	.00025	.00025
1427 to 1435.....	.03	.03	.03
Above 1435.....	(f) (7)	(f) (7)	(f) (7)

¹ Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73-74.6 MHz may operate with a frequency tolerance of 0.005 pct.

² A frequency tolerance of 0.0005 pct is permitted in the railroad radio service for base stations operating on the frequencies 452.925, 452.950, 457.925, and 457.950 MHz, used for remote control purposes in railroad yard and terminal areas.

³ Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

⁴ For control stations, the frequency stability is 0.00025 pct.

⁵ For fixed stations with an output power above 120 W, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex the frequency tolerance may be increased to 0.05 pct.

⁶ Radiolocation equipment using pulse modulation shall meet the following frequency tolerance: The frequency at which maximum emission occurs shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other radiolocation equipment tolerances will be specified in the station authorization. See also sec. 93.111.

⁷ The frequency tolerance for base and mobile stations will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated output power, as specified by the manufacturer.

40. Section 93.105(c) is revised as follows:

§ 93.105 Modulation requirement.

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: Provided, however, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

41. Section 93.106 is amended by revising the table in (b) and by revising (c) as follows:

§ 93.106 Power and antenna height.

(b) ***

Frequency range (megahertz)	Maximum output power (watts)	Maximum effective radiated power (watts)
30 to 100.....	500	1,000
100 to 470.....	175	(7)
470 to 512.....	(7)	(7)
512 to 831.....	(7)	(7)
831 to 896.....	(7)	(7)
2450 to 2500.....	5	(7)
2500 to 10,550.....	(7)	(7)
10,550 to 10,680.....	3	(7)
Above 10,680.....	(7)	(7)

¹ In the frequency band 450-470 MHz maximum output power in excess of 75 W but not in excess of 360 W may be authorized in accordance with the provision of subpt. E of this part, upon submission of the required showings.

² For power limitations see sec. 89.651.

³ The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dBW).

⁴ To be specified in the station authorization.

⁵ [Reserved].

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

42. Section 93.108 is amended by referencing output power instead of input power and deleting paragraphs (a) (3), (a) (4), (b) (3) and (c) (3).

§ 93.108 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) ***
(2) ***

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorization stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

(1) ***

(2) When any change is made in the transmitter which may affect the transmitter output power.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part.

This determination shall be made and the results thereof entered in the station records, in accordance with the following:

- (1) * * *
- (2) * * *
- (d) * * *
- (e) * * *

43. Section 93.254(a) is revised as follows:

§ 93.254 Frequencies below 952 MHz available for base, mobile and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Motor Carrier Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power.

Frequencies (MHz)

27.235	27.255	27.275
27.245	27.265	

44. Section 93.352(b)(4) is revised as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

(4) The maximum transmitter power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit. Provided, however, That when permanently installed aboard a vehicle antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is

available for voice or tone control transmissions and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

45. Section 93.355(c)(2) and (3) are revised as follows:

§ 93.355 Relay and repeater stations.

- (c) * * *
- (1) * * *

(2) A mobile repeater station may be used only for the purpose of extending the transmitting and receiving range of pack-carried or hand-carried units of mobile stations. Such pack-carried or hand-carried units shall be operated only on a frequency or frequencies above 150 MHz and the output power shall not exceed 6 watts. The frequency and maximum power of the pack-carried or hand-carried transmitters which may be associated with a mobile repeater station shall be specified in the station authorization.

(3) The output power of a mobile repeater station, when transmitting as a repeater station on the frequency used for communication with its associated pack-carried or hand-carried units, shall not exceed 6 watts except when the same frequency is also used by the same station for direct communication with vehicular mobile units or with one or more base stations.

46. Section 93.356(a) is revised as follows:

§ 93.356 Frequencies below 952 MHz available for base, mobile, and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Railroad Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power:

Frequencies (MHz)

27.235	27.255	27.275
27.245	27.265	

47. Section 93.357(c)(3)(1) is revised as follows:

§ 93.357 Scope of Service.

(1) The output power shall not exceed 30 watts.

48. Section 93.404(a) is revised as follows:

§ 93.404 Frequencies below 952 MHz available for base, mobile, and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Taxicab Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power:

Frequencies (MHz)

27.235	27.255	27.275
27.245	27.265	

49. Section 93.504(a) is revised as follows:

§ 93.504 Frequencies below 952 MHz available for base, mobile, and operational fixed stations.

(a) The following frequencies available for assignment to base, mobile, or operational fixed stations in the Automobile Emergency Radio Service on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power.

Frequencies (MHz)

27.235	27.255	27.275
27.245	27.265	

[FR Doc. 75-30462 Filed 11-12-75; 8:45 am]

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EXHIBIT A.—Lands transferred from the Secretary of Agriculture to the Secretary of the Army

Forest Service tract No.	Sam Rayburn Seg. No.	Interchange assigned No. ¹	Total acres	Acres to be transferred
A-1-II	2	COE-A1-II-a	19,191	1,478
A-1-II	2	A-1-II-b		1,345
A-640	2	A-640	131	131
A-629	5	A-629	241	241
A-632-a	8	COE-632-a	195	55
S-26-I	12	S-10-a	965	18.28
S-2-K-IV	12	S-10-a	4,067	0.89
S-2-K-IV	12	S-10-b		18.68
S-39	12	S-10-a	92	9
S-20-c	12	S-10	574	8.30
A-2-z	15	COE-A-2-z-a	3,538	130
	15	COE-A-2-z-b		275
	15	COE-A-2-z-c		165
A-2-Z-I	15	COE-A2-z-I-a	662	88
	15	COE-A2-z-I-b		38.93
A-2-A-a	15	COE-A-2-A-a	646	515
A-9-a	16	A-9-a	395	395
A-9-a-I	16	A-9-a-I	147	147
A-1-VIII	17	A-1-VIII	2,243	2,212
A-1-V	20	COE-A-1-V-a	4,450	1,151
	20	COE-A-1-V-b		62
	20	COE-A-1-V-c		156
A-233	20	A-233	75	75
A-639	2	A-639	12	12
A-2-V-II	21	COE-A-2-V-II	5,817.42	150
A-22-b	21	COE-A-22-b	1,001	736
A-2-v-VI	21	COE-A-2-v-VI	627	45
A-2-v-IV	21	A-2-v-IV	239	239
A-2-v-I	21	A-2-v-I	453	453
A-2-v-V	21	A-2-v-V	9	9
A-1-VII	22,24	COE-A-1-VII	7,948.1	1,885
A-1-VI	22	COE-A-1-VI-a	4,031.6	853
	22	COE-A-1-VI-b		3
	22	COE-A-1-VI-c		56
A-220	22	A-220	52	52
A-22-I	23	COE-A-22-I	189	156
A-22-a	23	COE-A-22-a	538.83	330
A-1-I	27	A-1-I	160	160
A-2-I-V	28,30	COE-A-2-I-V-a	9,355	1,322
		COE-A-2-I-V-b		966
A-2-v-I	30	COE-A-2-v-I	4,685	92
A-220-a	30	A-220-a	4	4
A-25-a	30	A-25-a	307	307
A-2-II	31	COE-A-2-II	8,944	382
A-1-I	31	COE-A-1-I	210	190
A-9-d	31	A-9-d	99	99
A-9-c	32	A-9-c	60	60
A-2-d	32	A-2-d	20	20
A-2-I-II	37	COE-A-2-I-II	9,071.4	83

¹ When part of a larger Forest Service tract is to be transferred to the Corps of Engineers the COE prefix was added along with a suffix a or when more than one part is to be transferred subsequent subletters were assigned, i.e., b, c, etc. When the entire Forest Service tract is to be transferred to the Corps of Engineers, the same Forest Service tract number was retained as is.

NOTE.—All lands transferred herein consist of 17,861.19 acres more or less. Complete legal descriptions of the transferred tracts and survey plats depicting their locations are on file in the Office of the District Engineer, U.S. Army Engineer District, Fort Worth, Tex., and the Office of the Forest Supervisor, Angelina National Forest, Lufkin, Tex.

EXHIBIT B

Segment—Continued

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Segment

- All of Tracts 104-9, 104-11, 104-12, 104-13, 104-22, and 104-26. Part of Tracts 104-2, 104-14, 104-15 and 104-25.
- All of Tracts 203-1 and 203-2.
- Part of Tracts 800 and 806.
- All of Tracts 909-1, 910, 912-2, and 913. Part of Tracts 902-5 and 902-6.
- All of Tract 1060. Part of Tracts 1008, 1016, 1017-1, 1017-2, 1018, and 1020.
- All of Tracts 1201-1, 1203-3, 1203-4, 1221-2, 1222, and 1228. Part of Tract 1221-1.
- All of Tracts 1304, 1307-2, 1308-1, 1308-2, 1310, and 1317-2. Part of Tracts 1318, 1319, and 1322.
- Part of Tracts 1500 and 1501.
- All of Tract 1614. Part of Tracts 1601, 1602, 1603, 1604, 1609, and 1611-2.
- All of Tracts 1707, 1716-2, and 1724. Part of Tracts 1706, 1706C, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716-1, 1718, 1719, 1720, 1721, 1721C, 1722, and 1723.
- Part of Tract 1806.
- All of Tracts 1933, 1934, 1935, 1936, 1940, 1941, 1942, 1945, 1946, and 1947. Part of Tracts 1929, 1930, 1931, 1932, 1937, 1938, 1944, 1948-1, 1949, 1950, and 1956.

- All of Tracts 2000 and 2001.
- All of Tracts 2102-1, 2102-2, and 2102-3. Part of Tracts 2104, and 2105.
- Part of Tracts 2200, 2202, 2203, 2211, and 2214.
- All of Tract 2337. Part of Tract 2313.
- All of Tracts 2402 and 2409-2. Part of Tracts 2404-1 and 2409-1.
- All of Tracts 2501, 2502-1, 2502-2, 2503, 2504, 2507-1, 2507-2, 2514, 2516-1, 2525, 2527, and 2533, 2510-2.
- Part of Tracts 2706-2 and 2729.
- Part of Tract 2803.
- All of Tracts 2901, 2913, 2918-1, 2918-2, 2919-1, 2919-2, 2922, 2923, and 2925. Part of Tracts 2902, 2911, 2914, and 2915.
- All of Tracts 3013 and 3029C. Part of Tracts 3009, 3011, 3012, 3016, 3028, 3029, 3031-2, and 3032.
- All of Tracts 3116, 3117, and 3118. Part of Tracts 3114 and 3119.
- All of Tracts 3800-1, 3801, 3802, 3804, 3805, 3807-1, 3807-2, 3808, 3810-1, 3810-2, 3812, 3813, 3814, 3817, 3820, 3822, 3823, 3824, 3827, 3828, 3829, 3830, 3831, 3837, 3838, 3840, and 3841. Part of Tract 3816.
- All of Tracts 3911 and 3911-2.
- All of Tracts 4418-1, 4418-2, 4419, and 4422.

Segment—Continued

- All of Tracts 4715-2, 4716, 4717, 4718, 4719, 4720, 4721, 4722, 4728-1, 4728-2, 4728-3, 4729, 4, 4729-1, 4729-2, 4730-1, 4730-2, 4731, 4732, 4733, 4734, 4736-1, 4736-2, and 4736-3.
- All of Tracts 4800, 4801, 4803, 4804, 4805-1, 4805-2, 4805-3, 4809, 4810, 4811, 4812, 4813, 4814, 4816, 4818, 4819, 4820-1, 4820-2, 4822, 4824, 4825, 4826, 4827, 4829, 4830, 4833-1, 4833-2, 4833-3, and 4845.
- All of Tracts 4900, 4901, 4903, 4904, 4912-1, 4912-2, 4917, 4918, 4920, 4921, 4924, 4927, 4928, 4930, 4931, 4932, 4958, and 4959.

Various Part of rights-of-way for abandoned portions of State Highway 63 and County Road 13-1.

All lands transferred herein consist of 17,070 acres, more or less. Complete legal descriptions of the transferred tracts and survey plats depicting their locations are on file in the Office of the District Engineer, U.S. Army Engineer District, Fort Worth, Texas, and the Office of the Forest Supervisor, Angelina National Forest, Lufkin, Texas.

[FR Doc.75-30514 Filed 11-12-75; 8:45 am]

U.S. ARMY COASTAL ENGINEERING RESEARCH BOARD

Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the U.S. Army Coastal Engineering Research Board on 2 December through 4 December 1975.

The meeting will be held at the Travelodge at Harbor Island, 1960 Harbor Island Drive, San Diego, California, from 0830 hours to 1100 hours on 2 December 1975 for a pre-field trip orientation and from 0840 hours to 1230 hours on 4 December 1975.

The 2 December morning session will be devoted to an orientation of field trips by air and ground transportation of the coastal zone from Imperial Beach up-coast to Los Angeles-Long Beach Harbor and return to San Diego. The remainder of 2 December and all of 3 December will be devoted to field trips. Members of the public may attend the field trips but must provide their own transportation.

The 4 December morning session will be devoted to presentations on South Pacific Division Research Needs and Coastal Problems; on Los Angeles-Long Beach technology and data analysis and Imperial Beach model technology; and on the Wave Information Program of the Great Lakes.

Participation by the public at the 4 December meeting is scheduled for 1115 hours.

The meeting will be open to the public subject to the following:

- Since seating capacity of the Travelodge Inn meeting room limits public participation to not more than 25 people, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

- Oral participation by public attendees is encouraged during those times

scheduled on the agenda; written statements may be submitted prior to or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel James L. Trayers, Executive Secretary, Coastal Engineering Research Board, Kingman Building, Fort Belvoir, Virginia 22060, Telephone (202) 325-7000.

Dated: November 7, 1975.

By authority of the Secretary of the Army.

ROBERT G. FLOWERS, JR.,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.75-30537 Filed 11-12-75; 8:45 am]

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 2511 Jefferson Davis Highway, Arlington, Virginia 20360 on 4 December 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power devices area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerned matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

NOVEMBER 10, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.75-30597 Filed 11-12-75; 8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export

Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registration for the bulk manufacturer of the substance an opportunity for a hearing.

Therefore in accordance with 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on July 1, 1975, Byron Chemical Company, Inc., 40-11 23rd St., Long Island City, New York 11101, made application to the Drug Enforcement Administration to be registered as an importer of methaqualone, a basic class controlled substance in schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections, and requests for a hearing may be filed no later than December 17, 1975.

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, N.W., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823 (a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: November 4, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-30661 Filed 11-12-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-9793]

IDAHO

Proposed Withdrawal and Reservation of Lands; Correction

NOVEMBER 7, 1975.

In FR Doc. 75-25902, filed September 26, 1975 and appearing on Page 44590 of the issue for September 29, 1975, the following correction should be made:

The fourth and fifth lines in the first paragraph of the notice reading: "From

all location and entry under the mining laws, but not the mineral leasing laws" should read: "From all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws."

VINCENT S. STROBEL,
Chief,

Branch of L&M Operations.

[FR Doc.75-30546 Filed 11-12-75; 8:45 am]

[Colorado 23171]

PEOPLES NATURAL GAS

Notice of Pipeline Application

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Peoples Natural Gas, 2223 Dodge Street, Omaha, Nebraska 68102, has applied for a right of way for a natural gas pipeline across the following lands:

T. 37 N., R. 15 W., N.M.P.M. Section 7.

The purpose of this project is to enable the applicant to supply natural gas to customers in portions of Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of Environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado, 80202, within 30 days from the date of this notice.

EVERETT K. WEEDIN,
Chief,

Branch of Land Operations.

[FR Doc.75-30545 Filed 11-12-75; 8:45 am]

SAFFORD DISTRICT MULTIPLE USE ADVISORY BOARD

Public Meeting

NOVEMBER 7, 1975.

Notice is hereby given that the Bureau of Land Management, Safford District Multiple Use Advisory Board, will meet in the District Office, 1707 Thatcher Boulevard, Safford, Arizona, December 19, 1975, at 9:30 a.m. The meeting will be devoted principally to organization of the board, orientation and consideration of multiple use management of the resources on national resource lands in the Safford District.

The agenda will include: organization of the board, presentation by district

personnel of Bureau program, problems and historical background.

The meeting will be open to the public and opportunity will be afforded for a limited number of brief oral statements from members of the public. Written statements also may be submitted. Written comments or inquiries should be addressed to the Bureau of Land Management District Manager at 1707 Thatcher Boulevard, Safford, Arizona 85546. Oral requests for information will be received at the same office at (602-428-1100).

WILLIAM S. EARP,
District Manager.

[FR Doc.75-30547 Filed 11-12-75; 8:45 am]

YUMA DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Yuma District Multiple Use Advisory Board will meet on December 17, 1975, commencing at 10 a.m. at the Ramada Inn, Banquet Room, 3181 S. Fourth Avenue, Yuma, Arizona.

The agenda for the meeting includes background information on the purpose of the new Yuma District Multiple Use Advisory Board; election of officers; brief report on recent State and National Advisory Board meetings; orientation on management programs for the public lands within the district; land use planning procedures, progress and projections; recreation management; wildlife management and other public uses related to management of these public lands (which include both national resource lands and Reclamation Withdrawn lands along the lower Colorado River).

The meeting will be open to the public with seating provided for approximately 50 persons. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should so inform the Bureau of Land Management, Yuma District Office, prior to the meeting of the Board. Any interested person may also file a written statement with the Board for its consideration. Written statements may be submitted at the meeting or mailed to: Chairman, Yuma District Advisory Board, 2450 Fourth Avenue, Yuma, Arizona 85364.

Further information concerning the meeting may be obtained from H. Max Bruce, District Manager, at the above address. Telephone number: (602) 726-2612.

Minutes of the meeting will be available for public inspection thirty days after the meeting. Those interested should contact the District Manager, Yuma District Office.

H. MAX BRUCE,
District Manager.

NOVEMBER 7, 1975.

[FR Doc.75-30548 Filed 11-12-75; 8:45 am]

ALASKA Segregation of Lands

NOVEMBER 6, 1975.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) the State of Alaska, Division of Aviation, has applied for an airport lease for land located in:

Unsurveyed T. 3 N., R. 77 W., Seward Meridian Metes and bounds description lying within SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 21.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

RICHARD L. THOMPSON,
Acting State Director.

[FR Doc.75-30620 Filed 11-12-75; 8:45 am]

[NM 26712]

NEW MEXICO Notice of Application

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), K. B. Kennedy Engineering Company has applied for thirteen 3 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 13 S., R. 30 E.
Sec. 13, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 14 S., R. 30 E.
Sec. 16, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 12 S., R. 31 E.
Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 30, lot 3.
T. 13 S., R. 31 E.
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$.

These pipelines will convey natural gas across 2.290 miles of national resource lands in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-30614 Filed 11-12-75; 8:45 am]

[NM 26903, 26912]

NEW MEXICO

Notice of Applications

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4 $\frac{1}{2}$ inch natural gas pipeline right-of-way and an underground cable right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 N., R. 10 W.,
Sec. 7, Lots 2, 3 and E $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 26 N., R. 11 W.,
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 28 N., R. 12 W.,
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The underground cable and the pipeline will cross .888 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Mineral Operations.

[FR Doc.75-30615 Filed 11-12-75; 8:45 am]

[NM 26910, 26915]

NEW MEXICO

Notice of Applications

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4 $\frac{1}{2}$ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 25 S., R. 27 E.,
Sec. 20, N $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 20 S., R. 30 E.,
Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

These pipelines will convey natural gas across .425 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Man-

ager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-30616 Filed 11-12-75; 8:45 am]

[NM 26921, 26922]

NEW MEXICO

Notice of Applications

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 8 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
New Mexico

- T. 24 S., R. 26 E.,
Sec. 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
T. 20 S., R. 26 E.,
Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$.

These pipelines will convey natural gas across 1.92 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-30617 Filed 11-12-75; 8:45 am]

[NM 26913, 26917]

NEW MEXICO

Notice of Applications

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for two 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 29 N., R. 11 W.,
Sec. 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$;
T. 30 N., R. 8 W.,
Sec. 35, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.

These pipelines will convey natural gas across .895 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-30618 Filed 11-12-75; 8:45 am]

[NM 26916]

NEW MEXICO

Notice of Application

NOVEMBER 6, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 8 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

- T. 21 S., R. 26 E.,
Sec. 13, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
T. 21 S., R. 27 E.,
Sec. 18, Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This pipeline will convey natural gas across .79 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-30619 Filed 11-12-75; 8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of 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 (P.L. 93-205).

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811; Lucille F. Stickel, Director.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)													
		☒ EXPORT OR IMPORT LICENSE ☐ PERMIT													
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Shipment to Canada of one adult whooping crane carcass and three shells of unhatched whooping crane eggs (see attached correspondence).		3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>NAME</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHEN EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		NAME	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHEN EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION		
NAME	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHEN EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
4. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>NAME</td> <td>ADDRESS</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> </tr> <tr> <td>PHONE NUMBER WHEN EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		NAME	ADDRESS	DATE OF BIRTH	COLOR HAIR	PHONE NUMBER WHEN 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 Wildlife research to enhance the status of endangered and threatened species; also to determine the effects of environmental pollutants on wildlife and their habitat.			
NAME	ADDRESS														
DATE OF BIRTH	COLOR HAIR														
PHONE NUMBER WHEN EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Shipment from Baltimore, Maryland or Washington, D. C. to Ottawa, Ontario, Canada		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO (If yes, list license or permit number) PER 8-85-C, PER 8-169-C, 5-50-590. Also, interim authority for whooping crane species, per Mr. Davin's letter													
8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? ☒ YES ☐ NO (If yes, list jurisdiction and type of document) Copy of Canadian import permit is attached (for carcass)		9. DESIRED EFFECTIVE DATE: ASAP													
10. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ N/A		11. DURATION NEEDED: 30 days													
12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (24-50 C.F.R. 17.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 24-50 C.F.R. UNDER WHICH ATTACHMENTS ARE PROVIDED: 17.12															
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 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) <i>Lucille F. Stickel</i>		DATE October 14, 1975													

ATTACHMENT

Additional information, per Part 17.12:
 1. a. Common and scientific names of the species sought to be covered: Whooping crane (*Grus americana*).

b. Number, age, and sex: one, seven-year-old female and three shells of unhatched eggs.

c. Activity sought to be authorized: Export to Canada (see attached correspondence).

2. The adult bird hatched from an egg that was collected in Wood Buffalo National Park and transported to the Patuxent Center in 1968. This bird had remained at the Patuxent Center until its death on August 24, 1975. The shells are from eggs that were taken from Wood Buffalo National Park to Grays Lake, Idaho in the experiment to establish a whooping crane population by substituting whooping crane eggs for those of the sandhill cranes that nest there. Although most of the eggs hatched, these three failed and were subsequently sent to the Patuxent Center for chemical analysis of the egg contents for various environmental pollutants.

3. N/A.

4. See 2, above.

5. Specimens are to be sent to the Canadian Wildlife Service, Ottawa, Ontario in accordance with instructions in the attached correspondence. They will be used for display and other educational purposes.

6. N/A.

7. See attached correspondence.

8. The U.S. Fish and Wildlife Service and the Canadian Wildlife Service are continuing cooperative efforts to enhance the status of the whooping crane. The agreement includes behavioral, nutritional, and physiological research as well as captive propagation at the Patuxent Center. More recently, other studies have been undertaken to establish another whooping crane population at Grays Lake, Idaho. This study is supported in part by U.S. Fish and Wildlife Service Contract No. 14-16-0008-1178 with the University of Idaho, Moscow, Idaho.

To: Director, U.S. Fish and Wildlife Service (LE).

From: Director, Patuxent Wildlife Research Center.

Subject: Export Permit.

OCTOBER 14, 1975.

The attached permit application constitutes our request to return one adult whooping crane (carcass) and three shells of unhatched eggs to the Canadian Wildlife Service. Correspondence from the Canadian Wildlife Service expressing their desire to have these specimens is attached.

Although the permit application includes the export of the carcass as well as the eggshells, it appears that under the provisions of Part 17.4 an export license may not be re-

quired for the carcass. This bird was held in captivity prior to December 28, 1973, for purposes that were not contrary to the purposes of the Act. Consequently, if an export license to ship this bird's carcass to the Canadian Wildlife Service can be issued prior to expiration of their import license (October 31, 1975), we would appreciate prompt issuance.

LUCILLE F. STICKEL.

CANADIAN WILDLIFE SERVICE,
 OTTAWA, ONT., K1A 0H3,
 September 10, 1975.

Mr. F. V. SCHMIDT,
 Acting Director, Fish and Wildlife Service,
 Bureau of Sport Fisheries and Wildlife,
 Department of the Interior, Washington,
 D.C. 20240, U.S.A.

DEAR MR. SCHMIDT: Thank you for your letter of September 5, 1975, informing us of the death of an adult Whooping Crane. We must expect whooping crane deaths from natural causes as an unfortunate part of life.

We most certainly would appreciate receiving the bird, which will be prepared for display purposes. It would be appreciated if you would arrange to have the bird deep frozen and sent to this office via Ottawa International Airport. If you would inform us of the date and flight number, we will arrange for collection. Would it be possible for someone on your staff to phone our Mrs. Duval (819) 997-1270 with the details?

A Convention Import Permit is attached. Presumably you will take care of an appropriate export permit from the United States. Canadian Customs require that both an export permit and an import permit accompany all shipments of Convention Appendix I species.

Your co-operation in this matter is very much appreciated.

Yours sincerely,

A. G. LOUGHREY,
 Director General.

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, N.W., 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 December 15, 1975.

Dated: November 10, 1975.

LOREN K. PARCHER,
 Acting Chief, Division of Law
 Enforcement, U.S. Fish and
 Wildlife Service.

[FR Doc. 75-30598 Filed 11-12-75; 8:45 am]

AMENDMENTS TO MARINE MAMMAL AND ENDANGERED SPECIES PERMIT

Receipt of Application

A permit authorizing capture, tagging, holding, transport and release of no more than twelve West Indian Manatees (*Trichechus manatus*) was issued to the National Fish and Wildlife Laboratory, Gainesville Field Station, Florida, on September 25, 1975, pursuant to the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. A

notice containing the application for the permit was published in the **FEDERAL REGISTER** on August 1, 1975 (40 FR 32366-67), soliciting public comments for a period of 30 days. A notice of the issuance of the permit was published on October 8, 1975 (40 FR 47161).

Dr. Howard W. Campbell, Chief, Gainesville Field Station, National Fish and Wildlife Laboratory, Gainesville, Florida, has submitted a request for significant amendments to the permit. Published herewith is a copy of the terms of the permit, and the request for amendments. This request is being considered pursuant to section 13.23, Title 50 Code of Federal Regulations (see 39 F.R. 1162).

August 26, 1975.

Mr. C. R. Bavin,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service,
Department of the Interior,
Washington, D.C. 20240.

Dear Mr. Bavin: The purpose of this letter is to request that several amendments be made to our permit application to tag West Indian Manatee, *Trichechus manatus*. Official notice of our application first appeared in the **FEDERAL REGISTER** on August 1, 1975.

We wish to amend our application in the following ways: (a) Attachment page two; Project Goals; Phase I, add:

(3) As feasible, selected manatees will be utilized for physiological monitoring after they have been captured for the tagging process. Not more than 50 CC of blood will be extracted and analyzed for osmolality as well as for common blood values. Kidney clearance studies will be conducted utilizing Para-aminohippuric acid (PAH), a harmless chemical which after injection into the blood stream is completely absorbed by the kidney. Urine will be collected by catheterization. Blood and urine collection will be supervised by a licensed veterinarian with extensive experience with manatees and other marine mammals.

(b) Attachment page four; Tag Methods section; add:

(4) Paint tagging: A new type of aerosol paint tagging technique has recently been developed by Mr. William Schevill and William Watkins of Woods Hole Oceanographic Institute. The technique allows underwater application of the spray paint and has been successfully used on dolphins. (Manuscript has been submitted to the *Journal of Mammalogy*.) We request permission to test application techniques and observe the results in conjunction with other tagging techniques which are being tested.

It is our intent that the above amendments should apply to Phase I, the tag development phase of the application.

This information will be of great value to our studies of manatee biology. The renal clearance studies should expand our understanding of manatee osmoregulation and the freshwater requirements of these animals. Such data will have direct application to conservation and management decisions.

In re-reading our application, I find that it might be construed to imply that we will conduct all of the tag testing at the Titusville site specifically mentioned in the application. This is not our intent. The Titusville site will be utilized to develop techniques for capture and handling manatees as well as for tag testing and is an ideal location for such work. However, further testing in fresh and brackish water manatee habitats will be necessary to determine effects of these different environments on acoustic

tag range, freeze brand visibility and permanence etc. No given area has been located to do this testing, but the upper reaches of the St. Johns River, and Crystal River Spring area in Florida are probable general sites for fresh water testing.

If you have any further questions, please contact me.

Sincerely yours,

HOWARD W. CAMPBELL,
Chief Gainesville
Field Station, NFWL.

OCTOBER 1, 1975.

National Fish and Wildlife Laboratory,
Gainesville Field Station, 2820 East University Avenue, Gainesville, Florida 32601.

(Attention Dr. Howard W. Campbell)
Re-PRT 9-25-C
Amendment No. 1

Dear Dr. CAMPBELL: Review of the Federal Fish and Wildlife Permit No. PRT 9-25-C, issued to the National Fish and Wildlife Laboratory on September 25, 1975, has established that reference to the Endangered Species Act of 1973 was inadvertently omitted from the permit.

Since the West Indian manatee (*Trichechus manatus*) is protected by the authority of the Endangered Species Act of 1973 in addition to the Marine Mammal Act, it is appropriate that the permit be amended, in accordance with 50 CFR 13.41, to reflect the additional authority.

Accordingly, this letter will serve as Amendment No. 1 to Federal Fish and Wildlife Permit No. PRT 9-25-C, authorizing the following changes therein:

Block 2. Authority—Statutes.

Delete—as written.

Amend—to read: 16 USC 1371(a)(1), 16 USC 1539(a), 50 CFR 18.31, 50 CFR 17.22.

Block 9. Type of Permit

Delete—as written.

Amend—to read: Marine Mammal/Scientific Endangered Species/Scientific.

Please attach this amendment to your original permit.

All other terms and conditions of said permit remain in effect.

Sincerely yours,

C. R. BAVIN,
Chief, Division of
Law Enforcement.

 DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE PERMIT		9-251 07/75
1. PERMITTEE National Fish and Wildlife Laboratory Gainesville Field Station 2820 East University Avenue Gainesville, Florida 32601		2. AUTHORITY—STATUTES 16 USC 1371(a)(1) REGULATIONS (Attached) 50 CFR 18.31
3. NUMBER PRT 9-25-C		4. RENEWABLE ☒ YES ☐ NO
5. NAME AND TITLE OF PRINCIPAL OFFICER (SEE 16 USC 1539(a)) Howard W. Campbell, Chief		6. MAY COPY ☒ YES ☐ NO
7. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED In the United States as permitted by State Law		8. EFFECTIVE DATE SEP 25 1975
9. TYPE OF PERMIT Marine Mammal		10. EXPIRATION DATE 6/30/80
11. CONDITIONS AND AUTHORIZATIONS A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK 2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS. B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FEDERAL, STATE, LOCAL OR OTHER FEDERAL LAWS. C. VALID FOR USE BY PERMITTEE NAMED ABOVE and any person designated in writing by the permittee. D. Authorized to capture, tag, hold, transport and release no more than 12 West Indian manatees (<i>Trichechus manatus</i>) to develop and implement tagging techniques. E. The manatees, after study or permitted activity, must be released at or near the capture site. F. The loss, death or destruction of the manatees shall be reported within 24 hours to the Gainesville USFWS office (904-377-4222) and in writing to the Director (FWS/12), Box 19183, Washington, D. C. 20036, within 10 days. G. Pay salvage and care for any manatees found injured or dead and any injured or killed as a result of the permitted activity. Dead specimens shall be preserved for scientific research. H. ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY		
12. REPORTING REQUIREMENTS. A report of the activities conducted under authority of this permit, must be furnished to the Director (FWS/12), Box 19183, Washington, D. C. 20036, by June 30th of each year.		
ISSUED BY (SGD) Loren K. Parker— for—		DATE SEP 24 1975

DISTRIBUTION

U.S. Government Printing Office: 1974 • 524-018

H. When a manatee is salvaged it must be reported within 48 hours to the Gainesville Fish & Wildlife office (904-377-4222).

I. The Gainesville FWS office will provide instructions for the disposition of any specimens salvaged.

J. Any permittee must have a copy of this permit in his possession while conducting the activities authorized.

K. A duplicate of this permit must be attached to the container in which the manatee is placed for storage, supervision or care.

In keeping with the spirit of the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973, this Notice is being published to allow public comment on the request for amendments. Interested persons may comment on these amendments 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 December 15, 1975.

Dated: November 10, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc.75-30599 Filed 11-12-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-13]

FOUR LEAF COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Four Leaf Coal Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 2, Claiborne County, Tennessee.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways. Petitioner's proposed alternate method is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

3. Roadway surfaces shall be kept free of debris, excessive water, and snow and ice, and maintained as free as practicable of small ditches.

4. A traffic system shall be put into effect for these roads requiring that the loaded trucks have the right-of-way in all no-passing or one-lane traffic areas.

5. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

6. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

7. All haulage vehicles shall have:

(a) Original manufacturer's brakes.

(b) Engine or Jacob's brakes, except on gasoline powered trucks which do not have Jacobs brakes but the engine of which serve as effective brakes.

(c) Original manufacturer's parking brakes.

8. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

9. A minimum width of 24 feet shall be provided and maintained along two-lane roads, and where widths of less than 24 feet are provided and maintained, the roads shall be designated as single-lane roads.

10. On roads that afford only one traffic lane, a minimum width of 16 feet, except where roads are shot out of solid rock, in which case they shall be 12 feet, shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75-30551 Filed 11-12-75;8:45 am]

[Docket No. M 76-19]

NATIONAL MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), National Mines Corporation has filed a petition to modify the application of 30 CFR 75.1105 to its National Pocahontas Mines, Pineville, Wyoming County, West Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

Petitioner requests a modification of § 75.1105 as it applies to two transformer-rectifier stations and one dewatering pump location. In support of its petition, Petitioner states:

1. The dewatering pumps are installed at the bottom of the main intake shaft for the purpose of removing water that would otherwise accumulate and restrict ventilation. To course the air from the pump to the return air course would require the installation of approximately 1,200 ft. of ventilation ducts through areas of heavy roof caving.

2. The pumps are in compliance with the law, in that they meet all electrical specifications and they are provided with all necessary protective devices.

3. One transformer-rectifier installation at the bottom of the main intake slope would require installation of approximately 900 ft. of ventilation ducts through areas of partial roof caving. Also, the subject electrical installation is located in the isolated belt haulage entry; therefore, the air current used to ventilate the said location is not used to ventilate the active working sections.

4. The second transformer-rectifier installation is located near East Mains belt drive. It would require approximately 550 ft. of ventilation ducts to course air from the said installation to the return.

5. The subject transformer-rectifier installations are in compliance with the law, in that they meet all electrical specifications and they are provided with all necessary protective devices.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings
and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75-30552 Filed 11-12-75;8:45 am]

[Docket No. M 76-25]

NORTH AMERICAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), The North American Coal Company has filed a petition to modify the application of 30 CFR 75.802(a) to its Aulds Run No. 2 Mine, Indiana County, Pennsylvania.

30 CFR 75.802(a) provides in pertinent part:

(a) Except as provided in paragraph (b) of this section, high-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers * * *

In support of its petition, Petitioner states:

1. Mining operation at the Aulds Run #2 Mine was started in August 1970. The mine has received power since it began operations from the utility at a point approximately 8 feet from the mine's electrical safety equipment such as the underground breaker, outside breaker, zig-zag transformer and neutral grounding resistor.

2. The utility provides power in the form of three electrified wires each being 7,200 volts with respect to each other.

3. The utility's transformer does not furnish a neutral.

4. In order to comply with safety requirements, and ensure safe conditions, Petitioner provided and installed a separate neutral source transformer and a grounding resistor. These items were located along with all other safety devices at a point as close as possible to the point where the power is received and readily accessible to mining operations.

5. The voltage being supplied and the location and integrity of the safety protective devices controlling the underground power system have remained constant since the Aulds Run No. 2 Mine was placed in operation by Petitioner.

6. The above-mentioned safety devices were installed in their present location and have been in service since August 1970. From the time of installation, these safety devices controlling the underground high-voltage circuits have been inspected, tested, and faithfully maintained. They have been considered in full compliance with appropriate safety standards by Petitioner, by the State agencies, and until May 1975 by MESA. Prior to May 1975, MESA had repeatedly inspected the Aulds Run No. 2 Mine and found its electrical safety devices in accord with the requirements of § 75.802(a).

7. On May 21, 1975, at 9:00 a.m., MESA Inspector William E. Lawson, Sr., issued a Notice of Violation at Aulds Run No. 2 based on § 75.802(a) in that the "3 phase 7.2 KV open delta connected source transformers were located approximately 170 feet from the zig-zag transformer and the neutral ground resistor."

8. Section 75.802(a) requires either a direct neutral or a derived neutral to be used as a source with which to originate a grounding system for high-voltage circuits entering the underground portion of the mine. The power transformer furnished by the utility does not have a direct neutral point with which to originate a grounding system so Petitioner installed a neutral source deriving transformer—a derived neutral—for its grounding system.

9. Section 75.802(a) requires that the electrical system "be grounded through a suitable resistor at the source transformer." (Emphasis added.) For purposes of § 75.802(a) at the Aulds Run No. 2 Mine, the "source" must be considered as the point where the customer (Petitioner) first has control over the power. Accordingly, Petitioner is in full compliance with § 75.802(a), if that standard is properly applied.

10. On June 9, 1975, Petitioner filed an Application for Review of the subject Notice of Violation which denies that the conditions existing at Aulds Run No. 2 Mine at the time and place cited constituted a violation of § 75.802(a) [see Docket No. PITT 75-44].¹

11. If MESA's application of § 75.802(a) to the Aulds Run No. 2 Mine is deemed to comport with the regulations and American's Application for Review is denied, North American proposes, pursuant to section 301 (c) of the Act, its present system as an alternate system to meet the intent of § 75.802(a).

PETITIONER'S PLANS FOR ALTERNATE SYSTEM

Petitioner believes its alternate system will at all times guarantee no less than the same measure of protection afforded by the present MESA requirement as applied to the Aulds Run #2 Mine:

1. The Aulds Run #2 Mine will receive

¹ Petitioner's Application for Review filed on June 9, 1975, is available for inspection at the address contained in the last paragraph of the notice.

power from the utility through a Delta connected transformer and fed to a fusible disconnect 8 feet from the mine's grounding system and breakers.

2. A neutral source transformer for the derived neutral will be located in close proximity and easily accessible to the mine entrance with all other safety protective devices for the high-voltage circuits entering the underground portion of the Aulds Run #2 Mine.

3. The neutral source transformer will be wired to the power transformer.

4. The derived neutral will be grounded through a suitable resistor at the neutral source transformer.

5. All safety devices controlling underground high-voltage circuits will be inspected, tested, and faithfully maintained.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75-30553 Filed 11-12-75;8:45 am]

[Docket No. M 75-16]

PEABODY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Peabody Coal Company has filed a petition to modify the application of 30 CFR 77.1301 (c) (1) to its Sinclair Underground No. 2 Mine, Muhlenberg County, Kentucky.

30 CFR 77.1301 (c) (1) provides:

(c) Magazines other than box types shall be:

(1) located in accordance with the current American Table of Distances for storage of explosives.

Petitioner asks that a modification of the standard as applied to its mine cited above on the following grounds:

1. Petitioner plans to build a powder magazine and a cap magazine at the above-cited mine. The powder magazine will be designed to hold a maximum of 60,000-65,000 pounds of high explosives. The cap magazine will hold caps of an amount no more than 100 pounds of high explosives as rated by the American Table of Distances for Storage of Explosives.

2. Under the American Table of Distances for Storage of Explosives, the amount of explosives contained in these magazines should be stored a distance of 1,565 feet from an inhabited building when storage is barricaded.

3. Petitioner has determined that these are two suitable sites for construction of the magazines at the above mine. One of these sites (Site #1) would place the magazines a distance in excess of 1,565 feet from any inhabited building. The other of these sites (Site #2) would place the magazines a distance of approximately 1,200 feet from the nearest inhabited building. Construction of the magazines at Site #1 would require Petitioner to haul explosives once a day to the mine site on a county road used by private vehicles and coal haulage trucks and other mine traffic. Construction of the magazines at Site #2 would place the explosives in an open area that is widely used by hunters, particularly deer hunters, particularly deer hunters using high powered rifles. Access to Site #1 is easily obtained from the county road or back roads.

PETITIONER'S ALTERNATIVE

Petitioner proposes to meet the safety standard enumerated in the aforesaid Section 30 CFR 77.1301 (c) (1) with respect to these magazines as follows:

1. Petitioner will construct the magazines at Site #2, a nearby deserted area of the mining boundary, accessible only through mine property by an access road at the rear of the mine site.

2. The magazines will be constructed at an approximate elevation of 425.00 in excavations in the side of a hill. The hill will serve as a barricade between the magazines and the nearest inhabited building which is 1,200 feet away on the opposite side of the hill.

3. The barricade will be between and on the sides of the magazines. The fronts of the magazines will face a deserted valley containing no building, railways or highways to be affected.

4. Terrain and water conditions of the area will restrict access to the magazines from any direction other than from the private access road at the rear of the mine site.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75-30554 Filed 11-12-75;8:45 am]

[Docket No. M 75-17]

ROYAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Royal Coal Company has filed a

petition to modify the application of 30 CFR 75.1105 to its Royal No. 3 Mine, Mt. Hope, West Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

In support of its petition, Petitioner states:

(1) The fact that the entries in the area in question are from 25 to over 50 years old and are ventilated with intake air prevents Petitioner from complying with § 75.1105. Due to the age of this area, only one entry is open through this part of the mine and is used for track haulage and intake air. The parallel entries are totally blocked by falls. The adjacent workings are sealed and/or are incapable of passing return air due to falls and standing water.

(2) To provide no less than the same measure of safety as required by § 75.1105, the following alternate method is proposed for each installation:

(a) The installation will become enclosed in a fireproof structure.

(b) An automatic fire suppression device will be installed and will be activated by heat sensors.

(c) Openings for ventilation will be provided which will close from the same device that activates the fire suppression system.

(d) Any doors to the installation will be self-closing and well sealed.

(e) No combustible materials will be stored within the fireproof structure.

(f) All electrical inspections and circuits will comply with the requirements of the Code of Federal Regulations and the Coal Mine Health and Safety Act of 1969.

The petition is supplemented by schematic diagrams detailing the alternate method.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 15, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 6, 1975.

[FR Doc.75-30555 Filed 11-12-75; 8:45 am]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. on Sat-

urday, December 6, 1975, at West Marin School, Point Reyes Station, CA.

The purpose of the Golden Gate National Recreation Area Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman, Ms. Amy Meyer, Secretary, Mr. Ernest Ayala, Mr. Richard Bartke, Mr. Fred Blumberg, Mr. Lambert Lee Choy, Ms. Daphne Greene, Mr. Peter Haas, Sr., Mr. Joseph Mendoza, Mr. John Mitchell, Mr. Merritt Robinson, Mr. William Thomas, and Dr. Edgar Wayburn.

The major items on the agenda are the Point Reyes Resource Management Plan, review of GGNRA/Point Reyes general planning, and election of 1976 officers.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by January 10, 1976 in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA.

Dated: November 6, 1975.

JOHN H. DAVIS,
Acting Regional Director,
Western Region.

[FR Doc.75-30603 Filed 11-12-75; 8:45 am]

ROGER WILLIAMS NATIONAL MEMORIAL Meeting

On Tuesday, December 2nd at 7:30 PM National Park Service will solicit public reaction to a number of alternative development schemes for Roger Williams National Memorial located in Providence, Rhode Island. The public will be asked to comment upon and suggest additions to these possible ways for developing the Memorial.

The meeting will be held at Brown University in the Barus-Holley building located on Hope at the corner of Hope and George Streets (entrance on George Street). Specific questions in regard to the meeting can be answered through the superintendent of Roger Williams National Memorial whose number is 401-831-7440.

Dated: October 22, 1975.

JERRY D. WAGERS,
Regional Director
North Atlantic Region.

[FR Doc.75-30602 Filed 11-12-75; 8:45 am]

Office of the Secretary

[S.O. 2980]

ALASKA NATIVE CLAIMS SETTLEMENT ACT

Establishment of Region

This Notice is issued in accordance with the provisions of 5 U.S.C. 552(a) (1). The Acting Secretary of the Interior has issued Order Number 2980 dated October 7, 1975, establishing a Thirteenth Region for nonresident Alaska Natives as provided in Section 7(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203). The Order is published in its entirety below.

Further information concerning the Order may be obtained from Mr. Charles M. Soller, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C., 20240, telephone 202-343-5134.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

Dated: November 5, 1975.

OCTOBER 7, 1975.

ORDER NO. 2980

Subject: Establishment of a Thirteenth Region for Nonresident Alaska Natives

Sec. 1 Purpose. Pursuant to an order entered on December 30, 1974, in the consolidated cases entitled *Alaska Native Association of Oregon, et al. v. Morton, et al.* and *Alaska Federation of Natives International, et al. v. Morton, et al.*, Civil Nos. 2133-73 and 2141-73, in the United States District Court for the District of Columbia, and as provided by Section 7(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 692, 43 U.S.C. § 1606(c) (Supp. III, 1973), there is hereby established a thirteenth region for the benefit of Alaska Natives who are not permanent residents of Alaska and who elected to be enrolled therein.

Sec. 2 Effective date. This Order shall be effective October 1, 1975. Its provision shall remain in effect until superseded by Incorporation into Title 25 of the Code of Federal Regulations.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75-30556 Filed 11-12-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MIDDLE FORK BOISE RIVER PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Middle Fork Boise River Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-25.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Middle Fork Boise River Planning Unit on the Boise

National Forest, Idaho. The purpose of the plan is to allocate 329,100 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This final environmental statement was transmitted to CEQ on November 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.
District Forest Ranger, Boise Ranger District, 7803 Warm Springs Ave., Boise, Idaho 83707.

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: November 6, 1975.

P. M. REES,
Director, Regional
Planning and Budget.

[FR Doc. 75-30612 Filed 11-12-75; 8:45 am]

Packers and Stockyards Administration
[P. & S. Docket No. 5192]

GILES LOWERY STOCKYARDS, INC.

Notice of Complaint, Order of Suspension and Hearing Regarding Respondent's Schedule of Rates and Charges

Notice is hereby given that on October 20, 1975, the respondent filed a proposed schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 *et seq.*), to become effective November 3, 1975. The charge classification of the proposed tariff reads as follows:

SECTION I. COMMISSION

A. Cattle:

(1) Ordinary

	Per head
(a) Up to and including— \$199.99	\$4.50
(b) \$200.00 through—\$249.99	5.00
(c) \$250.00 through—299.99	6.00
(d) \$300.00 through—349.99	7.00
(e) \$350.00 and over	7.50

(2) Bulls

(a) Up to and including— 149.99	4.50
(b) \$150.00 through—249.99	5.50
(c) \$250.00 up	7.00

(3) Cows and Calves

	Per unit
(a) Up to and including— 149.99	5.00
(b) \$150.00 through—249.99	5.50
(c) \$250.00 through—349.99	6.00
(d) \$350.00 up	7.50

B. Hogs:

(1) Ordinary

	Per head
(a) Up to and including— \$4.49	\$0.50
(b) \$4.50 through—8.99	.75
(c) \$9.00 through—19.99	1.00
(d) \$20.00 through—29.99	1.25
(e) \$30.00 through—39.99	1.50
(f) \$40.00 through—49.99	1.75
(g) \$50.00 and over	2.00

(2) Sows and pigs

	Per unit
(a) Up to and including— \$19.99	1.25
(b) \$20.00 through—29.99	2.00
(c) \$30.00 through—39.99	2.50
(d) \$40.00 and over	3.00

C. Horses and Mules:

(a) Up to and including— 19.99	1.50
(b) \$20.00 through—29.99	2.00
(c) \$30.00 through—39.99	2.50
(d) \$40.00 through—49.99	3.00
(e) \$50.00 and over	3.50

SECTION II—YARDAGE CHARGE

- A. All cattle 20¢ per head
B. All hogs 15¢ per head
C. All horses 50¢ per head

SECTION III—

The schedule of charges on all necessary veterinarian services performed by an accredited veterinarian will be at posted uniform per head rate, pursuant to company agreement with the veterinarian performing services and does not contain any charges retained by the market.

Notice is given hereby also that on October 31, 1975, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Giles Lowery Stockyards, Inc., d/b/a Lufkin Livestock Exchange, Lufkin, Texas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On October 20, 1975, the respondent filed a tariff effective November 3, 1975, containing certain increases in the current schedule of rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, United States De-

partment of Agriculture, there is reason to believe that the charges are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff filed on October 20, 1975, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on October 20, 1975, to become effective November 3, 1975, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That a copy hereof be served upon the respondent.

Done at Washington, D.C., November 7, 1975.

MARVIN L. McLAIN,
Administrator, Packers and
Stockyards Administration.

[FR Doc. 75-30579 Filed 11-12-75; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DOORSKINS

Study of the Producing Firms

SUMMARY

The U.S. Department of Commerce has conducted its first study as required by Section 26 of the Trade Act of 1974. It has determined the number of firms producing doorskins which have been or are likely to be certified as eligible for adjustment assistance and the extent to which the orderly adjustment of the firms may be facilitated through the use of existing programs. Such a study by the Department is required whenever the U.S. International Trade Commission makes an "escape clause" investigation under Section 201 of the Trade Act.

The Commission reported to the President on October 20, 1975, the results of its investigation to determine whether increased imports of birch plywood doorskins represent a substantial cause (or threat) of injury to the domestic industry producing like or directly competitive products. The Commission made a negative determination chiefly on the basis that conditions in the housing market, rather than imports, are the most important cause of the injury being suffered by domestic producers of birch doorskins.

The Department has determined that of the total of approximately 15 manufacturers of all types of doorskins, including birch, other species of hardwood plywood, and hardboard, only two firms have produced birch doorskins during the past year. Although there is no well-defined or separately classified industry producing plywood doorskins, as many as ten hardwood plywood producers have manufactured different species of plywood doorskins intermittently during the past few years depending on market conditions for flush doors in the construction industry, especially home building, and the availability of adequate supplies of face veneers suitable for doorskins. Output of birch doorskins was reported by seven of these producers at some time during the past five years. In addition, there are one or two U.S. producers of hardboard which manufacture doorskins on equipment customarily used for the manufacture of a variety of hardboard panel products.

To be certified eligible to apply for adjustment assistance, a firm must demonstrate that increased imports of like or directly competitive articles contributed importantly to declines in sales or production, or both, and separation, or threat of separation, of the firm's workers. Although there has been no substantial evidence of an absolute increase in U.S. imports of either birch or other types of doorskins since the beginning of 1974, imports in the first half of 1975 did increase relative to domestic production. Recent increases in the ratio of imports to domestic output, however, apparently resulted more from a drop-off in domestic shipments rather than from any substantial upsurge in import volumes.

As of November 4, 1975, none of the doorskin manufacturing firms have petitioned the Department of Commerce for certification of eligibility to apply for adjustment assistance. A petitioning firm in the doorskin industry would be required to demonstrate that the recent relative increase in doorskin imports had impacted the sales or production and employment of the entire corporate entity and not merely the doorskin operations. Therefore, it is considered unlikely that either a large, diversified company in the forest products industry, or even a relatively small firm with only a small share of its output in doorskins, or a firm that produces doorskins only intermittently, would be able to meet the criteria essential for certification. Thus, it is likely that only one or two firms producing doorskins might be able to qualify for certification of eligibility to apply for

adjustment assistance. And even if the prospective petitioners had experienced recent declines in sales or production and employment, they might find it difficult to present convincing evidence that U.S. imports of doorskins were an important cause of the decreases, especially with the severe decline which has occurred in construction activity during the past two years.

Under the program of adjustment assistance for firms authorized by the Trade Act, financial assistance to certified firms may take the form of direct loans and loan guarantees, and technical assistance, to enable a firm to establish a competitive position in the same or a different industry. Financial assistance may be used for the acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

Firms may also benefit indirectly from financial assistance available to trade impacted communities under provisions of the Trade Act in a manner similar to the public works, business development and Title IX programs administered by the Department's Economic Development Administration ("EDA") pursuant to the Public Works and Economic Development Act of 1965. These other programs of EDA provide business development loans to assist firms in certain designated areas identified on the basis of adverse employment factors; loans and grants to states, local governments and nonprofit organizations for acquiring, developing and improving public works and public service facilities; and grants to states and local areas for a comprehensive program of adjustment to an actual or threatened economic dislocation or adjustment problem.

Other Federal programs which might be of interest to firms in the doorskin industry include the program administered by the Farmers Home Administration, Department of Agriculture, of direct and guaranteed loans to firms located in areas having cities no larger than 50,000 in population, and the financial and technical assistance available to small business firms in the program administered by the Small Business Administration.

Additional information about the adjustment assistance program, and copies of the report, *Prospects for Adjustment Assistance for Firms in the Doorskin Industry*, are available from the Office of Trade Adjustment Assistance, Room 3011, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/967-3211).

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

JACK W. OSBURN, JR.,
Acting Director, Office
of Trade Adjustment Assistance.

[PR Doc.75-30609 Filed 11-12-75; 8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, January 14, 1976, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of two workgroups which are addressing the areas of Problem Definition and Benchmark Program Transferability.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Acting Executive Secretary, Mr. Arthur F. Chantker, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301-921-3485).

Dated: November 10, 1975.

ERNEST AMBLER,
Acting Director.

[PR Doc.75-30601 Filed 11-12-75; 8:45 am]

National Oceanic and Atmospheric Administration

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE DEEP OCEAN MINING ENVIRONMENTAL STUDY ADVISORY PANEL

Open Meeting

The Marine Petroleum and Minerals Advisory Committee's Deep Ocean Mining Environmental Study Advisory Panel (the "Advisory Panel") will meet from 9:00 a.m. until approximately 5:00 p.m. on December 16, 1975 in the Condon Room of the University Tower Hotel, 4507 Brooklyn Avenue, N.E., Seattle, Washington. The meeting will be open for public observation.

The Advisory Panel was established as a subcommittee of the Marine Petroleum and Minerals Advisory Committee (the "Committee") for the purpose of advising Department of Commerce officials on the planning for and conduct of the National Oceanic and Atmospheric Administration's Deep Ocean Mining Environmental Study (DOMES) Program and to develop, when necessary, recommendations to the Secretary regarding the DOMES Program. The Panel members represent environmental, industrial, and academic sectors concerned with determining the possible environmental effects of deep ocean mining.

Included in matters for consideration, and the approximate times for their consideration are as follows:

9:00—Welcoming Remarks and Presentation on the Objectives of the DOMES Program.

10:15—Discussion among Panel, DOMES Management, and DOMES Principal Investigators.

12:00—Recess for Lunch.

1:15—Discussion of the Relevancy, Timing, and Uses of DOMES Activities and the Allocation of Resources.

4:00—Consideration of Additional Activities, if any, Which Should be Included in DOMES Plans.

4:30—Development and Adoption of Recommendations, if any, on the DOMES Program.

5:00—Adjourn.

Because of the nature of the work being performed by the Advisory Panel it may be necessary for it to meet again between December 16 and the next Committee meeting planned for February 24-25, 1976. This could result in there being inadequate time between meetings for the publication of notices in the *FEDERAL REGISTER* as prescribed by Office of Management and Budget Circular No. A-63 and the Order of the U.S. District Court for the District of Columbia in Civil Action No. 1838-73. To provide the public with as much notice as possible, the date, location, and tentative agenda of any such meeting will be announced on December 16 and notices will be published as soon as possible thereafter. Information on any such meetings will also be available by telephoning or writing to the Advisory Panel Secretariat at the telephone number or address given below.

Approximately 25 seats will be available for the public on a first-come, first-served basis. Written statements from interested persons will be accepted before or after the meeting or by mail. Inquiries or statements should be addressed to: Charles Gunnerson (or alternatively Edward Altouny), DOMES Advisory Panel Secretariat, NOAA Environmental Research Laboratories (Rm. 5), Boulder, Colorado 80302, Telephone: (803) 499-6551.

Dated: November 7, 1975.

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75-30600 Filed 11-12-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Meeting

In accordance with Section 10(a) (2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of December 1975:

National Advisory Mental Health Council
December 1-3; 9:30 a.m.

Conference Room 14-105, Parklawn Building, Rockville, Maryland
OPEN—December 1

CLOSED—Otherwise

Contact Mrs. Zella Diggs, Parklawn Building, Room 17C-26, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-4333.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: December 1 will be devoted to discussion of NIMH policy issues. These will include current administrative, legislative, and program developments. On December 2-3, the Council will conduct a final review of grant applications for Federal assistance and this session 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) (5) and 552(b) (6), Title 5, U.S. Code, and Section 10(d) of Public Law 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 a roster of Council members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301-443-3600.

DATED: November 10, 1975.

CAROLYN T. EVANS,
Committee Management Officer
Alcohol, Drug Abuse,
and Mental Health Administration.

[FR Doc.75-30563 Filed 11-12-75;8:45 am]

Food and Drug Administration

[Docket No. 75G-0311]

PROCTER & GAMBLE CO.

Amendment to Notice of Filing of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786 (21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the *FEDERAL REGISTER* of December 2, 1972 (37 FR 25705), notice was given by publication in the *FEDERAL REGISTER* of February 14, 1974 (39 FR 5647) that a petition (GRASP 4G0036) had been filed

by Procter & Gamble Co., Center Hill Rd., Cincinnati, OH 45224, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration (address noted below), proposing affirmation that fully hydrogenated rapeseed oil is generally recognized as safe (GRAS).

The petition now proposes that such affirmation of GRAS status also include the use of superglycerinated fully hydrogenated rapeseed oil in foods, which was inadvertently omitted from the original filing notice.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no profiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before January 12, 1976, review the petition and/or file comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is or is not generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated, November 5, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-30572 Filed 11-12-75;8:45 am]

[Docket No. 75F-0315]

PROCTER & GAMBLE CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 6A3154) has been filed by Procter & Gamble Co., 6071 Center Hill Rd., Cincinnati, OH 45224, proposing that § 121.1002 *Amino acids* (21 CFR 121.1002) be amended to provide for safe use of N-acetyl-L-methionine as a supplement for protein-containing foods to improve the nutritional value.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD

20852, during working hours, Monday through Friday.

Dated: November 5, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-30573 Filed 11-12-75;8:45 am]

**National Institutes of Health
COMPREHENSIVE SICKLE CELL CENTERS
AD HOC REVIEW COMMITTEE
Notice of Establishment**

The National Institutes of Health announces the establishment on October 20, 1975, of the public advisory committee, Comprehensive Sickle Cell Centers (CSCC) *ad hoc* Review Committee, under the authority of section 222 of the Public Health Service Act (42 U.S.C. 217a). This advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards governing the establishment and use of advisory committees.

This committee shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, concerning scientific merit review of competing grant applications and provide technical advice to the National Heart and Lung Advisory Council and to the Director, National Heart and Lung Institute.

Authority for this committee will expire August 31, 1977, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health.)

Dated: November 3, 1975.

DONALD S. FREDRICKSON, M.D.,
Director, NIH.

[FR Doc.75-30541 Filed 11-12-75;8:45 am]

**Office of Education
EXEMPLARY PROJECTS IN
VOCATIONAL EDUCATION**

**Notice of Closing Date for Receipt of
Applications for Fiscal Year 1976**

Notice is hereby given that pursuant to the authority contained in Section 142 (c) of Part D of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1302(c), applications are being accepted from applicants in the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, American Samoa, and Guam for grants for exemplary projects in vocational education.

Applications for planning grants of \$5,000 or less must be received by the U.S. Office of Education Application Control Center on or before December 19, 1975. Applications for implementation and demonstration projects must be received by the U.S. Office of Education Application Control Center on or before June 18, 1976.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Grants and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13:502. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 15, 1975 for the planning grants and June 14, 1976 for the implementation and demonstration projects, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. HAND DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. PROGRAM APPLICATION INFORMATION

(1) Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the appropriate Department of Health, Education, and Welfare/U.S. Office of Education Regional Offices listed below. Descriptive materials on the resources available to potential applicants will also be made available through the Regional Offices as a part of the application package.

Interested applicants from *Region I* serving Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont should contact Mr. Nicholas Hondrogen, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, J. F. Kennedy Federal Building, Boston, Massachusetts 02203.

Interested applicants from *Region II* serving New York, New Jersey, Puerto

Rico, and the Virgin Islands should contact Mr. Charles A. O'Connor, Jr., Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 26 Federal Plaza, New York, New York 10007.

Interested applicants from *Region III* serving Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia should contact Mr. Robert Smallwood, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Interested applicants from *Region IV* serving Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee should contact Mr. Donald Snodgrass, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 59 Seventh Street, N.E., Room 559, Atlanta, Georgia 30323.

Interested applicants from *Region V* serving Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin should contact Mr. William L. Lewis, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 300 South Wacker Drive, Chicago, Illinois 60606.

Interested applicants from *Region VI* serving Arkansas, Louisiana, New Mexico, Oklahoma, and Texas should contact Dr. Arthur Lee Hardwick, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 1114 Commerce Street, Dallas, Texas 75202.

Interested applicants from *Region VII* serving Iowa, Kansas, Missouri, and Nebraska should contact Mr. Thaine D. McCormick, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 601 East 12th Street, Kansas City, Missouri 64106.

Interested applicants from *Region VIII* serving Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming should contact Mr. LeRoy Swenson, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 1961 Stout Street, Room 9017, Denver, Colorado 80202.

Interested applicants from *Region IX* serving Arizona, California, Hawaii, Nevada, Guam, American Samoa, and the Trust Territories should contact Mr. C. Kent Bennion, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 50 Fulton Street, San Francisco, California 94102.

Interested applicants from *Region X* serving Alaska, Idaho, Oregon, and Washington should contact Mr. Sam Kerr, Assistant Regional Commissioner for Occupational and Adult Education, U.S. Office of Education, 1321 Second Avenue, Seattle, Washington 98101. (20 U.S.C. 1302(c)).

Simultaneously with the submission of an application to the U.S. Office of Education, the applicant must submit a copy of the application to the applicable

State board for vocational education. The State board for vocational education will review each application and may, within a period of sixty days, disapprove any application.

Direct grants or contracts are awarded in each State up to the limit of funding available for the U.S. Commissioner of Education to use in that State as allotted under Section 142(c) of Part D of the Act. Approximately \$15,000 from each State allocation will be obligated to applicants within that State for planning projects and the balance will be reserved for funding of the first year of operation of the implementation and demonstration project. Approximate funds to be available in fiscal year 1976 are:

Alabama \$147,013; Alaska \$104,805; Arizona \$127,143; Arkansas \$125,324; Colorado \$133,117; Connecticut \$137,533; Delaware \$107,532; District of Columbia \$108,571; Georgia \$162,598; Hawaii \$111,299; Idaho \$110,799; Illinois \$238,571; Indiana \$168,702; Iowa \$136,494; Kansas \$129,611; Kentucky \$142,857; Louisiana \$151,428; Maine \$113,247; Maryland \$152,333; Michigan \$111,818; Mississippi \$132,208; Missouri \$159,741; Montana \$110,000; Nebraska \$112,740; Nevada \$106,824; New Mexico \$115,844; North Dakota \$108,961; Ohio \$239,611; Oklahoma \$133,636; Oregon \$128,182; Pennsylvania \$245,455; Rhode Island \$149,264; South Carolina \$137,792; South Dakota \$109,610; Tennessee \$151,298; Texas \$254,545; Utah \$116,883; Virginia \$163,766; Washington \$144,156; West Virginia \$122,330; Wisconsin \$159,740; Wyoming \$104,805; American Samoa \$2,332; and Guam \$6,080. In all other States and Territories, the fiscal year 1976 funds are being used to meet the continuation costs of ongoing three-year projects.

(Catalog of Federal Domestic Assistance Program Number 13.502; Exemplary Projects in Vocational Education.)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner
of Education.

[FR Doc. 75-30482 Filed 11-12-75; 8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION Public Meeting

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on December 7, 1975 from 2:00 P.M. to 6:00 P.M., local time, at the Quality Inn, Orangewood, Room #3, Anaheim, California, and on December 8, 1975 from 10:30 A.M. to 12:30 P.M., local time, at the Disneyland Hotel, Pacific Room, Anaheim, California.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act;

review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

December 7, 1975: Report on Bicentennial Conference Committee Reports.
December 8, 1975: Discussion of the Role of State Advisory Councils on Vocational Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on November 5, 1975.

REGINALD PETTY,
Executive Director.

[FR Doc. 75-30540 Filed 11-12-75; 8:45 am]

COMMUNITY EDUCATION ADVISORY COUNCIL Public Meeting

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Community Education Advisory Council will be held December 2 and 3 at the Continental Room, Netherlands Hilton Hotel, Cincinnati, Ohio. The Tuesday meeting will begin at 9:00 A.M. and end at 6:00 P.M. The Wednesday meeting will begin at 8:00 A.M. and end at 12:00 P.M.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools.

In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operating of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

1. Needs assessment.
2. Evaluation and reporting system.
3. Evaluation report for FY 76.
4. Final Regulations (contingent on final approval).
5. Review of the grant application process.
6. Future functions of the council and administrative business.

Records shall be kept of all council proceedings and shall be available for

public inspection in Room 5622, Regional Office Building No. 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on November 3, 1975.

JULIE ENGLUND,
Director, Community
Education Program.

[FR Doc. 75-30630 Filed 11-12-75; 8:45 am]

CIVIL SERVICE COMMISSION DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by non-career executive assignment in the excepted service the position of Deputy Assistant Secretary (Intelligence Assessment), ODAS (Intelligence Assessment), OASD (Intelligence), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 75-30643 Filed 11-12-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by non-career executive assignment in the excepted service the position of Assistant to the Secretary for Education Policy, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-30635 Filed 11-12-75; 8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revoke the authority of the Department of Justice to fill by non-career executive assignment in the excepted service the position of Staff Assistant, Office of Assistant Attorney General, Criminal Division.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 75-30644 Filed 11-12-75; 8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the Director, Bureau of Prisons.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30645 Filed 11-12-75;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30646 Filed 11-12-75;8:45 am]

DEPARTMENT OF THE ARMY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of the Army (Civil Works), Office, Assistant Secretary of the Army (Civil Works), Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30647 Filed 11-12-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the

Secretary, Immediate Office of the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30648 Filed 11-12-75;8:45 am]

DEPARTMENT OF THE TREASURY

Notice of Title Change in Noncareer Executive Assignment

By notice of September 22, 1970, FR Doc. 70-12649 the Civil Service Commission authorized the Department of the Treasury to fill by noncareer executive assignment the position of Deputy Assistant Secretary for Tax Policy (Tax Analysis), Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary and Director, Office of Tax Analysis, Office of the Deputy Assistant Secretary for Tax Policy (Tax Analysis), Office of the Assistant Secretary (Tax Policy), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30651 Filed 11-12-75;8:45 am]

DEPARTMENT OF TREASURY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy to the Assistant Secretary (Economic Policy), Office of the Assistant Secretary (Economic Policy).

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30649 Filed 11-12-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director of Intergovernmental Affairs, Office of Intergovernmental Affairs, Office of the Assistant Secretary for Congressional

and Intergovernmental Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30636 Filed 11-12-75;8:45 am]

FEDERAL POWER COMMISSION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Power Commission to fill by noncareer executive assignment in the excepted service the position of Assistant Executive Director (Regulatory Information System and Administration), Office of the Executive Director, Commissioners and Offices.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30637 Filed 11-12-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Associate Director for Management and Operations, Office of the Associate Director for Management and Operations.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-30634 Filed 11-12-75;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Notice of Title Change in Noncareer Executive Assignment

By notice of October 10, 1974, FR Doc. 74-23776 the Civil Service Commission authorized the Office of Telecommunications Policy to fill by noncareer executive assignment the position of Deputy Executive Director, Right of Privacy Support Group, Executive Office of the President. This is notice that the title of this position is now being changed to Executive Director, Right of Privacy

Support Group, Executive Office of the President.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 75-30650 Filed 11-12-75; 8:45 am]

VETERANS ADMINISTRATION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Veterans Administration to fill by noncareer executive assignment in the excepted service one position of Special Assistant, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 75-30633 Filed 11-12-75; 8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

DIRECTOR

Delegation of Authority

Delegation of authority by the Council on Wage and Price Stability to its Director to exercise, subject to general Council guidance, the Council's authority to intervene and otherwise participate in rulemaking, ratemaking, licensing and other federal agency proceedings, in order to express the Council's views as to the inflationary effect of the possible results of those proceedings.

Pursuant to the authority vested in the Council by the Council on Wage and Price Stability Act, Public Law 93-387 as amended by Public Law 94-78, it is hereby ordered as follows:

1. The Director of the Council is hereby directed and authorized to exercise all of the authorities vested in the Council by section 3(a)(8) of the Council on Wage and Price Stability Act.

2. Significant actions under section 3(a)(8) shall be made under the general guidance and pursuant to any general policies which have been or might be developed by the Council.

3. The Director is authorized to redelegate to such subordinate officials of the Council as he may designate any or all of the authorities vested in him by this Order except the authority to make the initial decision whether to intervene or otherwise participate in the proceedings described in Section 3(a)(8).

4. This Order shall be effective immediately.

WILLIAM E. SIMON,
Chairman, Council on
Wage and Price Stability.

NOVEMBER 7, 1975.

[FR Doc. 75-30672 Filed 11-12-75; 8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1541]

LIGHT WATER BREEDER REACTOR PROGRAM

Procedures To Govern Public Hearing Concerning Draft Environmental Impact Statement

The Energy Research and Development Administration (ERDA) issued for review and comment a draft environmental statement "Light Water Breeder Reactor Program" (ERDA-1541), on August 8, 1975. A FEDERAL REGISTER notice of August 15, 1975, (40 FR 34453) announced the availability of the document, requested the comments of interested persons, organizations and agencies, and reiterated ERDA's intention to conduct a public hearing. The period within which written comments would be received was extended by a subsequent notice (40 FR 42394, September 12, 1975) to November 14, 1975.

Copies of ERDA-1541, and of the written comments as received are available for public inspection at the locations indicated in 40 FR 34453, except that, as of October 16, 1975, the ERDA Public Document Room has been moved to 20 Massachusetts Avenue, NW., Washington, D.C., from the 1717 H Street location. Comments should be sent to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, Mail Station E-201, Energy Research and Development Administration, Washington, D.C. 20545, (301) 973-4241, and should conform to the instructions set forth in 40 FR 34453.

The purpose of this notice is to provide additional information concerning the public hearing and the procedures which will govern its conduct. The public hearing will be held on December 4, 1975, at the United States Post Office and Court House, Seventh Avenue and Grant Street, Pittsburgh, Pennsylvania, commencing at 9:00 a.m. The hearing will be open to any person or organization wishing to present their views concerning the subject matter of the environmental statement. These views will be considered in a final environmental statement which will assist the agency in making determinations relating to the LWBR Program.

(1) The hearing will be legislative rather than adjudicatory in nature. Formal discovery, subpoena of witnesses, cross-examination of participants, testimony under oath, and similar formalities appropriate to a trial will not be provided.

(2) The hearing will be conducted by a three-member Presiding Board composed of nongovernmental experts in aspects of technology assessment who have had no previous connection with the LWBR Program.

(3) In order to sharpen and focus the major issues for discussion and examination at the hearing, ERDA staff involved in the preparation of ERDA-1541 will make available, several days before the

hearing, a statement summarizing and addressing those points raised in the written comments which they believe to be of major importance. The statement will be obtainable at the hearing or, prior thereto, from W. H. Pennington (address and phone number given above).

(4) Persons, organizations or governmental agencies wishing to appear and make a presentation are encouraged to notify Mr. Pennington (address given above) in writing at least one week in advance of the hearing. Such notice should specify: (a) the name and address of the participant; (b) the organizational affiliation (if any); (c) the issues to be addressed or the questions to be raised by the participant; and (d) the amount of time desired to complete the presentation. This information will assist the agency in scheduling and preparing for the hearing. The Presiding Board will endeavor to schedule the full amount of time requested, subject to the imposition of such reasonable limits as will assure other participants a meaningful opportunity to appear.

(5) Those wishing to participate but who do not file a timely notice as specified herein, may notify Mr. Pennington before the hearing, or the Chairman of the Presiding Board during the hearing, of their desire to make a presentation. Such parties shall be heard at such times as the Presiding Board shall permit for a period of not more than fifteen (15) minutes each, unless the Presiding Board, in its discretion, allows additional time.

(6) Questions may be posed to participants (including ERDA staff members), during the course of the hearing by other participants (including ERDA staff members) and the Presiding Board, either orally or in writing, provided that: (a) all questioning shall be subject to the control and discretion of the Presiding Board, (b) questions shall be permitted from participants who have not provided advance notice of their participation under paragraph (4) hereof only to the extent that they are relevant to the issues identified in the staff statement (described in paragraph (3)) and; (c) any participant (including ERDA staff members) may elect to answer any such questions either orally at the hearing or subsequently in writing submitted to the Presiding Board before the close of the hearing record, which shall be determined by the Board.

(7) Participants may, but need not, be represented by counsel. Participants and their counsel will reference and produce, on request of the Presiding Board, the documents on which they rely.

(8) Consistent with the full and true disclosure of the facts, duplicative, redundant, irrelevant, or otherwise unproductive testimony or questioning will not be permitted and the Presiding Board will impose suitable restrictions to that end. The Presiding Board is authorized to take appropriate action to control the course of the hearing including authority to maintain order; rule on offers of, and receive, evidence; dispose of procedural requests or similar matters; allo-

cate among participants the time available for presentation; provide for consolidation of presentations, as appropriate; examine participants or witnesses; and hold conferences before or during the hearing for the purpose of delineating contested issues or for other purposes within the authority of the Presiding Board.

(9) In addition to controlling the course of the hearings, the Presiding Board may examine participants in order to elicit fuller information, probe sensitive issues, and discover the bases and sources of views, so as to produce a satisfactory record upon which the agency may evaluate the concerns of the interested public.

(10) A transcript of the hearing will be made. The record of the hearing shall consist of the transcript, all documents received into the record by the Presiding Board, and a Report of the Presiding Board as provided below.

(11) After the close of the hearing record the Presiding Board shall render its Report and forward it, together with the record to the Administrator. These documents will be considered in the preparation of the final environmental statement and in making determinations concerning the LWBR Program. The Report shall be based upon the Presiding Board's review of the draft environmental statement and the hearing record and shall (a) identify those unresolved issues raised at the hearing which the Presiding Board deems to be critical to future decisions concerning the Program, and (b) present the recommendations of the Presiding Board concerning the treatment of these issues in the final environmental statement in a manner which will promote informed decisionmaking. In discharging its function, however, the Presiding Board shall not undertake to resolve issues or render judgment concerning the course of the Program.

Dated at Washington, D.C., this 11th day of November, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for
Environment and Safety.

[FR Doc. 75-30739 Filed 11-12-75; 3:45 am]

FEDERAL COMMUNICATIONS COMMISSION

TV AND FM TRANSLATOR APPLICATIONS

Ready and Available for Processing

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on December 16, 1975, the TV and FM translator applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.237(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 15, 1975, which involves a conflict necessitating

a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on December 15, 1975.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(l) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: November 4, 1975.

Released: November 7, 1975.

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

FM TRANSLATOR APPLICATIONS

- BPFT-256** NEW, Rangely, Blue Mountain and Dinosaur, Colo. XYZ Television, Inc. Req: Channel 272, 102.3 MHz, 10 watts. Primary: KREX(FM), Grand Junction, Colo.
- BPFT-258** NEW, Price Utah and Rural Carbon County, Utah. Carbon County. Req: Channel 292, 106.3 MHz, 10 watts. Primary: KSOP-FM, Salt Lake City, Utah.
- BPFT-259** NEW, Omak and Okanogan, Wash. Christian Translator Association. Req: Channel 253, 98.3 MHz, 10 watts. Primary: KMBI-FM, Spokane, Wash.

UHF TV TRANSLATOR APPLICATIONS

- BPFT-2915** NEW, Ely, Nev. White Pine Television District #1. Req: Channel 51, 20 watts. Primary: KEKO(TV), Ely, Nev.
- BPFT-1913** NEW, Newport, Richford and Enosburg, Vt. International Television Corporation. Req: Channel 61, 100 watts. Primary: WEZF(TV), Burlington, Vt.
- BPFT-2914** NEW, Chester, Westwood and Canyonland, Calif. Almaror TV Club, Inc. Req: Channel 57, 100 watts. Primary: KCRA(TV), Sacramento, Calif.
- BPFT-2915** NEW, Chester, Westwood and Canyonland, Calif. Almaror TV Club, Inc. Req: Channel 59, 100 watts. Primary: KOVR(TV), Sacramento-Stockton, Calif.
- BPFT-2916** NEW, Andrews, Murphy and Robbinsville, N.C. University of North Carolina General Administration. Req: Channel 59, 1,000 watts. Primary: WUNE-TV, Linville, N.C.
- BPFT-2918** NEW, Neligh, Nebr. Nebraska Educational Television Commission. Req: Channel 65, 20 watts. Primary: KXNE(TV), Norfolk, Nebr.

- BPTT-2922** NEW, Alamogordo, Tularosa and Holloman Air Force Base, N. Mex. Regents of New Mexico State University. Req: Channel 55, 100 watts. Primary: KRWG(TV), Las Cruces, N. Mex.
- BMPTT-820** KESAN, Ellensburg and Kittitas Valley, Wash. Kittitas County Television Improvement District #1. Req: Change frequency to ch-69, 800-806 MHz. Primary: KYVE-TV, Yakima, Wash.

VHF TV TRANSLATOR APPLICATIONS

- BPTTV-5398** NEW, Hoxie, Kans. City of Hoxie, Kans. Req: Channel 5, 5.0 watts. Primary: KWNB-TV, Hayes Center, Nebr.
- BPTTV-5399** K04GE, Baker, Mont. Baker TV Tax District. Req: Change frequency to channel 8, 180-186 MHz.
- BPTTV-5400** K07HW, Webster, Mont. Baker TV Tax District. Req: Change frequency to channel 6, 82-88 MHz, add Baker, Mont. Primary: KPDS-TV, Eagle Butte, S. Dak.
- BPTTV-5401** K08EV, Baker, Mont. Baker TV Tax District. Req: Change to channel 10, 192-198 MHz.
- BPTTV-5402** K10AA, Baker, Mont. Baker TV Tax District. Req: Change frequency to channel 4, 66-72 MHz.
- BPTTV-5403** K12AB, Baker, Mont. Baker TV Tax District. Req: Change primary to KPDS-TV, Eagle Butte, S. Dak.
- BPTTV-5404** NEW, Quinter, Kans. City of Quinter. Req: Channel 12, 5.0 watts. Primary: KWNB-TV, Hayes Center, Nebr.
- BPTTV-5405** NEW, Allagash, Maine. Allagash Plantation. Req: Channel 12, 1 watt. Primary: WAQM(TV), Presque Isle, Maine.
- BPTTV-5406** NEW, White Sulphur Springs, Mont. Tru-Vue Television Association, Inc. Req: Channel 7, 10 watts. Primary: KTVM(TV), Butte, Mont.
- BPTTV-5409** NEW, Culbertson, Nebr. Nebraska Educational Television Commission. Req: Channel 12, 1 watt. Primary: KPNF(TV), North Platte, Nebr.

VHF TV TRANSLATOR APPLICATIONS

- BPTTV-5410** NEW, Trenton, Nebr. Nebraska Educational Television Commission. Req: Channel 12, 1 watt. Primary: KPNE(TV), North Platte, Nebr.
- BPTTV-5411** NEW, Stratton, Nebr. Nebraska Educational Television Commission. Req: Channel 13, 1 watt. Primary: KPNE(TV), North Platte, Nebr.
- BPTTV-5412** NEW, Jacksonville, Ore. Radio Medford, Inc. Req: Channel 2, 5 watt. Primary: KMED-TV, Medford, Ore.

- BPTTV-5413 K4AY, Silver Lake, Ore.
Silver Lake Community Television Association.
Req: Change primary TV station to KPTV, Ch-13, Portland, Ore.
- BPTTV-5415 K10GA, Sandpoint, Priest River and Priest Lake, Idaho.
Regents of The University of Idaho.
Req: To delete Priest Lake, Idaho.
- BPTTV-5418 NEW, Taylor, Nebr.
Earl H. Tibbs tr/as Tibbs TV and Appliance.
Req: Channel 3, 1 watt.
Primary: KGIN(TV), Grand Island, Nebr.
- BPTTV-5419 NEW, Yakutat, Alaska.
Yakutat City School District.
Req: Channel 4, 10 watts.
Primary: KUAC(TV), Fairbanks, Alaska.
- BPTTV-5389A NEW, White City and Eagle Point, Tolo and 7 Oaks, Ore.
Oregon Broadcasting Company.
Req: Channel 3, 5 watts.
Primary: KOB(TV), Medford, Ore.
- APPLICATIONS DELETED FROM PUBLIC NOTICE
RELEASED SEPTEMBER 3, 1975 (Mimeo #54506, 40 F.R. 41182)
- BPTTV-5307 NEW, Central Point, White City and Eagle Point, Ore.
Oregon Broadcasting Company.
Req: Channel 3, 5 watts.
Primary: KOB(TV), Medford, Ore.
- (Assigned new file number BPTTV-5389A.)
- BPTTV-5310 NEW, Jacksonville, Ore.
Radio Medford, Inc.
Req: Channel 3, one watt.
Primary: KMED-TV, Medford, Ore.
- (Assigned new file number BPTTV-5412.)
- BPTTV-2891 NEW, Parkersburg, W. Va.
West Virginia Educational Broadcasting Authority.
Req: Channel 57, 1 watt.
Primary: WMUL-TV, Huntington, W. Va.

The entry should have appeared as follows:

- BPTTV-2891 NEW, Parkersburg, W. Va.
West Virginia Educational Broadcasting Authority.
Req: Channel 57, 1000 watts.
Primary: WMUL-TV, Huntington, W. Va.

ERRATUM

On the Commission's Public Notice (Mimeo #54506, 40 F.R. 41182), released September 3, 1975, the following erroneous entry appeared:

UHF TV TRANSLATOR APPLICATIONS

This application is "cut-off" as of the close of business on October 22, 1975.

[FR Doc.75-30630 Filed 11-12-75; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Cancellation of Meeting

This notice is given to advise of a cancellation of the meeting for the Whole-

sale Petroleum Advisory Committee. The Committee was scheduled to meet at 9:30 a.m. at FEA Regional Headquarters, 11th Floor Conference Room, 1421 Cherry Street, Philadelphia, Pa., on Monday, November 17, 1975. A Notice of Meeting was published in the issue of October 31, 1975, (40 FR 50749).

Issued at Washington, D.C. on November 11, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-30775 Filed 11-11-75; 3:57 pm]

FEDERAL POWER COMMISSION

[Docket Nos. RP71-131, RP72-61]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff

NOVEMBER 5, 1975.

Take notice that on October 14, 1975, Algonquin Gas Transmission Company (Algonquin), tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The proposed changes make revisions to Section 14 of the General Terms and Conditions of Algonquin's FPC Gas Tariff which contains curtailment procedures to be used in apportioning gas supplies from Texas Eastern Transmission Corporation.

Algonquin states that it is submitting these changes to comply with the Commission's order issued August 20, 1975 in Docket Nos. RP71-131 and RP72-61, which required Algonquin to provide an exemption from peak day (but not annual) curtailment for small distributor customers specifically limited to end-use priority category 1 loads.

Algonquin states that copies of the filing were served upon the company's customers and interested state regulatory commissions.

Any person desiring to be heard or to make protest with reference to said application should on or before November 14, 1975, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and 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 a 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.75-30564 Filed 11-12-75; 8:45 am]

[Docket No. ER76-197]

DUKE POWER CO.

Supplement

NOVEMBER 5, 1975.

Take notice that Duke Power Company (Duke) on October 28, 1975, ten-

dered for filing a supplement to Duke's Electric Power Contract with the Town of Drexel (Town), designated Duke Power Company Rate Schedule FPC No. 257. The supplement, entitled Document No. 1, is dated June 17, 1975, and is to become effective on December 19, 1975.

Document No. 1 provides for an increase in contract demand from 2,000 KW to 2,700 KW, made at the Town's request. Duke states that, to provide service under this agreement, its delivery voltage will be converted from 2,300 volts delta to 4,160/2,400 volts wye, and its substation capacity will be increased by replacing the transformers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30566 Filed 11-12-75; 8:45 am]

[Docket No. ER76-184]

KANSAS CITY POWER & LIGHT CO.

Increased Schedules of Rates and Charges

NOVEMBER 5, 1975.

Take notice that on October 20, 1975, Kansas City Power & Light Company (KCPL) filed with the Commission new increased Schedules of Rates and Charges for Wholesale Firm Power Service to supersede and replace the following Schedules of Rates and Charges for Wholesale Firm Power Service:

1. Missouri Power & Light Company (MP LC) FPC No. 73.
2. Missouri Public Service Company (MP SC) FPC No. 74.
3. City of Armstrong, Missouri (Armstrong) FPC No. 62.
4. City of Gardner, Kansas (Gardner) FPC No. 66.
5. City of Higginsville, Missouri (Higginsville) FPC No. 72.
6. City of Pomona, Kansas (Pomona) FPC No. 71.
7. City of Prescott, Kansas (Prescott) FPC No. 30.
8. City of Salisbury, Missouri (Salisbury) FPC No. 61.
9. City of Slater, Missouri (Slater) FPC No. 64.
10. Coffey County Rural Electric Cooperative Association, Inc. (Coffey County) FPC No. 69.
11. United Electric Cooperative, Inc. (formerly Sugar Valley Electric Cooperative Association, Inc.) (United Electric) FPC No. 68.

KCPL states that the proposed effective date for each new increased Sched-

ule of Rates and Charges is November 30, 1975, and that the new Schedules of Rates and Charges reflect an increase of \$996,746 in annual revenues to KCPL based on its cost of service and sales to the wholesale firm power customers during the 12-month test period ended June 30, 1975. Additionally, KCPL states that the changes embodied in the new Schedules of Rates and Charges include (1) increased rates for Demand and Energy Charges, and (2) a new Fuel Adjustment Clause with a related pricing of the base "fuel cost" at 0.434¢ per kilowatt-hour to reflect the appropriate average fuel cost to KCPL in the year ended June 30, 1975, in compliance with the Commission's Order No. 517 issued November 13, 1974, in Docket No. R-479.

KCPL further states that the new Schedules of Rates and Charges have been designed to limit KCPL's increase in annual revenues from such wholesale firm power customers to less than \$1 million to avoid the necessity of filing Period II projected data under the Commission's Regulations so as to expedite the filing of the new Schedules, which KCPL asserts would provide it with the opportunity to earn a rate of return of 8.03% on its wholesale firm power service to each class of customers based on its June 30, 1975, costs of service and sales to them.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30567 Filed 11-12-75;8:45 am]

[Docket Nos. RP71-125, and RP75-108, PGA 76-3]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 5, 1975.

Take notice that Natural Gas Pipeline Company of America (Natural) on October 16, 1975, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, to become effective December 1, 1975:

Substitute Twenty-fifth Revised Sheet No. 5.

Substitute Original Sheet No. 5A.

As explained below alternate tariff sheets were also filed.

The purpose of the filing is to adjust Natural's rates, pursuant to the provision of its Purchased Gas Cost Adjustment Clause, to reflect changes in the cost of gas purchased from producers suppliers and to recover deferred purchased gas costs accumulated during the six months ended August 31, 1975.

Natural filed concurrently under separate cover a "Motion to Make Suspended Tariff Sheets Effective" in the proceedings at Docket No. RP75-108. For the reasons as set out in that motion alternate Base Rates were filed to be effective December 1, 1975. Therefore, alternate tariff sheets to reflect the two different Base Rate levels as submitted with Natural's motion were also submitted with this PGA unit adjustment filing. Both sets of tariff sheets submitted reflect the same PGA unit adjustment levels.

Natural states that copies of the filing have been mailed to each of the company's jurisdictional customers, interested state commissions and interested parties in Docket No. RP75-108.

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 N. Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 14, 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.75-30565 Filed 11-12-75;8:45 am]

[Docket No. ER76-194]

ORANGE AND ROCKLAND UTILITIES, INC.

Initial Rate Filing

NOVEMBER 5, 1975.

Take notice that Orange and Rockland Utilities, Inc. (O&R), on October 28, 1975, tendered for filing as an initial rate schedule an Electric Generating Capability Exchange Agreement between O&R and Consolidated Edison Company of New York, Inc. (Con Ed). The Agreement, dated October 23, 1975, provides for the exchange of 200 MW of electric generating capability between O&R and Con Ed during the period October 26, 1975, through April 24, 1976.

Included with the filing is the Certificate of Concurrence of Con Ed.

O&R requests that the Commission waive the notice requirements of Section 35.3 of its Regulations to permit the Agreement to become effective as an initial rate schedule as of October 26, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 November 19, 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.75-30568 Filed 11-12-75;8:45 am]

[Docket No. RP75-50]

PENNSYLVANIA GAS AND WATER COMPANY, ET AL.

Proposed Settlement

NOVEMBER 6, 1975.

Take notice that on October 3, 1975, as supplemented on October 20, 1975, the Administrative Law Judge in Docket No. RP75-50 certified a proposed settlement to the Commission for action. The instant proceeding was instituted by Commission Order of February 14, 1975, which was issued in response to a number of complaints filed against Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) by several of its customers.¹ The proposed settlement as it is stated resolves all issues remaining in the instant docket.

In view of the somewhat convoluted procedural history of this proceeding, a brief review of same is in order. In response to the aforementioned complaints, the Commission by order of February 14, 1975 in Docket No. RP74-24, *et al.*, *inter alia*, consolidated the complaints of Con Ed, O&R, Knoxville, and PG&W for hearing and decision; construed filings by Alabama-Tennessee Natural Gas Company (filed in Docket No. RP75-45) and General Motors Corporation (filed in Docket No. RP 74-24) as complaints under Section 5(a) of the Natural Gas Act, and consolidated them with the aforementioned complaints. By order of March 14, 1975, the Commission dismissed Knoxville's complaint without prejudice, consolidated with the remainder of the proceeding a complaint filed by Berkshire against Tennessee, and redesignated the instant proceeding Docket Nos. RP75-35, *et al.* By order of April 28, 1975, the Commission allowed Berkshire

¹ Complaints were filed against Tennessee by Consolidated Edison Company of New York, Inc. (Con Ed); Orange and Rockland Utilities, Inc. (O&R); Knoxville Utilities Board, *et al.* (Knoxville); Pennsylvania Gas and Water Company (PG&W); and the Berkshire Gas Company (Berkshire).

to withdraw its complaint, and further severed Docket No. RP74-24 from the instant proceeding. On July 7, 1975, the Commission granted the joint motion of Con Ed and O&R to sever their complaints (Docket Nos. RP75-35 and RP75-36, respectively) from the remainder of the proceeding "since the balance of the proceeding relates to issues of law and fact different from that raised by Con Ed and O&R." (Order of July 7, 1975, p. 3). Then on September 9, 1975, the Commission designated the balance of the proceeding, i.e., PG&W's complaint, and Alabama-Tennessee's and GM's filings, Docket No. RP75-50. It is the issues contained in the latter docket which are the subject of the proposed settlement. The proposed settlement does not, according to the Presiding Judge, affect the issues in the Con Ed and O&R proceedings (Certification of Proposed Settlement Agreement, October 3, 1975).

THE SETTLEMENT

The proposed settlement in this proceeding consists of: (a) Exhibits 25 and 26, both documents entitled, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) Docket No. RP75-50, Settlement End Use Data; and, (b) a nine page document entitled Settlement Agreement (September 18, 1975) with appendices A and B attached thereto.

The settlement agreement provides, *inter alia*:

a. That effective November 1, 1975, Tennessee shall use in the implementation of its presently effective curtailment plan the end use data reflected in Exhibit Nos. 25 and 26 (Settlement End Use Data) unless modified below.

b. That no motions, petitions, complaints, or other pleadings are to be filed with the Commission or the Courts directly or indirectly requesting a change in all or any part of the Settlement End Use Data, to be effective prior to November 1, 1980, except as hereinafter provided.

c. On or after November 1, 1976, pleadings may be filed with the Commission requesting revision of the Settlement End Use Data, solely in regard to the effect of applying "a different method of allocation of the storage injection volumes reflected in each customer's total system and use profile underlying the Settlement End Use Data with no other changes in such total system end use profile."

d. If upon review of the Initial Decision in Docket No. RP 74-24, the Commission revises the priority-of-service in Tennessee's presently effective curtailment plan, the Settlement End Use Data shall be revised upon a customer's request to the Commission solely to reflect the changes deemed appropriate by the Commission in its final decision. Any changes made by Tennessee pursuant to this section shall be made prospectively only and pursuant to Commission order.

e. That if the Commission modifies the Annual Volumetric Limitation (AVL) of any of Tennessee's customers, the end

use data for such customer, as reflected in the Settlement End Use Data, may be changed prospectively by Tennessee or the Commission, upon the request of such customer or any party to this proceeding, solely to reflect the modification ordered by the Commission.

f. That the proposed settlement does not proscribe or prohibit the filing of petitions for extraordinary relief or requests for emergency relief under Article XXIV, Section 4 of Tennessee's curtailment plan; however, the proposed settlement states that no petition for extraordinary relief will lie which is based on or requires a change in the customers end use profile as shown in the Settlement End Use Data.

g. That Section 8 of the proposed settlement be construed as *ad hoc* petitions for relief from the provisions of Opinion No. 712. That those customers listed in Appendix A, attached to the Proposed Settlement, be allowed to group delivery points, and that the AVL of those customers listed in Appendix B be increased as reflected therein, starting with the annual period October 31, 1976.

h. That the Data Committee, which was established in this proceeding, will be, upon Commission approval of the proposed settlement dissolved. Tennessee will establish a Study Group "to evaluate various methods of allocating storage injection volumes to priorities-of-service categories in any customer's total system end use profile."

FILING OF COMMENTS

Any person, including the parties to this proceeding desiring to file comments either in support of or in opposition to the proposed settlement should file such comments on or before November 19, 1975. Replies to the initial comments may be filed and will be accepted on or before December 5, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-30571 Filed 11-12-75; 8:45 am]

[Docket No. ER76-54]

PUGET SOUND POWER AND LIGHT CO. Filing of Exchange Agreement Concurrence

NOVEMBER 5, 1975.

Take notice that on October 28, 1975, Utah Power and Light Company (Utah) tendered for filing a Certificate of Concurrence to the Exchange Agreement tendered for filing by Puget Sound Power and Light Company (Puget Sound) in the above-referenced docket on August 4, 1975. The Exchange Agreement filed by Puget Sound provides for the exchange of capacity and energy between it and Utah, which Puget Sound states will be of equal quantity and value. Puget Sound's initial filing of this Agreement was deficient for lack of a concurrence by Utah. This filing purports to cure this deficiency. Puget Sound has requested waiver of the notice requirement and requests an effective date for service under the Agreement to be made retroactive to

June 1, 1975, the date service commenced under the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 November 18, 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. 75-30569 Filed 11-12-75; 8:45 a.m.]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Proposed Changes in Rates and Charges

NOVEMBER 5, 1975.

Take notice that on October 29, 1975, Sierra Pacific Power Company (Sierra Pacific) tendered for filing a notice of change in rates and charges in its Rate Schedule FPC No. 11 and a notice of change in rates and charges in Rate Schedule R; Fuel Adjustment; Terms and Conditions; and associated changes in its FPC Electric Tariff, Volume No. 1. Based upon the test period of twelve months ending June 1976, Sierra Pacific estimates that the total effect of the changes in rates and charges would increase annual revenues from jurisdictional sales and services by approximately \$716,132 or 14.7%.

Sierra Pacific requested a waiver of the thirty (30) day rule pursuant to § 35.11 of the Commission's Rules and Regulations under the Federal Power Act to cancel Supplement No. 2 to Rate Schedule FPC No. 11 to transfer Mt. Wheeler Power, Inc. (Mt. Wheeler) to the existing Rate Schedule R of its FPC Electric Tariff (Supplement No. 3) as the type of service rendered Mt. Wheeler was changed with completion of the Sierra Pacific-Utah Power and Light Company interconnection on August 8, 1975. Sierra Pacific estimates that this change would increase jurisdictional revenues during the test period by \$595,172.

Sierra Pacific proposed that the effective date of the changes in rates and charges of its FPC Electric Tariff be September 21, 1975, and stated that these changes would effect an increase in test period jurisdictional revenues of \$121,679.

In addition, Sierra Pacific requested permission to initiate deferred fuel and purchased power cost accounting on its books and records, and interest charges on delayed payment of service billings.

Copies of the filing were served upon Sierra Pacific's jurisdictional customers.

the California Public Utilities Commission, and the Public Service Commission of Nevada.

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 Capital Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (19 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30570 Filed 11-12-75; 8:45 am]

FEDERAL RESERVE SYSTEM DUBOIS BANKSHARES, INC.

Formation of Bank Holding Company

Dubois BankShares, Inc., Sauk Centre, Minnesota, has applied for the Board's approval under section 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 93 per cent of the voting shares of First State Bank of Sauk Centre, Sauk Centre, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Dubois BankShares, Inc. has also applied, pursuant to section 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 100 per cent interest in First State Agency, Sauk Centre, Minnesota. Notice of the application was published on October 23, 1975 in the Herald, a newspaper circulated in Sauk Centre, Minnesota.

Applicant states that, through First State Agency, it would engage in general insurance agency activities, including the sale of ordinary life, casualty, fire, liability, motor vehicle, surety, and farm property and liability insurance. Such activities will be conducted from the premises of First State Bank of Sauk Centre in a community having a population of less than 5,000 persons. 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). In addition, Applicant states that upon consummation of the proposal, the credit life and credit accident and health insurance activity presently conducted by First State Agency will be transferred to First State Bank of Sauk Centre.

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 applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

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 December 3, 1975.

Board of Governors of the Federal Reserve System, November 6, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary
of the Board.

[FR Doc.75-30606 Filed 11-12-75; 8:45 am]

FIRST FREEPORT CORP.

Acquisition of Bank

First Freeport Corporation, Freeport, Texas, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Chemical National Bank, Clute, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 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 Dallas. 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 December 3, 1975.

Board of Governors of the Federal Reserve System, November 6, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary
of the Board.

[FR Doc.75-30607 Filed 11-12-75; 8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-21]

DRY WALL SCREWS

Notice of Investigation

A complaint was filed with the United States International Trade Commission

on August 20, 1975, and a supplement and an amendment were filed with the Commission on October 10, 1975, on behalf of Superior Dry Wall Screw Mfg. Co., Inc., 8504 Ardmore-Ardwick Road, Landover, Maryland 20785, alleging that the unlicensed importation of certain dry wall screws into the United States, and their sale, are unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), by reason of the coverage of such dry wall screws by claims 1, 2, 3, 7, 13, 14, and 15 of U.S. Letters Patent 3,861,269. The complainant further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requested that the imports in question be temporarily and permanently excluded from entry into the United States, and, that any cease and desist orders be issued by the Commission as it may, in its judgment, deem appropriate.

Having considered the above complaint, as supplemented and amended, the United States International Trade Commission, on November 6, 1975, ordered:

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), an investigation be instituted to determine whether there is any violation of this section in the unlicensed importation of dry wall screws, allegedly covered by the claims of U.S. Letters Patent 3,861,269, into the United States, or in their sale, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated in the United States.

2. That for the purpose of the investigation so instituted:

(a) John Wagner Associates, Inc.
1176 Boulevard Way
Walnut Creek, California 94595

which is alleged to be importing and/or selling the subject product, is hereby named as the respondent upon which the complaint, as supplemented and amended, is to be served; and

(b) Steven D. Moskowitz, of the United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, is hereby named as the Commission investigative attorney.

3. That all interested persons will be afforded the opportunity to respond to the complaint in accordance with the following procedures:

(a) The respondent named herein shall serve a response to this notice and the complaint upon complainant and the Commission investigative attorney no later than thirty (30) days after service of this notice and the complaint has been effected;

(b) any further submission or reply of complainant shall be served by him upon the respondent and the Commission investigative attorney no later than ten

(10) days after receipt of the response; and

(c) a signed original and nineteen (19) true copies of each response, further submission, or reply shall be filed with the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, within the respective time periods specified in subparagraphs (a) and (b) above.

4. That extensions of time for filing responses or submissions will not be granted unless a good and sufficient cause is shown therefor.

5. That failure of respondent to file a response to each of the allegations which are the subject of this investigation as set forth in this notice, taking into consideration the applicable detailed allegations in the complaint, within the time provided, may be deemed to constitute a waiver of its right to appear and contest such allegations and shall authorize the Commission, without further notice to that respondent, to find the facts to be as alleged and to enter an order containing such findings.

The complaint, as supplemented and amended, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission Building, 701 E Street, N.W., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center, New York, New York 10048.

By Order of the Commission.

Issued: November 10, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc. 75-30660 Filed 11-12-75; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-94]

DAH YU CHENG

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Dah Yu Cheng, Palo Alto, California, a revocable, exclusive license to practice the invention described in U.S. Patent No. 3,883,095 for "Reversed Cow Flap Inlet Thrust Augmentor", issued on May 13, 1975, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before January 12, 1976, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following, together with supporting documentation: (1) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (2) an application for a nonexclusive license under such invention, in accordance with § 1245.206 (b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: November 6, 1975.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc. 75-30654 Filed 11-12-75; 8:45 am]

[Notice 75-92]

JOSEPH B. GILLERMAN

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Joseph B. Gillerman, Los Angeles, California, a revocable, exclusive license to practice the invention described in U.S. Patent No. 3,547,801 for "Water Management System and an Electrolytic Cell Therefor", issued on December 15, 1970, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before January 12, 1976, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following, together with supporting documentation: (1) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (2) an application for a nonexclusive license under such invention, in accordance with § 1245.206 (b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: November 6, 1975.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc. 75-30652 Filed 11-12-75; 8:45 am]

[Notice 75-93]

PUBLIC TECHNOLOGY, INC.

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Public Technology, Incorporated, Washington, D.C., a revocable, exclusive license to practice the invention described in U.S. Patent No. 3,693,105 for "Active Tuned Circuit", issued on

September 19, 1972, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before January 12, 1976, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C., 20546, receives in writing any of the following, together with supporting documentation: (1) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (2) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: November 6, 1975.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc. 75-30653 Filed 11-12-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-317]

BALTIMORE GAS AND 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. 10 to Facility Operating License No. DPR-53, issued to Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit 1 (the facility) located in Calvert County, Maryland. The amendment becomes effective 30 days after its date of issuance.

The amendment revises the reporting requirements of the Technical Specifications for the facility.

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 of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 27, 1974, (2) Amendment No. 10 to License No. DPR-53, with Change No. 9, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678. A single 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 4th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch #2, Division of Reactor Licensing.

[FR Doc.75-30588 Filed 11-12-75; 8:45 am]

[Docket No. 50-293]

BOSTON EDISON 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. 13 to Facility Operating License No. DPR-35 issued to the Boston Edison Company (the licensee) which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located in Plymouth County, Massachusetts. The amendment is effective 30 days after the date of its issuance.

The amendment revises the administrative controls section of the Pilgrim Nuclear Power Station Technical Specifications to provide uniform staffing qualifications, management procedures and reporting requirement.

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 of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated February 14, 1975, and the supplements thereto dated June 2, 1975 and July 29, 1975, (2) Amendment No. 13 to License No. DPR-35, with Change No. 15, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washing-

ton, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of November, 1975.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch #2, Division of Reactor Licensing.

[FR Doc.75-30589 Filed 11-12-75; 8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON COMPANY AND IOWA-ILLINOIS GAS AND 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 Nos. 20 and 16 to Facility Operating License Nos. DPR-29 and DPR-30 issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) which revised Technical Specifications for operation of the Quad Cities Units 1 and 2 located in Rock Island County, Illinois. These amendments are effective 30 days after the date of issuance.

These amendments revise the reporting requirements of the Technical Specifications for Quad Cities Units 1 and 2.

The application for these amendments dated December 18, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for these amendments dated December 18, 1974, (2) Amendment Nos. 20 and 16 to License Nos. DPR-29 and DPR-30, with Change No. 30 and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Moline Public Library, at 504-17th Street in Moline, Illinois 60265.

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 4th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-30590 Filed 11-12-75; 8:45 am]

[Docket Nos. 50-10, 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 12, 12 and 10 to Facility Operating License Nos. DPR-2, DPR-19 and DPR-25 (respectively) to the Commonwealth Edison Company which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 1, 2 and 3 located in Grundy County, Illinois. These amendments are effective 30 days after their date of issuance.

These amendments revise the reporting requirements of the Technical Specifications for Dresden Units 1, 2 and 3.

The application for the amendments dated December 19, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to these actions, see (1) the application for amendments dated December 19, 1974, (2) Amendment Nos. 12, 12 and 10 to License Nos. DPR-2, DPR-19 and DPR-25, with Changes 31, 37 and 26 (respectively) and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and for Dresden Units 2 and 3 at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451.

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 4th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch #2, Division of Reactor Licensing.

[FR Doc.75-30591 Filed 11-12-75; 8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-65

issued to The Connecticut Light and Power Company, the Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (licensees). This amendment is effective as of the date of issuance.

The amendment (1) revises the specifications governing access to the air lock and containment as necessary to effect repair of the inner air lock door gasket, and, (2) corrects certain proofreading errors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazard consideration.

For further details with respect to this action, see (1) the application for amendment dated October 10, 1975, (2) Amendment No. 6 to License No. DPR-65, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 7th day of November 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors
Project Branch 1-3, Division
of Reactor Licensing.

[FR Doc.75-30592 Filed 11-12-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised Technical Specifications for operation of the Cooper Nuclear Station located in Nehalem County, Nebraska. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the Cooper Nuclear Station.

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 of this amendment is not required since the amendment does not involve a significant hazard consideration.

For further details with respect to this action, see (1) the application for amendment dated December 2, 1974, (2) Amendment No. 13 to License No. DPR-46, with Change No. 16, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305.

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 4th day of November, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch #2, Division of Re-
actor Licensing.

[FR Doc.75-30593 Filed 11-12-75;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER COMPANY OF MINNESOTA AND NORTHERN STATES POWER COMPANY OF WISCONSIN

Availability of Safety Evaluation Report for Tyrone Energy Park, Unit No. 1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Tyrone Energy Park, Unit No. 1 to be located in Dunn County, Wisconsin. Notice of receipt of the application filed by Northern States Power Company of Minnesota and Northern States Power Company of Wisconsin (hereafter referred to as Northern States Power Company) to construct and operate the Tyrone Energy Park, Unit No. 1 was published in the FEDERAL REGISTER on August 30, 1974 (39 FR 31693).

The Northern States Power Company, together with a group of four other utilities, consisting of the Union Electric Company, the Rochester Gas and Electric Corporation, the Kansas Gas and Electric Company and the Kansas City Power & Light Company (the SNUPPS utilities), under the acronym SNUPPS (Standardized Nuclear Unit Power Plant System) submitted a standard plant design for review under the Nuclear Regulatory Commission's standardization policy statement of March 5, 1973. The five SNUPPS utilities have filed four separate applications with the Commission for licenses to construct and operate four proposed standardized plants or SNUPPS

plants (consisting of a total of five units) under the duplicate plant option of the Commission's policy. This policy allows, under one of the options, for a simultaneous review of the safety-related parameters of a limited number of duplicate plants which are to be constructed within a limited time span.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Stout Library, University of Wisconsin, Menomonie, Wisconsin for inspection and copying. The report (Document No. NUREG 75/102) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22151.

Separate safety evaluation reports have been issued by the Office of Nuclear Reactor Regulation for each application as follows: (1) Union Electric Company's Callaway Plant, dated August 7, 1975 (Document No. NUREG 75/076), available from the National Technical Information Service (NTIS) at \$7.25 per paper copy and \$2.25 for microfiche; (2) Kansas Gas and Electric Company and Kansas City Power & Light Company's Wolf Creek Nuclear Generating Station, Unit No. 1, dated September 3, 1975 (Document No. NUREG 75/080), available from NTIS at \$7.00 per paper copy and \$2.25 for microfiche; and (3) Rochester Gas and Electric Corporation's Sterling Power Project Nuclear Unit No. 1, dated September 5, 1975 (Document No. 75/082), available from NTIS at \$7.00 per paper copy and 2.25 for microfiche.

Dated at Bethesda, Maryland this 7th day of November, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors
Project Branch 1-1, Division
of Reactor Licensing.

[FR Doc.75-30594 Filed 11-12-75;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

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-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the Vermont Yankee Nuclear Power Station.

The application for the amendment dated December 16, 1974, 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 of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 16, 1974, (2) Amendment No. 17 to License No. DPR-28, with Change No. 28, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301.

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 5th day of November 1975.

For the Nuclear Regulatory Commission,

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Reactor Licensing.

[FR Doc. 75-30595 Filed 11-12-75; 8:45 am]

[Docket No. P-560-A]

CENTRAL MAINE POWER CO.

Notice of Receipt of Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Central Maine Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, which was docketed on August 20, 1975, in connection with their plans to construct and operate a reactor in Searsport, Maine. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application consisting of an Environmental Report and a Preliminary Safety Analysis Report pursuant to § 2.101 of Part 2, are expected to be filed in April and June 1976, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The applicant has solicited from other New England utilities non-binding indications of potential interest in the unit. As utilities indicate their interest,

additional antitrust information will be submitted for them.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Local Public Document Room, Office of Town Manager, Union Hall, Reservoir Street, Searsport, Maine 04974. Docket No. P-560-A has been assigned to the application and should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before December 30, 1975.

Dated at Bethesda, Md., this 23rd day of October 1975.

For the Nuclear Regulatory Commission,

KARL KNIEL,
Chief, Light Water Reactors
Branch 2-2, Division of Reactor Licensing.

[FR Doc. 75-29240 Filed 10-29-75; 8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-32]

SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

The National Transportation Safety Board has issued recommendations A-75-80 through 83 to the Federal Aviation Administration. Investigation of three general aviation approach accidents (a Piper PA-28, at Delavan, Wisconsin, November 28, 1973; a Cessna 310G, at Mantec, North Carolina, January 16, 1974; and a Piper PA-28R-180, at Jeffersonville, Indiana, June 27, 1975) prompted the Safety Board on November 6 to recommend that the FAA seek statutory authority to require that each public-use airport runway have an approach surface which meets the specifications of 14 CFR 77. As an interim measure, the Board recommends that the FAA: Require the airport operator to issue a NOTAM concerning obstructions which violate the guidelines of 14 CFR 77; Identify, in the Airman's Information Manual, any public-use airport runway which does not have the approach surface required by 14 CFR 77; and require that this Manual list trees as obstructions to the approach surface of a runway.

During the past week, the Safety Board has received letters from the Federal Aviation Administration, the Federal Highway Administration, and the U.S. Coast Guard responsive to the following recommendations:

(From the Federal Aviation Administration)

A-75-63 (40 FR 36628), letter dated October 23. FAA will issue an airworthiness directive within 60 days to require "an electrical test procedure which will verify the electrical integrity of the gear motor controller P/N MC-815-AS-1."

A-75-72 and 73 (40 FR 42247), letter of October 20. Regarding A-75-72, issuance of airworthiness directives, as recommended, is not considered justified by FAA, since FAA has found no evidence that the absence of engine-out warning was a factor in two helicopter accidents reference in the Board's recommendation letter of September 2, 1975. Concerning A-75-73, FAA comments, "We have been applying special conditions for the last four years on all new turbine-powered helicopters requiring visual and aural low rotor speed warning systems. This is considered more desirable than an engine-out warning because it will warn of low rotor speed for any reason, including engine failure, and continue to do so during power-off descent. This is required to actuate to enable the pilot to avoid dangerously low rotor speeds." FAA now requires engine-out warning only on multiengine helicopters in which the remaining engine automatically increases its output to maintain the rotor speed. FAA states that the low rotor speed special condition has been included in the Biennial Airworthiness Review as an amendment to FAR Parts 27 and 29, and that a proposal to require engine failure warning will be submitted in the next Review.

A-75-79 (40 FR 48553), letter dated October 10. This recommendation pertains to a left-wing trailing edge inboard forelap separation on an American Airlines B-747 on September 8 during an approach to the San Juan International Airport, Puerto Rico. FAA states, "The Airworthiness Directive (AD) 75-20-05, originally published as a Notice of Proposed Rule Making, was signed on September 10 with an effective date of October 24. The AD requires that the forelap be inspected within the next 100 flights after the effective date of the AD. Since the compliance times were established prior to the September 8 American Airlines incident, a full review was made; and it was concluded that the compliance times are acceptable and reasonable."

(From the Federal Highway Administration)

H-75-17 through 21 (40 FR 49615), letter of November 4. Concerning H-75-17, FHA notes that the Bureau of Motor Carrier Safety is now developing an information bulletin dealing with the proper method of adjusting brakes on vehicles equipped with air-mechanical brake systems. The bulletin is in preliminary draft stage, to be issued soon. Re H-75-18, FHA states that the critical need for roadway information related to the length and steepness of grades is obviously to serve the unfamiliar operator of heavy vehicles. The Bureau of Motor Carrier Safety will research driver information needs, and will review pertinent literature to determine whether research is needed or whether

existing technology simply needs to be implemented. With reference to H-75-19, FHA will survey selected States' practices for implementing the Manual on Uniform Traffic Control Devices signing requirements on long and/or steep grades, based on the drivers' needs identified under recommendation H-75-18 and on a human factors evaluation of typical driver information requirements. Re H-75-20, FHA states that if the results of the survey and evaluation conducted as above indicate that changes are needed in the Manual, the National Advisory Committee will be alerted for appropriate action. FHA states, concerning H-75-21, that a standardized design policy for escape routes for trucks will likely be discussed by the American Association of State Highway and Transportation Officials, Standing Committee on Engineering and Operations, when it meets this month.

H-75-23 and 24 (40 FR 51692 letter of October 29. Responsive to urgent recommendation H-75-23, FHA indicates that the Bureau of Motor Carrier Safety will look into the placement of warning devices for stopped vehicles, and will study the matter in conjunction with accident reports involving stopped and parked vehicles. FHA states, "If the data indicates a problem exists, consideration will then be given to the issuance of a Notice of Proposed Rulemaking to clarify the placement of emergency warning devices in relation to the travelled portion of the highway." With reference to H-75-24, FHA states, "The recommendation that future designs of the Motorist Aid Facilities comply with the requirement for 30 feet of clear roadside recovery area is not appropriate in the present instance. The only 'facility' involved in the accident in question was a water drum, which was appropriately located 29 feet 8 inches from the edge of the roadway."

(From the U.S. Coast Guard)

71-M-17, letter of October 30. The Safety Board's recommendation—that the U.S. Coast Guard study the feasibility of developing a method of traffic separation for inbound and outbound traffic in the Golden Gate Channel—was made as a result of the investigation into the collision involving the SS ARIZONA STANDARD and the SS OREGON STANDARD at the entrance of San Francisco Bay on January 1, 1971. The Coast Guard notes that proposed regulations for mandatory participation in the Voluntary Traffic Separation Scheme in the San Francisco Bay area are now being reviewed by the Commandant's staff, and that publication is expected in the very near future.

M-74-11, letter of October 31. The recommendation that the Coast Guard seek authority to require adequate thermal and buoyant protection to provide for survival of seamen on all commercial vessels was issued after investigation into the foundering of the M/V MARYLAND in Albemarle Sound, North Carolina, on December 18, 1971 (USCG/NTSB-MAR-74-3). The Coast Guard has completed a study of thermal pro-

TECTIVE DEVICES and has determined that none of the devices now available for use meets the minimum acceptable safety factor. Subsequent studies are being conducted to develop a more comfortable thermally protective garment for seamen working in cold weather environments, according to the Coast Guard.

M-75-1 through 4, letter of October 28. These recommendations were made after investigation into the grounding of the SS HILLYER BROWN at Cold Bay, Alaska, March 7, 1973. Responding to M-75-1, the Coast Guard cites recent rulemaking actions aimed to meet the need for improved navigational operation of all vessels, including tankships. Further response to this recommendation is anticipated prior to March 1, 1976. M-75-2 asked the Coast Guard to implement measures to improve the dissemination of safety information to the navigators of vessels, including continued broadcasting of the safety information until the hazard is eliminated. The Coast Guard states that it will issue, prior to next March, a Commandant Notice which will serve as guidance to District Commanders for dissemination of safety information to mariners. M-73-3 recommended adoption of the Coast Guard's proposed rulemaking to improve operating practices aboard all major vessels on navigable waters. The Coast Guard comments, "The Marine Traffic Requirements published in the Federal Register Volume 39, No. 126, 28 June 1974 as an advance Notice of Proposed Rulemaking are intended to fulfill the requirements of this recommendation." The material is now being evaluated, and appropriate regulations may be expected soon. Recommendation M-75-4 (40 FR 17202) has been complied with, according to the Coast Guard. The letter states, "A correction to the description of Kaslokan Point Light was published in CCGD17 Local Notice to Mariners (LMN) No. 13 dated 1 April 1975. The Defense Mapping Agency Hydrographic Center published this information in its Notice to Mariners (NTM) No. 18 dated 5 May 1975. Paste-on chartlets correcting National Ocean Survey Charts were issued with LMN No. 19 dated 13 May 1975 and NTM No. 21 dated 24 May 1975."

The recommendation letter is available to the general public; single copies may be obtained without charge. A \$4.00 user-service charge will be made for a copy of each recommendation response letter, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the Federal Register. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

NOVEMBER 10, 1975.

[FR Doc. 75-30631 Filed 11-12-75; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 6, 1975 (44 USC 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

TENNESSEE VALLEY AUTHORITY

Forest Industry Survey—1975, TVA 5591, single-time timber processing plants, Lowry, R. L., 395-3772.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Mushroom Canners' Questionnaire, single-time, canners, Evinger, S. K., 395-3710.
Mushroom Importers' Questionnaire, single-time, importers, Evinger, S. K., 395-3710.
Mushroom Growers' Questionnaire, single-time, growers, Evinger, S. K., 395-3710.
Shrimp Producer's Questionnaire, single-time, shrimp processing firms, Evinger, S. K., 395-3710.
Shrimp Producer's Questionnaire, single-time, firms which import shrimp, Evinger, S. K., 395-3710.
Shrimp Producer's Questionnaire, single-time, shrimp fishermen, Evinger, S. K., 395-3710.

ENVIRONMENTAL PROTECTION AGENCY

Interview Guide for Economic Impact Study of Hazardous Waste Regulations on Selected Industries, single-time, selected firms producing petroleum refining and inorganic chemical natural resources division, Lowry, R. L., 395-6827.

NATIONAL SCIENCE FOUNDATION

Study and Analysis of the Official Readership of Mosaic Magazine, single-time, recipients of Mosaic Magazine, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service: Declaration to Accompany Technical Animal Fats Between Certified Technical Animal Fat Plants, MP 85, on occasion, livestock fat renderers, Harry B. Sheftel.
Application for Voluntary Reimbursable Technical Animal Fat Certification for Export, MP 85, on occasion, livestock fat renderers, Harry B. Sheftel.

Economic Research Service, 1974/75 Cotton Marketing Costs, annually, cotton shippers, Lowry, R. L., 395-3772.

Animal and Plant Health Inspection Service, Certification of Technical Animal Fats for Export, 9CFR-351, other (See SF-83), livestock fat renders, Harry B. Sheftel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Demonstration Project Related to the Education and Utilization of Child Health Associates, HRABHM0919, other (See SF-83), Physicians, child health associates, RNS, health workers, Reese, B. F., 395-3211.

Social and Rehabilitation Service, Assessment of Early and Periodic Screening and Treatment Practices and Costs, single-time, selected local providers of EPSDT, Human Resources Division, Raynsford, R., 395-3532.

Health Resources Administration: Interview and Self-Administered Questionnaire for Principal Investigators, (Protection of Human Subjects), OEPHS 1028, single-time, researchers doing biomedical and behavioral research, Human Resources Division, Raynsford, R., 395-3532.

Evaluation of Migrant Hospitalization Demonstration Program, HSAOPE 1023, single-time, DHEW and other participants in MHPD, Human Resources Division, Raynsford, R., 395-3532.

Food and Drug Administration: SCOR Aerosol Questionnaire, FDABF 0924, single-time, individuals, Dick Elsing, 395-6140.

Blood Establishment Resources Summary, FD 2831, annually, blood and blood product establishments, Harry B. Sheftel.

Center for Disease Control, Intestinal Parasite Diagnoses in State Health Department Laboratories, quarterly, State and territorial laboratories, Dick Elsing, 395-6140.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, End-of-the-Year Banding Report, 3-540, annually, all holders of Federal bird marketing and salvage permits, Lowry, R. L., 395-3772.

REVISIONS

VETERANS ADMINISTRATION

Income Statement for Parent Claiming Dependency and Indemnity Compensation, 21-4179C, on occasion, veteran's parent, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Survey of Attitudes and Values Toward Predator Control, single-time, telephone households in U.S., Maria Gonzales, Lowry, R. L., 395-6132.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Oil Company Report, F.R. 580, monthly, 20 retail oil companies, Marsha Traynham, 395-4529.

VETERANS ADMINISTRATION

Request for Confidential Credit Information, 26-250, on occasion, creditors, Caywood, D. P., 395-3443.

DEPARTMENT OF DEFENSE

Department of the Navy, College Rank in Class (Registrars of Colleges and Universities at Which Applicants for Candidate Programs Have Attended), NVPER 1100, on occasion, colleges, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Breast Cancer and Reserpine Preliminary Case Control Study, OS-NIH-CA-23, single-time, breast cancer patients, matched controls and their physician, Dick Elsing, 395-6140.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.75-30712 Filed 11-12-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 7, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

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Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Application To Apply Sick Pay Exclusion to Civil Service Benefits, BRI 46-345, on occasion, annuitants who retired prior to January 1975, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of Census: Receipts, Use, and Inventories of Aluminum Ingot and Mill Shapes, M33F, monthly, manufacturing establishments, Peterson, M. O., 395-5631.

Inventory Valuation (Supplement), BUS-231(W), BUS-231(L), BUS-231(I), annually, wholesale firms, Hulett, D. T., 395-4730.

Inventory Valuation (Supplement), BUS-230(R), BUS-230(L), BUS-230(I), annually retail firms, Hulett, D. T., 395-4730.

National Oceanic and Atmospheric Administration: Bathing Encoding Form, on occasion, Harry B. Sheftel.

Marine Weather Encoding Form, on occasion, fishermen, Harry B. Sheftel.

Purse Seiner Position Encoding Chart, on occasion, fishermen, Harry B. Sheftel.

Bureau of Census: November 1975 Survey of Earnings, CPS-1, single time, 55,000 households in CPS sample, Strasser, A., 395-5867.

Iron and Steel Foundries (Shipments and Unfilled Orders), MA-33A, single time, manufacturing establishments, Peterson, M. O., 395-5631.

Maritime Administration: Confidential Survey of Major U.S. Shippers, MA-805, single time, exporters and importers, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Needs Assessment Questionnaire for the Adult, Education Clearinghouse Planning, OE-450-1 through 5, single time, teachers, State directors, students and faculty organizations, Joan Turek.

DEPARTMENT OF JUSTICE

Departmental and Other Privacy and Security Certification, LEAA 6600/8, 6600/9, 6600/10, annually, State and local governments, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Manpower Administration: Questionnaire for Prime Sponsors and Subagents on their use of Tests in CETA Activities, single time, CETA prime sponsors and subagents, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Prospectus for Determination of Highway Problems due to the National Flood Insurance Program, single time, reg. hydraulic eng. P.I.A. personnel, Lowry, R. L., 395-3772.

REVISIONS

FEDERAL RESERVE SYSTEM

Dealer Cost Ratios and Maturities on Automobile Installment Loans, FR 584B, monthly, Major finance companies, Hulett, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Bureau of International Commerce: Overseas Business Interest Questionnaire, DIB-471P, on occasion, businesses joining missions or seminars, Harry B. Sheftel.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Housing Assistance Supply Experiment Survey of Tenants and Homeowners, Wave 2, single time, households in 2 SMSA's, Community and Veterans Affairs Division, Harry B. Sheftel, 395-3532.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

Pesticides Program—Community Studies Contractual Epidemiological and Monitoring Activities, EPA8510-2, on occasion, persons associated with high pesticide usage, Lowry, R. L., 395-3772.

NATIONAL MEDIATION BOARD

Request for PL (Special Adjustment) Board Member, NMB-5, on occasion, Railroad and airline management and unions, Marsha Traynham, 395-4529.

Application for Investigation of Representation Dispute, NMB-3, on occasion, airline and railroad management and unions, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of Census: Survey on Pollution Abatement Expenditures—1975, MA 200, annually, manufacturing establishments, Marsha Traynham, 395-4529.

Fluorescent Lamp Ballasts Manufacturer's Quarterly Report, MQ-360, quarterly, manufacturing establishments, Marsha Traynham, 395-4529.

DEPARTMENT OF JUSTICE

Departmental and Other Applicant's Environmental Evaluation, 4550, on occasion, grant applicants, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Coast Guard: License and Renewal Application (Merchant Vessels), CG-866, on occasion, personnel applying for merchant marine licenses, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-30713 Filed 11-12-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 10, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

TENNESSEE VALLEY AUTHORITY

Agribusiness Inventory Survey, single time, supp. who sell 75 percent of vol. to farmers and farm produce process, Lowry, R. L., 395-3772.

REVISIONS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' Questionnaire—Footwear, single time, producers, Evinger, S. K., 395-3710.
Importer's Questionnaire—Footwear, single time, importers, Evinger, S. K., 395-3710.

VETERANS ADMINISTRATION

Request for and Consent To Release of Information From Claimant's Records, 07-3288 on occasion, insurance companies, private physicians, Caywood, D. P., 395-3443.

Application for Burial Allowance, 21-530, on occasion, funeral directors, Caywood, D. P., 395-3443.

Request for Information Re Loan Guaranty Counseling, FL26-608, annually, veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of Census: Census of Population and Housing—Precanvass Address Register—1976 Census of Travis County, Texas, DD-109, DA-101, DA-202, single time, households in Travis County, Texas, Maria Gonzales, 395-6132.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Food Stamp Mail Issuance Report, FNS-259, on occasion, food stamp issuing offices, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-30714 Filed 11-12-75;8:45 am]

U.S. RAILROAD RETIREMENT BOARD

ACTUARIAL ADVISORY COMMITTEE

Public Meeting Regarding Railroad Retirement Accounts

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee will hold a meeting on December 15, 1975, at the offices of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 13th Actuarial Valuation of the Railroad Retirement Account. The agenda for this meeting will include the results of the recently completed studies concerning rates of retirement and withdrawal, mortality for employees in active service, and the proportion of disability retirements eligible for a disability freeze, together with the recommendation of the Chief Actuary as to retirement, withdrawal, mortality and economic assumptions to be used for the 13th Valuation.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

By Authority of the Board.

Dated: November 7, 1975.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.75-30580 Filed 11-12-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11813; File No. SR-Amex-75-4]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 28, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT BY THE AMERICAN STOCK EXCHANGE, INC. OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The American Stock Exchange, Inc. ("Amex") proposes to add new para-

graph .01 to the Commentary to Rule 958 reading as follows:

Rule 958, Commentary:

.01 A Registered Trader electing to engage in Exchange options transactions is designated as a Specialist on the Exchange for all purposes under the Securities Exchange Act of 1934 and the rules and regulations thereunder with respect to options transactions initiated and effected by him on the floor in his capacity as a Registered Trader.

The present paragraphs in the Commentary to Rule 958 are renumbered accordingly.

STATEMENT BY AMEX OF BASIS AND PURPOSE

The purpose of the proposed new Commentary to Rule 958 is to permit Registered Traders to obtain the same treatment under Regulations T and U of the Federal Reserve Board presently afforded to specialists in financing their options positions. Specialists are granted an exemption from Regulations T and U in recognition of their obligations to make fair and orderly markets in their specialty securities. The rules of the Amex also impose such obligations on Registered Traders to assist in maintenance of fair and orderly markets. In view of the similarity of responsibilities, the Exchange believes that Registered Traders in options should be treated as specialists for margin purposes under Regulations T and U.

The proposed new Commentary to Rule 958 is authorized by Section 6(b)(5) of the Act. Although Section 6 of the Act as recently amended by the Securities Acts Amendments of 1975 does not become effective until December 1, 1975, the proposed rule change, if it becomes effective before the date, will be consistent with that section when such amendments to the Act become effective. The Amex believes that it is consistent with the protection of investors and the public interest to designate Registered Traders as specialists with respect to their options transactions on the Exchange. As a result of such designation, the Exchange believes that the Amex options market will become deeper and more liquid to the direct benefit of all investors.

Comments were received orally from the Exchange membership prior to the adoption of this proposed new Commentary by the Exchange. The consensus of the comments received was that such treatment of Registered Traders is important to the Amex options market because options, unlike equities securities, are multidimensional, with numerous series for each class, and the ability to hedge within an options class and/or in the underlying stock by Registered Traders adds to the liquidity of the market. In addition, the Options Committee of the Exchange, which is composed of members or representatives of member organizations expert in the field of option trading, favors this proposal.

The Exchange has determined that the proposed new Commentary to Rule 958 does not impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory or organization consents, the Commission will:

- (a) by order approve such proposed rule change, or
- (b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 3, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

NOVEMBER 7, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-30876 Filed 11-12-75; 8:45 am]

[Rel. No. 9021; (801-9087)]

FIRST NATIONAL CITY BANK AND CITICORP INVESTMENT MANAGEMENT, INC.

Filing of Application for Exemption and Order of Temporary Exemption Pending Determination of the Application

NOVEMBER 7, 1975.

NOTICE IS HEREBY GIVEN THAT FIRST NATIONAL CITY BANK, 399 Park Avenue, New York, New York, 801-9087, ("FNCB") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 ("the Act") for an order exempting FNCB and its affiliates from the provisions of Section 9(a) of the Act, and for an order of temporary exemption from Section 9(a) pending the Commission's determination of the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

FNCB states that it is a national banking association organized under the laws of the United States, and also acts as the investment adviser to Advance Investors Corporation ("ADVANCE"), a closed-end, diversified management company, and White Weld Money Market Fund Incorporated ("WWMF Fund"), an open-end, diversified management investment

company for institutions. Their Notification of Registration Form N-8A file numbers at the Commission are 811-2293 and 811-2540, respectively. Citicorp Investment Management, Inc. ("Citicorp") a registered investment adviser (File No. 801-9087) is a subsidiary of First National City Corporation, which in turn is an affiliate of FNCB.

On November 11, 1971, the Commission commenced an action in the United States District Court for the Southern District of New York entitled *Securities and Exchange Commission v. Everest Management Corporation et al.*, (71 Civ. 4932; D.N.E.) (the "Everest action"). This action was brought against 44 defendants, including First National City Trust Company (Bahamas) Limited ("FNCT"), a subsidiary of FNCB, to enjoin alleged violations of Section 17(a) of the Securities Act of 1933 [15 U.S.C. 77q(a)], Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. 78j(b)] and Rule 10b-5 promulgated thereunder and Section 206 (1) and (2) of the Investment Advisers Act of 1940 [15 U.S.C. 80b-6 (1) and (2)]. With respect to FNCT, the Complaint alleged that FNCT participated in the dissemination of false and misleading information in connection with the sales of shares of Armstrong Investors S.A., ("the fund") an "off-shore" mutual fund, and false and misleading periodic reports to the shareholders of the fund and that it failed to supervise the activities of the fund's investment manager, Everest Management Corp. ("Everest") a New York based entity. On October 9, 1975 a Stipulation of Settlement was entered into between the plaintiff Commission and FNCT, and thereafter a final Judgment of Permanent Injunction by consent was entered in the action which permanently enjoined FNCT and its officers, agents, servants and employees from engaging in the violative activities alleged in the Everest action. FNCT has also represented to the Court that it has adopted certain policies and procedures with respect to the acceptance of business of "off-shore" mutual funds not registered with the Commission.

Since FNCB and Citicorp may be considered to be affiliates of FNCT within the meaning of Section 9(a) of the Act, any judgment entered against FNCT would cause FNCB and Citicorp to be ineligible to act as investment advisers. Section 9(a) (2) of the Act, as here pertinent, makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security to serve or act in the capacity of employee, officer, director, member of advisory board, investment adviser or depository of any registered investment company or principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company. Section 9(a) (3) makes it unlawful for a company, any affiliated per-

son of which is ineligible by reason of Section 9(a) (2), to serve or act in the enumerated capacities.

Section 9(c) provides that upon application, the Commission by order shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to FNCB and Citicorp are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

FNCB submits pursuant to Section 9 (c) that the prohibitions of Section 9(a) of the Act, to the extent applicable by virtue of the entry of the Consent Judgment of Permanent Injunction against FNCT, would be unduly and disproportionately severe as applied to FNCB, Citicorp and its affiliates and that the conduct of FNCT has been such as not to make it against the public interest or the protection of investors for the Commission to grant a permanent exemption from the provisions of Section 9(a) of the Act. In support thereof FNCB states:

(1) FNCT is a trust company organized under the laws of the Bahamas and located in Nassau. The Promoters of Everest requested FNCT to be the registrar, transfer agent and corporate domiciliary of the Fund. FNCT agreed to do so because it had prior satisfactory business relations with one of the Promoters and because reports on the other Promoters were favorable.

(2) As part of its function as corporate domiciliary, FNCT was requested by the Promoters to cause and subsequently did permit some of its officers and employees to act as officers and directors of both corporations constituting the Fund. It is and has been the long established practice in the Bahamas for trust companies and others to act as corporate domiciliary agent for other entities and to cause or permit their officers and employees to act as directors, officers and employees of such other entities for which they act as agents.

(3) With respect to the Fund, FNCT performed the services of a registrar, transfer agent and corporate domiciliary, and in connection therewith FNCT's contacts were primarily with the fund's foreign investors. It did not sell securities for the Fund's portfolio which were handled exclusively by the promoters and Everest.

(4) If, as it is alleged in the Commission's Complaint, the Promoters of Everest perpetrated a fraud upon the Fund, it was done without the knowledge of, assistance or participation by FNCT.

(5) Since discovery of the alleged wrongdoing in respect of the Fund and prior to the commencement of the Commission's injunctive action, FNCT has adopted rules expressly precluding in any circumstances services by its officers and employees as directors or officers of any "off-shore" fund unless the fund's investments are also managed by FNCT or an affiliate so that they are able to super-

wise both the fund and its investments, and precluding acceptance of business of any kind with respect to an "off-shore" fund unless it follows certain policies and procedures adopted by FNCT.

(6) FNCT has never before been required to apply for an exemption from the provisions of Section 9(a) of the Act.

(7) The prohibition of Section 9(a) would deprive ADVANCE and WMM and their approximately 13,000 shareholders of the services of their respective investment advisers.

The Commission has considered the matter and finds that:

(1) the prohibitions of Section 9(a) might be unduly or disproportionately severe as applied to FNCT and its affiliates in that the conduct of FNCT has been such as not to make it against the public interest or protection of investors to grant the application for a temporary exemption from Section 9(a) pending determination of the application, and

(2) in order to maintain the uninterrupted management of investment companies under the management of affiliates of FNCT, it is necessary and appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, IT IS ORDERED, pursuant to Section 9(c) of the Act that FNCT and its affiliates be and they are hereby temporarily exempted from the provisions of Section 9(a) of the Act, operative as a result of the entry of the injunction against FNCT in *Securities and Exchange Commission v. Everest Management Corp., et al.*, pending determination by the Commission of FNCT's application for an order unconditionally exempting FNCT and any companies of which they presently are affiliated persons from the provisions of Section 9(a) operative as a result of the entry of such injunction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than December 8, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon FNCT, care of Werner L. Polak, Esquire, 53 Wall Street, New York, New York 10005. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission

upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-30625 Filed 11-12-75; 8:45 am]

[Release No. 34-11809; File No. SR-MSRB-75-2]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Rule 5. Initial Fee for Municipal Securities Brokers and Municipal Securities Dealers.

Every municipal securities broker and municipal securities dealer presently or hereafter registered with the Commission shall, not later than (1) December 15, 1975 or (2) the date which is ten days from the date of registration of such municipal securities broker or municipal securities dealer with the Commission, whichever shall last occur, pay to the Board an initial fee of \$100, accompanied by a written statement setting forth the name, address and Commission registration number of the municipal securities broker or municipal securities dealer on whose behalf such fee is paid. The Commission registration number shall also be set forth on the face of the remittance. Such fee shall be payable at the offices of the Board in Washington, D.C. In the event any person subject to this rule shall fail to pay the required fee, the Board may recommend to the Commission that the registration of such person with the Commission be suspended or revoked.

BOARD'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

1. *Purpose of Proposed Rule Change.* The purpose of the proposed rule change is to provide for an initial assessment against municipal securities brokers and municipal securities dealers to defray the costs and expenses of operating and administering the Board. The proposed rule change is intended to apply to all municipal securities brokers and municipal securities dealers, as defined in the Securities Exchange Act of 1934, as amended (the "Act"), including those engaged in additional lines of business not related to municipal securities. The funds to be provided by the proposed rule change will cover only a portion of the costs and expenses of the Board's operation and administration and the

Board therefore intends to propose, at a future date, additional rules providing for periodic or other assessments.

2. *Basis Under the Act for Proposed Rule Change.* The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(J) of the Act, which authorizes the Board to levy such reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board. The Board finds that the assessment provided for in the proposed rule change is both necessary and appropriate to defray the Board's expenses.

3. *Comments Received from Members, Participants or Others on Proposed Rule Change.* Comments have not been received on the proposed rule change.

4. *Burden on Competition.* The Board has determined that the proposed rule change does not impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 15, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1975.

[FR Doc. 75-30580 Filed 11-12-75; 8:45 am]

[Release No. 34-11807; File No. SR-NYSE-75-9]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is

hereby given that on November 3, 1975 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms and Substance of the Proposed Rule Change—

1. Text of Proposed Amendment to Rule 345

Employees—Registration, Approval, Records, Discipline

(a) No member or member organization shall

(3) employ any person not otherwise required to be registered with and approved by the Exchange, except a person whose functions are solely of a clerical or ministerial nature, prior to obtaining the approval of the Exchange if such member or member organization knows, or in the exercise of reasonable care should know, that such person is subject to one or more statutory disqualifications referred to in the Securities Exchange Act of 1934, as amended.

2. Purpose of Proposed Amendment. The recent amendments to the Securities Exchange Act of 1934 (1934 Act) require the Exchange, effective December 1, 1975, to enforce compliance with the 1934 Act and its own rules with respect to all employees of the member organization unless specifically relieved of such responsibility. Heretofore, the Exchange has approved and registered members, allied members, and registered representatives.

In addition to the broad general responsibility which the Exchange will have with respect to all employees of member organizations after December 1, 1975, the 1934 Act now specifically requires the Exchange to file notice with the Commission not less than thirty days prior to permitting any person to become associated with a member, if the Exchange knows, or in the exercise of reasonable care should know, that such person is subject to a statutory disqualification as defined in the 1934 Act. In effect, the Exchange may, if the SEC does not object, waive statutory disqualifications in individual instances.

The Exchange considered the possibility of requiring every employee of a member organization to register with the Exchange regardless of whether or not subject to a statutory disqualification. However, in view of the number of employees that would be involved, the Exchange found that the costs involved would make such a program financially prohibitive. Accordingly, the Exchange has developed the following alternative:

1. Continue the present requirement that all members, allied members, and registered representatives file an application for approval with the Exchange, but modify the current application to provide for information relating to statutory disqualifications;

2. Amend Exchange Rule 345 to require that members and member organizations, prior to employing any person not now required to be approved by the Exchange (other than persons functioning solely in a clerical or ministerial capacity), notify the Exchange and await its approval if the member or mem-

ber organization knows, or has reason to believe the prospective employee may be subject to a statutory disqualification. Since members and member organizations currently check into the background of all new employees, the approach outlined above should present little, if any, additional burden to them, while enabling the Exchange to comply with its responsibilities under the Securities Acts Amendments at relatively little additional expense.

The Exchange intends to incorporate spot check procedures in its existing examination program in order to determine whether members and member organizations are complying with their new responsibilities under Rule 345.

3. Basis Under the Act for the Amendment to Rule 345. The proposed amendment to Rule 345 is based on the recent amendments to Sections 6(b) (2) and 19 (g) (1) (A) of the 1934 Act which require exchanges, effective December 1, 1975, to enforce compliance with the 1934 Act and their own rules with respect to persons associated with a member. Section 3(a) (21) of the 1934 Act defines this new category to include, among others, all employees of the member organization. Section 19(g) (1) (A) provides that absent "reasonable justification or excuse", exchanges are responsible for enforcing compliance by these persons with their own rules and the 1934 Act unless specifically relieved of such responsibility pursuant to Section 19(g) (2).

(i) The proposed rule amendment relates to the Exchange's capacity to carry out the purposes of the 1934 Act and to comply, and to enforce compliance by its members and persons associated with its members with the 1934 Act and the rules and regulations thereunder by (1) requiring member and member organizations to notify the Exchange and await its approval prior to employing persons (other than those who would function solely in a clerical or ministerial capacity) if they know, or in the exercise of reasonable care should know, that the prospective employee is subject to a statutory disqualification, and (2) establishing the basis under which the Exchange may disapprove an employee of a member organization who is subject to disqualification pursuant to the 1934 Act.

(ii) The proposed rule amendment relates to the ability of any prospective employee (not now required to be approved by the Exchange) to become associated with a member by enabling the Exchange to disapprove employment for cause as specified in the 1934 Act.

(iii) Inapplicable.
(iv) Inapplicable.
(v) Inapplicable.
(vi) Inapplicable.

4. Comments Received. No comments were solicited or received in connection with the subject Rule amendment.

5. Burden on Competition. Inapplicable.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer pe-

riod to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 15, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc. 75-30626 Filed 11-12-75; 8:45 am]

[Release No. 34-11810; File No. SR-OCC-1975-1]

OPTIONS CLEARING CORPORATION
Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 28, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendment to Rule 913 (a) would permit delivery advices issued by OCC to exercising and assigned Clearing Members to omit the name of the other party to the exercise in cases where settlement is to be made through a correspondent clearing corporation. In addition, the proposed amendment would eliminate the requirement that copies of delivery advices be issued to correspondent clearing corporations.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment to Rule 913(a) is to permit delivery advices issued by OCC to exercising and assigned Clearing Members to omit the

name of the other party to the exercise in cases where settlement is to be made through a correspondent clearing corporation. In addition, the proposed amendment would eliminate the requirement that copies of delivery advices be issued to correspondent clearing corporations.

The proposed amendment to Rule 913 (a) would enhance OCC's capacity to facilitate prompt and accurate settlement in respect of exercised option contracts by eliminating unnecessary procedures.

The requirement that delivery advices identify both the exercising and the assigned Clearing Member is unnecessary where an exercise is to be settled through a correspondent clearing corporation because the interposition of the correspondent clearing corporation eliminates direct dealings between the exercising and the assigned Clearing Member. Each deals only with the correspondent, clearing corporation. If it were to become necessary for OCC to identify the assigned Clearing Member for a particular exercise, that information could be obtained from OCC's records.

The requirement that copies of delivery advices be issued to correspondent clearing corporations is superfluous because the information required by correspondent clearing corporations is now communicated by magnetic tape.

Comments were neither solicited nor received with respect to the proposed amendment to Rule 913(a).

OCC does not believe that the proposed amendment to Rule 913(a) would impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- (A) by order approve such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 4, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1975.

TEXT OF PROPOSED RULE CHANGE SETTLEMENT THROUGH CORRESPONDENT CLEARING CORPORATION

RULE 913. (a) Notwithstanding anything to the contrary in Rules 901 through 912, the Corporation may specify in any Delivery Advice issued pursuant to Rule 903 that settlement in respect of the exercised option contract or contracts designated therein shall be made through the facilities of a designated correspondent clearing corporation. In such event, the Corporation will communicate the names of the exercising and Assigned Clearing Members, the quantity and description of the underlying securities to be delivered, the exercise settlement date and the exercise settlement amount to such correspondent clearing corporation, which, as of the opening of business on the exercise settlement date (or, if the correspondent clearing corporation is not open for business on the exercise settlement date (or, if the correspondent clearing corporation is not open for business on that date, as of the opening of business on its next business day), shall credit the exercise settlement account of the Assigned Clearing Member with the amount of underlying securities specified in the Delivery Advice. If settlement is to be made through a correspondent clearing corporation, the Delivery Advice issued to the exercising Clearing Member need not specify the name of the Assigned Clearing Member, and the Delivery Advice issued to the Assigned Clearing Member need not specify the name or address of the exercising Clearing Member.

- (b) [No change]
- (c) [No change]
- (d) [No change]

[FR Doc. 75-30677 Filed 11-12-75; 8:45 am]

[Release No. 34-11811; File No.
SR-OCC-1975-2]

OPTIONS CLEARING CORPORATION Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 28, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendment to Rule 803 would eliminate the requirement that assignments of exercise notices be made at or before a specific time on the business day following the filing of the exercise notice. In addition, the proposed amendment would eliminate the requirement that exercising Clearing Members be notified of the identity of assigned Clearing Members in cases in which such notice is not required under Rule 913(a), as proposed to be amended.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The primary purpose of the proposed amendment to Rule 803 is to eliminate the requirement that assignments of ex-

ercise notices be made at or before 7:00 A.M. Chicago Time (8:00 A.M. Eastern Time) on the business day following the filing of the exercise notice. OCC would expect, under ordinary circumstances, to be able to continue to meet that schedule, but the amount of data processing work required to be performed each night by OCC, and occasional data processing problems, may at times make it impossible for OCC to meet an absolute deadline. The Rule, as proposed to be amended, would continue to require, subject to the *force majeure* provisions of the By-Laws, that exercise notices be assigned on the following business day.

In addition the proposed amendment would eliminate the requirement that the exercising Clearing Member be notified of the identity of the Assigned Clearing Member in cases where such notice is not required under Rule 913(a), as proposed to be amended in OCC's Proposed Rule Change on Form 19b-4a, File No. SR-OCC-1975-1, which is being filed concurrently with this filing.

The proposed amendment to Rule 803 relates to OCC's capacity to facilitate prompt and accurate settlement in respect of exercised option contracts.

Comments were neither solicited nor received with respect to the proposed amendment to Rule 803.

OCC does not believe that the proposed amendment to Rule 803 would impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- (A) by order approve such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 4, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1975.

TEXT OF PROPOSED RULE CHANGE

ASSIGNMENT OF EXERCISE NOTICES TO
CLEARING MEMBERS

RULE 803. Exercise notices accepted by the Corporation shall be assigned in accordance with the Corporation's procedures of random selection to Clearing Members with open short positions in the series of options involved, provided that the Corporation may:

(a) use its best efforts to assign an exercise notice of block size to a Clearing Member with an open short position of block size and to assign an exercise notice of less than block size to a Clearing Member with an open short position of less than block size;

(b) classify each short position into separate sub-groups based on the form of margin (i.e., escrow deposits, specific deposits or other); and

(c) assign a notice to a Clearing Member in respect of an opening writing transaction made by such Clearing Member on the day of such assignment.

As used herein an exercise notice in respect of 25 or more option contracts of the same series shall be deemed to be of block size and that portion of an open short position that resulted from one Exchange transaction in respect of 25 or more option contracts of the same series shall be deemed to be of block size.

Subject to the provisions of the By-Laws, exercise notices accepted by the Corporation shall be assigned on the following business day. Assignments shall be dated and effective as of such following business day. A Clearing Member to which an exercise notice is assigned shall be notified thereof, and the Clearing Member submitting such exercise notice shall (subject to the provisions of Rule 913) be notified of the identity of the Assigned Clearing Member, through deposit of Delivery Advances in their respective locked boxes as soon as practicable after such notice is assigned by the Corporation.

[PR Doc. 75-30678 Filed 11-12-75; 8:45 am]

[Release No. 34-11812; File No.
SR-OCC-1975-3]

OPTIONS CLEARING CORPORATION Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 28, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendments to Article I, Section 1 and Article V, Section 1 and 2 of the By-Laws of OCC, and to Rules 1102, 1110 and 1202 would change OCC's procedures with respect to the admission, suspension and discipline of Clearing Members so as to conform them to requirements imposed by Sections 17A(b)(4) and (5) of the Securities Exchange Act of 1934, as amended. The proposed amendments to Article VII, Sections 1 and 5 of the By-Laws of OCC and to Rule 211 would eliminate references to former Rule 9b-1 under the Securities Exchange Act of 1934, as amended.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed amendments to Article I, Section 1 and Article V, Section 1 and 2 of the By-Laws of OCC, and to Rules 1102, 1110 and 1202 is to bring those provisions into compliance with Sections 17A(b)(4) and (5) of the Securities Exchange Act of 1934, as amended, relating to the admission, suspension and discipline of clearing agency participants. The purpose of the proposed amendments to Article VII, Sections 1 and 5 of the By-Laws and to Rule 211 is to eliminate references to Rule 9b-1 (which has been repealed) without changing the substance of those provisions.

The proposed amendments included in this filing are intended to enable OCC to comply with the provisions of the Securities Exchange Act of 1934, as amended, and rules and regulations which may be adopted thereunder.

Comments were neither solicited nor received with respect to the proposed amendments to Article I, Section 1; Article V, Section 1; Article V, Section 2; Article VII, Section 1; Article VII, Section 5 of the By-Laws; Rule 211; Rule 1102; Rule 1110 and Rule 1202.

OCC does not believe that the proposed amendments to Article I, Section 1; Article V, Section 1; Article V, Section 2; Article VII, Section 1; Article VII, Section 5 of the By-Laws, Rule 211; Rule 1102; Rule 1110; and Rule 1202 would impose any burden on competition.

On or before December 18, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes; or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 4, 1975. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1975.

TEXT OF PROPOSED RULE CHANGE

DEFINITIONS

SECTION 1. Unless the context requires otherwise, the terms defined herein shall,

for all purposes of these By-Laws and the Rules of the Corporation, have the meanings herein specified.

(a) through (j) [No change]

STATUTORY RULES

(iii) The term "statutory rules" in respect of the Corporation means the Certificate of Incorporation, the By-Laws, the Rules, and such of the stated policies, practices and interpretations of the Corporation as are deemed to be rules and have become effective under the Securities Exchange Act of 1934, as amended, and the rules and regulations of the Securities and Exchange Commission thereunder.

APPROPRIATE REGULATORY AGENCY

(kkk) The term "appropriate regulatory agency" shall have the meaning given to it in Section 3(a) of the Securities Exchange Act of 1934, as amended.

STATUTORY DISQUALIFICATION

(mmm) The term "statutory disqualification" shall have the meaning given to it in Section 3(a) of the Securities Exchange Act of 1934, as amended.

ARTICLE V—CLEARING MEMBERS
QUALIFICATIONS

SECTION 1. Only Exchange members shall be eligible to become Clearing Members. Each applicant to become a Clearing Member must (a) meet the initial Clearing Member capital requirements then in effect, (b) propose to engage upon acceptance in the clearance of option contracts for the applicant's firm account or for the accounts of customers, and (c) maintain facilities and personnel adequate for the expeditious and orderly transaction of business with the Corporation and other Clearing Members. Every applicant must meet such additional standards of financial responsibility, operational capability, experience and competence as may from time to time be prescribed in the statutory rules of the Corporation; provided, however, that no such standard shall be discriminatory as against the members of any Exchange. The Corporation may, and in cases in which the Securities and Exchange Commission, by order, directs as appropriate in the public interest, shall disapprove the application for clearing membership of any person subject to a statutory disqualification.

ARTICLE V—CLEARING MEMBERS ADMISSION
PROCEDURES

SECTION 2. Applications for clearing membership shall be in such form and contain such information as the Board of Directors shall from time to time prescribe. The Membership Committee shall review applications for clearing membership and shall recommend approval or disapproval to the Board of Directors. The Membership Committee or the Board of Directors, or their designated delegates or agents, may examine the books and papers of any applicant, take such evidence as they may deem necessary or employ such other means as they may deem desirable or appropriate to ascertain relevant facts bearing upon the applicant's qualifications. If the Membership Committee proposes to recommend to the Board of Directors that an application for Clearing Membership be disapproved, it shall first furnish the applicant with a written statement of its proposed recommendation and the specific grounds therefor, and afford the applicant an opportunity to be heard and to present evidence on its own behalf. If the applicant fails to request a hearing within such reasonable time as the Membership Committee may prescribe; or if, after a hearing, the Membership Committee still proposes to recommend disapproval, the Membership Com-

mittee shall make its recommendation to the Board of Directors in writing, accompanied by a statement of the specific grounds therefor, and a copy thereof shall be furnished to the applicant on request. The Board of Directors shall independently review any recommendation by the Membership Committee, and may, in its discretion, if the applicant so requests, afford the applicant a further opportunity to be heard and to present evidence. If the Board of Directors disapproves the application, written notice of its decision, accompanied by a statement of the specific grounds therefor, shall be mailed or delivered to the applicant. An applicant shall have the right to present such evidence as it may deem relevant to its application. A verbatim record shall be kept of any hearing held pursuant hereto.

ARTICLE VII—EXCHANGES QUALIFICATIONS

SECTION 1. Any securities exchange registered under the Securities Exchange Act of 1934, as amended, which (i) has effective rules for the trading of option contracts in accordance with the provisions of said Act and the rules and regulations of the Securities and Exchange Commission thereunder, (ii) has purchased such number of shares of the Common Stock of the Corporation as shall be required pursuant to Section 2 of this Article VII, (iii) has executed a Stockholders Agreement as described in Section 3 of this Article VII, and (iv) has furnished the Corporation with such information as the Corporation may reasonably request concerning the operations, the management, the rules and the membership of such exchange and such other information as the Corporation may require to amend or make current any registration statement of the Corporation filed with the Securities and Exchange Commission or other regulatory authority, shall be qualified for participation in the Corporation as an "Exchange".

ARTICLE VII—EXCHANGES DISQUALIFICATION

SECTION 5. An Exchange shall cease to participate in the Corporation if it (i) shall no longer be a registered national securities exchange having effective rules for the trading of option contracts in accordance with the provisions of the Securities Exchange Act of 1934, as amended, and the rules and regulations of the Securities and Exchange Commission thereunder, (ii) shall terminate the trading of all option contracts; (iii) shall fail or refuse to file with the Corporation the agreement required by the last sentence of Section 3 of this Article VII; (iv) shall in violation, in any material respect, of any provision of the Stockholders Agreement required by Section 3 of this Article VII; or (v) the Participant Exchange Agreement required by Section 4 of this Article VII shall have been terminated as to such Exchange.

CHAPTER II—MISCELLANEOUS REQUIREMENTS

NOTICES OF PROPOSED BY-LAWS AND RULE AMENDMENTS

RULE 211. The Corporation shall give written notice to all Clearing Members when it shall have filed a proposed rules change with the Securities and Exchange Commission (the "SEC") pursuant to the provisions of SEC Rule 19b-4. Such notice shall be given as soon as practicable after the Corporation shall have filed the proposed rules change with the SEC. The requirements of this Rule 211 shall be deemed to have been satisfied if Clearing Members are notified that a proposed rules change has been filed and that copies thereof are available at all designated offices of the Corporation for inspection by interested Clearing Members. This Rule 211 shall not require the Corporation to give notice of any modification that is made in a proposed rules change after the Corporation

has given notice of such proposed rules change, although to the maximum extent practicable, the Corporation shall also give notice of such modifications. The failure of the Corporation to comply with this Rule in any respect shall not affect the validity of force or effect of any rules change or of any action taken by the Corporation pursuant thereto.

CHAPTER XI—SUSPENSION OF A CLEARING MEMBER SUSPENSION

RULE 1102. The Board of Directors or the President of the Corporation shall summarily suspend any Clearing Member which (a) has been and is expelled or suspended from membership in each Exchange of which it is an Exchange member or by its examining authority (as defined in Rule 306), or (b) is in such financial or operating difficulty that the Board of Directors or the President of the Corporation determines and so notifies the appropriate regulatory agency for such Clearing Member that such suspension is necessary for the protection of the Corporation, other Clearing Members, creditors, or investors. In addition, the Board of Directors or the President of the Corporation may summarily suspend any Clearing Member which (i) has been and is suspended or expelled from any self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934, as amended, for the purposes of Section 17A thereof), or (ii) is in default of any delivery of funds or securities to the Corporation or any correspondent clearing corporation. In the event that any Clearing Member is suspended, the Corporation shall cease to act for it except as hereinafter specified.

CHAPTER XI—SUSPENSION OF A CLEARING MEMBER RIGHT OF APPEAL

RULE 1110. A Clearing Member suspended pursuant to this Chapter shall be entitled, upon request, to a written statement of the grounds for its suspension and shall have the right to appeal its suspension in accordance with the following procedure:

(a) through (d) [No change]
(e) Record. A verbatim record shall be kept of any hearing held pursuant hereto. The cost of the transcript may, in the discretion of the body holding the hearing, be charged in whole or in part to the suspended Clearing Member in the event that the suspension is finally affirmed.

CHAPTER XII—DISCIPLINARY PROCEEDINGS PROCEDURES

RULE 1202. (a) The President of the Corporation shall have the power to fix and impose fines not in excess of \$5,000. All other sanctions shall be imposed by the Board of Directors. Before any sanction is imposed by the President of the Board of Directors, the Corporation shall furnish the person against whom the sanction is sought to be imposed ("Respondent") with a concise written statement of the charges against the Respondent. The Respondent shall have fifteen days after the service of such statement to file a written answer thereto. The answer shall admit or deny each allegation contained in the statement of charges and may also contain any defense which the Respondent wishes to submit. Allegations contained in the statement of charges which are not denied in the answer shall be deemed to have been admitted. Any defense not raised in the answer shall be deemed to have been waived. After the answer has been filed, the President or the Board of Directors, as the case may be, shall (unless the Respondent and the Corporation shall have stipulated to the imposition of an agreed sanction), schedule an early hearing. The Respondent shall be given not less than three days advance no-

tice of the place and time of such hearing. At the hearing, the Respondent shall be afforded the opportunity to be heard and to present evidence in his behalf and may be represented by counsel. A verbatim record of the hearing shall be prepared and the cost of the transcript may, in the discretion of the party holding the hearing be charged in whole or in part to the Respondent in the event any sanction is imposed on the Respondent. As soon as practicable after the conclusion of the hearing, the party holding the hearing shall furnish the Respondent with a written statement of its decision, which shall set forth (i) any act or practice in which the Respondent has been found to have engaged, or which the Respondent has been found to have omitted; (ii) the specific provisions of the statutory rules of the Corporation, or the Respondent's agreements with the Corporation, which any such act, practice or omission has been deemed to violate; and (iii) the sanction imposed and the reasons therefor.

(b) Any action required to be taken hereunder by the President may be delegated to any Vice President or Assistant Vice President of the Corporation. Any action required to be taken hereunder by the Board of Directors may be delegated to a Disciplinary Committee, which shall consist of not less than three directors. Clearing Members who are not directors may also be appointed as members of the Disciplinary Committee, provided that persons who are directors shall constitute a majority of the members of the Disciplinary Committee. In the event that a Vice President or an Assistant Vice President imposes a fine in excess of \$2,500, such action shall be reviewed by the President upon written motion filed by any affected party within five business days after the fine is imposed. In the event that the Disciplinary Committee expels, suspends, or limits the activities, functions or operations of any Clearing Member, or imposes a fine in excess of \$10,000, such action shall be reviewed by the Board of Directors upon written motion filed by any affected person within five business days after such action is taken. Such review shall be on the basis of the written record of the proceedings in which the sanction was imposed, but the reviewing authority may, in his or its discretion, afford the Respondent a further opportunity to be heard or to present evidence. A verbatim record shall be kept of any such further proceedings. The Respondent shall be notified in writing of the decision of the reviewing authority; and unless the decision shall have been to reverse the action under review, or to remand the matter for further proceedings by the party which took such action, the Respondent shall be given a written statement of the grounds therefor.

(c) Any time limit set forth in this Rule 1202 may be extended by the person or entity having jurisdiction over the matter in respect of which the time limit is imposed.

(d) Any action taken hereunder which is not subject to review shall be deemed to be final when the Respondent is furnished with the written statement provided for in the last sentence of paragraph (a) hereof. Any action hereunder which is subject to review shall be deemed to be final upon expiration of the time provided for the filing of a motion for review, or any extension thereof granted pursuant to paragraph (c) hereof; or, if a motion for review is timely filed, when the Respondent is notified of the decision of the reviewing authority.

(e) The summary suspension of a Clearing Member pursuant to Chapter XI of the Rules shall not be deemed to be a "sanction" within the meaning of this Rule 1202, and the provisions of this Rule shall be inapplicable to any such summary suspension.

[FR Doc. 75-30679 Filed 11-12-75; 8:45 am]

[File Nos. 3-4814, 2-5854 (22-444)]

CONSUMERS POWER COMPANY**Application and Opportunity for Hearing**

NOVEMBER 7, 1975.

Notice is hereby given that Consumers Power Company ("the Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 ("the Act") for a finding that the trusteeship of First National City Bank under an indenture heretofore qualified under the Act and one not to be so qualified, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as Trustee under the qualified indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under the qualified indenture.

The company alleges that:

(1) First National City Bank is presently acting as trustee under an Indenture of Mortgage dated August 30, 1945 between First National City Bank as trustee and the company as amended by thirty supplemental indentures, pursuant to which \$1,311,041,000 principal amount of its First Mortgage Bonds are issued and outstanding, as of September 30, 1975. It is presently contemplated that First National City Bank will also act as trustee under an indenture to be dated as of December 1, 1975 between it and the Charter Township of Hampton, a municipal body corporate and political subdivision of the State of Michigan, whereby the municipality will issue and sell approximately \$20,000,000 of its Pollution Control Revenue Bonds (Consumers Power Company Project), Series B. This indenture will not be qualified pursuant to the terms of the Act.

(2) The municipality's revenue bonds are being issued to finance the cost of certain pollution control facilities to be sold to the company for its Karn-Wea-

dock plants. The revenue bonds will be payable solely from the revenues derived from the sale of the project to the company. Payment will be made in installments over the life of the revenue bonds secured by pledge of the company's mortgage bonds to be issued under the thirty-first supplemental indenture to the August 30, 1945 indenture. This supplemental indenture will not be qualified under the Act.

(3) The company's mortgage bonds will be issued in an aggregate principal amount equal to, bear interest at rates corresponding to, and have the same maturities as the municipality's revenue bonds. The new mortgage bonds will rank pari passu with all mortgage bonds issued and outstanding under the August 30, 1945 indenture and all its supplements.

(4) The municipality will assign to First National City Bank all of its rights and interest in and to the mortgage bonds and to receive installment payments from from the company. The trustee may not transfer the mortgage bonds except to a successor trustee under the indenture. There is no lien on or other interest in the project and the obligation to make payments in respect to the revenue bonds will be secured by no collateral other than the mortgage bonds.

(5) The qualified indenture contains the provisions permitted by Section 310(b)(1) of the Act. Since neither the revenue bond indenture nor the supplemental mortgage bond indenture will be qualified under the Act, certain provisions required by that Act for qualified indentures will not be included.

(6) It is believed that since the revenue bonds are payable solely from revenue secured by the new mortgage bonds, the indenture between the municipality and First National City Bank is comparable to a "collateral trust indenture" with respect to which an exception to the provisions of Section 310(b) of the Act is provided by clauses (1)(A) and (1)(B) thereof. In the event that the company fails to make installment payments, the new mortgage bonds are the only collateral.

The obligations of the company under the mortgage indenture are secured by a lien on substantially all the company's fixed property and franchises, subject only to excepted encumbrances permitted by the indenture.

The company has waived notice of hearing, hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Office of the Commission's Public Reference Section, at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than December 1, 1975, request in writing that a hearing be held on such matter, stating

the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-30674 Filed 11-12-75; 8:45 am]

[File Nos. 3-4815, 2-5854 (22-444)]

CONSUMERS POWER COMPANY**Application and Opportunity for Hearing**

NOVEMBER 7, 1975.

Notice is hereby given that the Consumers Power Company ("the Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 ("the Act") for a finding that the trusteeship of First National City Bank under an indenture heretofore qualified under the Act and one not to be so qualified, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as trustee under the qualified indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under the qualified indenture.

The Company alleges that:

(1) First National City Bank is presently acting as trustee under an Indenture of Mortgage dated August 30, 1945 between First National City Bank as trustee and the Company, as amended by thirty supplemental indentures, pursuant to which \$1,311,041,000 principal amount of its First Mortgage Bonds are issued and outstanding, as of September 30, 1975. It is presently contemplated that First National City Bank will also act as trustee under an indenture to be dated as of December 1, 1975 between it and the Township of Port Sheldon, a municipal body corporate and political subdivision of the State of Michigan, whereby the municipality will issue and sell approximately \$11,000,000 of its Pollution Control Revenue Bonds (Consumers Power Company Project), Series A. This indenture will not be qualified pursuant to the terms of the Act.

(2) The municipality's revenue bonds are being issued to finance the cost of certain pollution control facilities to be sold to the Company for its J. H. Campbell plant. The revenue bonds will be payable solely from the revenues derived from the sale of the project to the Company. Payment will be made in installments over the life of the revenue bonds secured by pledge of the Company's mortgage bonds to be issued under the thirty-second supplemental indenture to the August 30, 1945 indenture. This supplemental indenture will not be qualified under the Act.

(3) The Company's mortgage bonds will be issued in an aggregate principal amount equal to, bear interest at rates corresponding to, and have the same maturities as the municipality's revenue bonds. The new mortgage bonds will rank pari passu with all mortgage bonds issued and outstanding under the August 30, 1945 indenture and all thirty-two supplements.

(4) The municipality will assign to First National City Bank all of its rights and interest in and to the mortgage bonds and to receive installment payments from the Company. The trustee may not transfer the mortgage bonds except to a successor trustee under the indenture. There is no lien on or other interest in the project and the obligation to make payments in respect to the revenue bonds will be secured by no collateral other than the mortgage bonds.

(5) The qualified indenture contains the provisions permitted by Section 310 (b) (1) of the Act. Since neither the revenue bond indenture nor the supplemental mortgage bond indenture will be qualified under the Act, certain provisions required by that Act for qualified indentures will not be included.

(6) It is believed that since the revenue bonds are payable solely from revenues secured by the new mortgage bonds, the indenture between the municipality and First National City Bank is comparable to a "collateral trust indenture" with respect to which an exception to the provisions of Section 310(b) of the Act is provided by

clauses (1) (A) and (1) (B) thereof. In the event that the Company fails to make installment payments, the new mortgage bonds are the only collateral.

The obligations of the Company under the mortgage indenture are secured by a lien on substantially all the Company's fixed property and franchises, subject only to excepted encumbrances permitted by the indenture.

The Company has waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Office of the Commission's Public Reference Section at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than December 1, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30675 Filed 11-12-75; 8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COMMITTEE ON WOMEN TO THE SECRETARY

Re-establishment of Committee

Notice is hereby given of the re-establishment of the Advisory Committee on Women to the Secretary of Labor pursuant to a request by the Secretary of Labor with the approval of the Office of Management and Budget as required by section 9(a) (2) of the "Federal Advisory Committee Act."

The purpose of this Committee is to advise the Secretary of Labor on improving the status of working women in connection with the laws and programs administered by the Department of Labor, including those employed by the Department of Labor. The Committee will focus on those matters in which the Department of Labor is involved due to

its official responsibilities. The Committee will report to the Chairperson of the Committee, the Secretary of Labor.

Signed at Washington, D.C., this 7th day of November 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-30332 Filed 11-12-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 913]

ASSIGNMENT OF HEARINGS

NOVEMBER 10, 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.

I & SM 28783, General Increase, October 1975, C. & S. M. F. T. A., now being assigned January 6, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC-F-12456, Skyline Transport, Inc.—Lease (portion)—O'Boyle Tank Lines, Incorporated, now assigned December 15, 1975, at Washington, D.C., is postponed to February 2, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30664 Filed 11-12-75; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 10, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43073—Brick or Tile Raw Materials Between Points in Southern Territory. Filed by M. B. Hart, Jr., Agent, (No. A6342), for interested rail carriers. Rates on brick or tile raw materials, in carloads, as described in the application, between points in southern territory, including Ohio and Mississippi River crossings, Virginia cities and Washington, D.C.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 28 to Southern Freight Association, Agent, tariff 763-F, I.C.C. No. 8-1241. Rates are published to become effective on December 18, 1975.

By the Commission.

[SEAL]

ROBERT L. OSWALD,

[FR Doc. 75-30665 Filed 11-12-75; 8:45 am]

[Notice No. 128]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 7, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23441 (Sub-No. 20 TA), filed October 31, 1975. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake St., LaPorte, Ind. 46350. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Radiators, engine cooling, from South Bend Warehouse Corporation, at South Bend, Ind., to Dubuque and Waterloo, Iowa and Moline, East Moline, and Rock Island, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Modine Manufacturing Co., Inc.,

1500 DeKoven Ave., Racine, Wis. 53401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 106195 (Sub-No. 6 TA), filed October 31, 1975. Applicant: CLARK BROS. TRANSFER, INC., 800 North First St., P.O. Box 388, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, and Minnesota. Restriction: Restricted to traffic originating at the Steel Mill facilities of the Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 107515 (Sub-No. 994 TA), filed October 29, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk), from the plantsite and warehouse facilities of Jeno's Inc., at or near Sodus, Mich., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, restricted to transportation of traffic originating at plantsite and warehouse facilities of Jeno's Inc., for 180 days. Supporting shipper: Jeno's Inc., 525 Lake Ave. So., Duluth, Minn. 55802. Send Protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 113434 (Sub-No. 65 TA), filed October 30, 1975. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Ave., Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), from the plantsites and warehouse facilities of Jeno's Inc., at or near Sodus, Mich., to points in Illinois, Indiana, Kentucky and Ohio, for 180 days. Supporting shipper: Jeno's Inc., 525 Lake Ave. So., Duluth, Minn. 55802. Send Protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 114457 (Sub-No. 245 TA), filed October 30, 1975. Applicant: DART

TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcoholic beverages (except malt beverages), in containers, from Lawrenceburg, Ind.; Bardtown, Clarmont, Frankfort, Lawrenceburg, Louisville and Owensboro, Ky.; and Cincinnati, Ohio to St. Paul, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johnson Brothers Wholesale Liquor Company, 2341 University Ave., St. Paul, Minn. 55112. 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 114725 (Sub-No. 74 TA), filed October 31, 1975. Applicant: WAYNE TRANSPORT SERVICE, INC., 2222 North 11th St., Omaha, Nebr. 68110. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizer solutions, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agrico Chemical Company, J. J. Stefanec, Manager of Transportation Legislation, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 119229 (Sub-No. 6 TA), filed October 31, 1975. Applicant: ORLANDO TRUCKING, INC., P.O. Box 132, 10 Glory Road, R.D. #3, Lebanon, N.J. 08833. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are used in the manufacture, sale, display or modification of mattresses and upholstered furniture, and in connection therewith, equipment, materials and supplies, used in the conduct of such business (except commodities in bulk), between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia, under a continuing contract with Eclipse Sleep Products, Inc., for 180 days. Supporting shipper: Eclipse Sleep Products, Inc., 36 Milford St., Brooklyn, N.Y. 11208. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 123407 (Sub-No. 270 TA), filed October 31, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's Representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildings, knocked down, and parts, equipment, and materials thereof*, when shipped therewith, from Englewood, Colo., to points in Texas, for 180 days. Supporting shipper: Brailer Enterprises, 1790 West Yale, Englewood, Colo. 80110. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 126276 (Sub-No. 141 TA), filed October 30, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fibreboard cans, with or without metal ends, from West Chicago, Ill., to Evansville and Terre Haute, Ind.; Kansas City, Kans.; Minneapolis, St. Paul and Roseport, Minn.; St. Louis and St. Louis County, Mo.; Omaha, Nebr.; Cincinnati and Cleveland, Ohio; and Milwaukee, Wis.*, under a continuing contract with Boise Cascade Corporation, for 180 days. Supporting shipper: Boise Cascade Corporation, Charles G. Wise, Manager, Transportation Commerce, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Patricia A. Roscoe, Transportation assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 134400 (Sub-No. 20 TA), filed October 30, 1975. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Ave., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages and accompanying advertising material*, from Dubuque, Iowa to points in Illinois and Indiana on and north of U.S. Highway 36, under a continuing contract with Pickett Brewing Company, under a continuing contract with Pickett Brewing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pickett Brewing Company, E. 4th St., Ext., Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 134734 (Sub-No. 25TA), filed October 30, 1975. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68117. Applicant's representative: Joseph Winter, 33 North

La Salle St., Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cranberry products in hermetically sealed containers*, from Markham, Wash., to points in Los Angeles, Orange, Riverside, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Sacramento and San Joaquin Counties, Calif., under a continuing contract or contracts with Ocean Spray Cranberries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John R. Pascoe, Traffic Manager, Ocean Spray Cranberries, Inc., Main St., Hanson, Mass. 02341. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141074 (Sub-No. 3 TA), filed October 30, 1975. Applicant: DONALD WHEATLEY, doing business as DONALD WHEATLEY TRUCKING COMPANY, P.O. Box 447, Sharptown, Md. 21861. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from Sharptown, Md., to points in Virginia, Delaware, Pennsylvania, New Jersey, New York, and Connecticut, under a continuing contract with J.V. Wells Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. V. Wells Co., P.O. Box 526, Sharptown, Md. 21861. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room B-317, Washington, D.C. 20423.

No. MC 141433 (Sub-No. 1 TA), filed October 29, 1975. Applicant: M. V. MERCURIO, INC., 59-71 59th St., Maspeth, N.Y. 11378. Applicant's representative: Thomas F. X. Foley, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Adhesives (except in bulk) materials and supplies used in the manufacture of adhesives (except in bulk)*, between Edison, N.J., and Maspeth, N.Y., on the one hand, and, on the other, points in New York, N.Y., Commercial Zone, as defined by the Commission, under a continuing contract or contracts with HB Fuller Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: HB Fuller Company, 59 Brunswick Ave., Edison, N.J. 08817. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141442 (Sub-No. 1 TA), filed October 29, 1975. Applicant: THOMAS D. SHOUP AND JOHN HARGEN-RADER, t/a TOM SHOUP & CO., 43 First Ave., Clarion, Pa. 16214. Applicant's

representative: Frederick L. Kiger, 7823 Mt. Carmel Road, Verona, Pa. 15147. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in dump vehicles, from Painesville and Ashtabula, Ohio, to the plant-sites of Glass Containers Corporation, at or near Knox, Parker and Marienville, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glass Containers Corporation, Knox, Pa. 16232. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 141448 TA, filed October 24, 1975. Applicant: DUNCAN SALES & LEASING COMPANY, INC., 714 East Baseline, Buckeye, Ariz., 85236. Applicant's representative: George S. Livermore, 2701 East Camelback, Suite 100, Phoenix, Ariz. 85016. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Steel pipe or tubing, 16 gauge or thicker but not thicker than 8 gauge (commonly known as steel culvert), multiple plate, guard rails, truss pipe, cattle guards and various other metal products which accompany these culverts such as end sections, bands, bolts, nuts, grates and assembly pieces as well as plastic pipe in small quantities, from rail heads or interlining points with other motor carriers, to job sites in Arizona, under a continuing contract or contracts with Armco Steel, Inc., for 180 days. Supporting shipper: Armco Steel, Inc., 5555 West Van Buren, Phoenix, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85026.*

No. MC 141450 TA, filed October 24, 1975. Applicant: OLIN WOOTEN, doing business as WOOTEN TRANSPORT COMPANY, P.O. Box 731, Hazelhurst, Ga. 31539. 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: *Tin cans, tin can parts, steel pails, and drums*, from Piscataway, N.J., to points in Alabama, Florida, Georgia, Louisiana, North Carolina, Ohio, Pennsylvania, South Carolina and Virginia, under a continuing contract with Prospect Industries Corp., for 180 days. Supporting shipper: Prospect Industries Corp., 600 Prospect Ave., Piscataway, N.J. 08854. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

PASSENGER APPLICATIONS

No. MC 141444 TA, filed October 24, 1975. Applicant: LES AUTOBUS PROVENCHER INC., 116 Angus St., East Angus, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West, Room 205, Sherbrooke, Quebec.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Excursion Hayes Tours, 116 Angus St., East Angus, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141445 TA, filed October 24, 1975. Applicant: LES AUTOBUS DROLET LTEE, 2270 Notre-Dame St., Ste-Foy, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West, Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Voyage Drolet Reg'd., 2270 Notre-Dame St., Ste-Foy, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141146 TA, filed October 24, 1975. Applicant: AUTOBUS AUTOCARS FOURNIER INC., 2200 Lavoisier St., Quebec, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Voyages Claude Paradis Tours, 226 81st St., Charlebourg, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141447 TA, filed October 24, 1975. Applicant: AUTOBUS DES BOIS FRANCS LTEE, R.R. #1, P.O. Box 1134, Plessisville, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West, Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except

Alaska and Hawaii), for 180 days. Supporting shipper: Tanguay Travel Service, Plessisville, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141449 TA, filed October 24, 1975. Applicant: TRANSPORT FONTAINE LTEE, 1 Main St., Ste. Gervais, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West, Room 205, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines, between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Voyages Claude Paradis Tours, 226 81st St., Charlebourg, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-30687 Filed 11-12-75; 8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 127]

NOVEMBER 6, 1975.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9325 (Sub-No. 71 TA), filed October 29, 1975. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Ore. 97034. Applicant's representative: Eugene A. Felse (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated slag* (abrasive grit), from Riddle, Ore., to points in California, Oregon, Washington, Idaho and Nevada, for 180 days. Supporting shipper: Lone Star Industries, Northern California Division, 2800 Campus Drive, San Mateo, Calif. 94403. Send protests to: A. E. Odoms, District Superior, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Ore. 97204.

No. MC 11722 (Sub-No. 49 TA), filed October 28, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Charles Flower, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* for the account of Northern Surco, from the plant and storage facility of Northern Surco, located at Pasco, Wash., to Seattle and Tacoma, Wash., restricted to traffic having a subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern Surco, P.O. Box 2159, Pasco, Wash. 99302. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 11723 (Sub-No. 50 TA), filed October 29, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Charles C. Flower, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, Boardman and Hermiston, Ore., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fisher Bag Company, 1560 1st Ave., South, Seattle, Wash. 98134. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 14552 (Sub-No. 61TA), filed October 28, 1975. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad St., Ninth Floor,

Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, between the plantsite and warehouses of Thorofare Markets, Inc., in Austintown Township, Mahoning County, Ohio, on the one hand, and, on the other, the retail distribution centers of Thorofare Markets, Inc., located at or near St. Albans, Point Pleasant, Ravenswood, Huntington, Smithers, Oak Hill, Parkersburg, and Moundsville, W. Va., and Ashland, Ky., restricted to traffic originating at and or destined to the above-named origins and destinations, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thorofare Markets, Inc., P.O. Box 237, Pittsburgh, Pa. 15230. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 30844 (Sub-No. 557 TA), filed October 28, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except in bulk), from the plantsite and warehouse facilities of Jenos, Inc., at or near Sodus, Mich., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma and Texas, for 180 days.* Supporting shipper: Jenos, Inc., P.O. Box 6509, Duluth, Minn. 55806. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 48213 (Sub-No. 43TA), filed October 28, 1975. Applicant: C. E. LIZZA, INC., P.O. Box 308, Ligonier, Pa. 15658. Applicant's representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, materials and supplies used in the manufacture and distribution thereof (except commodities in bulk), between Hazel Township and Pittston Township (Luzerne County), Pa., on the one hand, and, on the other, Ringwood, N.J., under a continuing contract with American Cyanamid Company, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Cyanamid Company, Standard Coated Products Dept., Wayne, N.J. 07470. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 59806 (Sub-No. 5 TA), filed October 29, 1975. Applicant: GROSS & HECHT TRUCKING, INC., Box 514, 35 Brunswick Ave., Edison, N.J. 08817. Applicant's representative: A. David Miller, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment materials and supplies used in the conduct of such business, between the warehouse of the Great Atlantic and Pacific Tea Company, Inc., at Edison, N.J., on the one hand, and, on the other, points in Putnam and Dutchess Counties, N.Y., and those in Fairfield County, Conn.* Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, N.J., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Company, Inc., National Traffic and Transportation Department, Two Paragon Drive, Montvale, N.J. 07645. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 61396 (Sub-No. 294 TA), filed October 28, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen and liquid nitrogen, in bulk, in tank vehicles, from East Alton, Ill., to Denver, Colo., for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. K. Kubala, Distribution Superintendent, Airco Industrial Gases, Box 300, Cheshen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 100666 (Sub-No. 310 TA), filed October 29, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation and insulated gypsum foam board panels, from Dallas, Tex., to Phoenix, Ariz.; Denver, Colo.; Kansas City and Fort Leonard Wood, Mo.; Carson City, Nev.; and Salt Lake City, Utah, for 180 days.* Applicant has also filed an underlying EPA seeking up to 90 days of operating authority. Supporting Shipper: Panel Era Manufacturing Corporation, 8001 Carpenter Freeway, Dallas, Tex. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 100666 (Sub-No. 311 TA), filed October 29, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel forms, from the plant and warehouse facilities of Form-All Company Division, The Ceco Corporation, located at or near Knoxville, Ark., to Bethesda and Muirkirk, Md.; Des Moines, Iowa; and Santa Fe, N. Mex., for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Form-All Company Division The Ceco Corp., 5601 West 26th St., Chicago, Ill. 60650. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 106674 (Sub-No. 175 TA), filed October 24, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air and training agents, consisting of saponified waste residue compounds, liquid or dry; cement, concrete masonry water curing compounds, dry, liquid, or paste; cement mixing compounds; cement, concrete bonding compound; concrete surface curing compounds; concrete surface hardeners, powdered iron, dry, liquid, or paste, from North Judson, Ind., to points in Alabama, Colorado, Georgia, Illinois, Kansas, Kentucky, Michigan, Missouri, New Mexico, North Carolina, Ohio, Tennessee, Texas and West Virginia, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cravens Insul Company, Inc., P.O. Box 157, North Judson, Ind. 46366. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 786 TA), filed October 29, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced plywood panels, from the plantsite of Cor Tec, Inc., at Washington Court House, Ohio, to Salt Lake City, Utah, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ronald W. Hoxsie, Assistant Plant Manager, Cor Tec, Inc., P.O. Box 456, Washington Court House, Ohio 43160. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 109692 (Sub-No. 32 TA), filed October 29, 1975. Applicant: GRAIN

BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (1) *Lumber and lumber products, posts, poles, timber* (all treated or untreated), from Hugo, Okla., to points in Texas, Colorado, Minnesota, South Dakota, Nebraska, Iowa, Kansas, Missouri, Illinois, Wisconsin and Arkansas; and (2) *Chemicals and preservatives*, from Wichita, Kans., to Hugo, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Central Forest Products, Inc., 5225 West 75th, Overland Park, Kans. 66208. Send protests to: Vernon V. Bobbe, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 112223 (Sub-No. 99 TA), filed October 28, 1975. Applicant: **QUICKIE TRANSPORT COMPANY**, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foundry slag*, from Waupaca, Wis., and points within 10 miles thereof, to Mankato, filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Waupaca Foundry, Tower Road, Waupaca, Wis. 54981. 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 116110 (Sub-No. 11TA), filed October 29, 1975. Applicant: **P. C. WHITE TRUCK LINE, INC.**, P.O. Box 1488, Dothan, Ala. 36301. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and those requiring special equipment or special handling, and household goods as defined by the Commission); (1) (a) between Centre, Ala., and Rome, Ga.; from Centre, Ala., over Alabama Highway 9 to the Alabama-Georgia state line, thence over Georgia Highway 20 to Rome, Ga., and return over the same routes, serving all intermediate points; (b) between Centre, Ala., and Atlanta, Ga., serving all points within 15 miles of Atlanta as off-route points, from Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 41, thence over U.S. Highway 41 to Marietta, Ga., thence over U.S. Highway 75 to Atlanta, Ga., and return over the same route, serving all intermediate points, between Centre, Ala., and Rome, Ga., and serving all points within 15 miles of Atlanta, Ga., as

off-route points; (c) between Centre, Ala., and Birmingham, Ala., serving all intermediate points, from Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278, thence over U.S. Highway 278 to its junction with Interstate Highway 59, thence over Interstate Highway 59 to Birmingham, Ala., and return over the same route.

(2) Between Birmingham, Ala., and Atlanta, Ga., serving all intermediate points in Alabama, from Birmingham over Interstate Highway 20 to its junction with Alabama State Highway 9, thence over Alabama State Highway 9 to its junction with U.S. Highway 78, thence over U.S. Highway 78 to its junction with Georgia State Highway 92, thence over Georgia State Highway 92 to its junction with Interstate Highway 20, thence over Interstate Highway 20 to Atlanta, and return over the same route; (3) between Birmingham and Montgomery, Ala., serving all intermediate points, from Birmingham over Interstate Highway 65 to Montgomery, and return over the same route; (4) between Atlanta, Ga., and Montgomery, Ala., serving all intermediate points in Alabama, from Atlanta over Interstate Highway 85 to its junction with U.S. Highway 29 at or near Moreland, Ga., thence over U.S. Highway 29 to its junction with Interstate Highway 85 at or near Shawmut, Ala., thence over Interstate Highway 85 to Montgomery and return over the same route. In conjunction with routes 1 through 4 above, carrier is authorized to join with its existing authority at Birmingham, Montgomery, and all interim points of service in Alabama with its existing authority. Carrier is authorized in connection with all routes to serve points within 15 miles of Atlanta as off-route points. Carrier is authorized to interchange traffic with connecting carriers at Atlanta, Ga., and points within 15 miles thereof, Birmingham, Ala., and Montgomery, Ala., and Dothan, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 38 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: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 124489 (Sub-No. 8TA), filed October 28, 1975. Applicant: **NIELSEN BROS. CARTAGE CO., INC.**, 4619 W. Homer St., Chicago, Ill. 60639. Applicant's representative: Axelrod Goodman, 39 S. La Salle St., Chicago, Ill. 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by and dealt in by manufacturers and distributors of snack foods, between points in Illinois,

Indiana, Michigan, and Wisconsin, under a continuing contract with Jays Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jays Foods, Inc., Silas A. Martilla, Exec. Vice President-Marketing, 825 E. 99th St., Chicago, Ill. 60628. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128030 (Sub-No. 97TA), filed October 29, 1975. Applicant: **THE STOUT TRUCKING CO., INC.**, P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: Robert C. Stout (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Minneapolis, Minn., to Olney, Ill., for 180 days. Supporting shipper: Byrd Distributing Co., Inc., 1124 S. Whittle, Olney, Ill. 62450. Send protest to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 129615 (Sub-No. 15TA), filed October 28, 1975. Applicant: **AMERICAN INTERNATIONAL DRIVEAWAY**, P.O. Box 545, 123 S. First St., Decatur, Ind. 46733. Applicant's representative: E. Drayson Helmer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motorhomes and recreational vehicles*, between Northumberland County, Pa., and Yakima County, Wash., on the one hand, and, on the other, points in the United States (including Alaska), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pace Arrow of Pennsylvania, Inc., P.O. Box 107, Paxinos, Pa. 17860. Jamboree Industries of Washington, Inc., P.O. Box 148, Sunnyside, Wash. 98944. Tioga Industries of Washington, Inc., P.O. Box 148, Sunnyside, Wash. 98944. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 134642 (Sub-No. 2TA), filed October 30, 1975. Applicant: **ELWOOD HORTON**, Star Route Box 116, Ripplemead, Va. 24150. Applicant's representative: Elwood Horton, 1417 Peters Creek Road, Roanoke, Va. 24017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed stone and asphalt*, in dump vehicles, from Ripplemead, Va., to points Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mingo, McDowell, Mocholas, Putnam, Raleigh, Wayne, and Wyoming Counties, W. Va.; *Bituminous asphalt*, in dump vehicles, from Lowmoor, Va.,

to points in Boone, Cabell, Clay, Fayette, Kanawha, Lincoln, Logan, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Wayne, and Wyoming Counties, W. Va.; *Bituminous asphalt*, in dump vehicles, from Bluefield, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., for 180 days. Supporting shippers: Virginia Limestone Corporation, P.O. Box 157, Ripplemead, Va. 24150. Adams Construction Company, P.O. Box 60, 2725 Roanoke Ave. S.W., Roanoke, Va. 24002. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave. S.W., Roanoke, Va. 24011.

No. MC 136166 (Sub-No. 21TA), filed October 20, 1975. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauce*, in bulk, in tank vehicles, from the plantsite of Kikkoman Foods, Inc., at Walworth, Wis., to Gardena, Modesto, and San Jose, Calif., for 180 days. Supporting shipper: Kikkoman Foods, Inc., P.O. Box 69, Walworth, Wis. 53184. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 136166 (Sub-No. 22TA), filed October 20, 1975. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal fat*, in bulk, in tank vehicles, from Tacoma, Wash., to Oklahoma City, Okla., for 180 days. Supporting shipper: Hygrade Food Products Corporation, 1623 East J St., Tacoma, Wash. 98401. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 136512 (Sub-No. 8TA), filed October 28, 1975. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and turf care equipment and snow throwers*, from Tomah, Wis., to points in Oklahoma and Texas, for 180 days. Supporting shippers: The Toro Company, 8111 Lyndale Ave., South, Bloomington, Minn. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138308 (Sub-No. 9TA), filed October 28, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Tile*, from Cleveland, Miss., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Utah, and Wyoming, for 180 days. Supporting Shipper: Robertson American of Mississippi, P.O. Box 1030, Cleveland, Miss. 38732. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 139156 (Sub-No. 1TA), filed October 29, 1975. Applicant: FAITH TRUCK LINES, INC., 26 W. 142nd St., Dixmoor, Ill. 60426. Applicant's representative: Harold Bell, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid, spent acid, caustic soda, liquid, ferric chloride, ferrous chloride, sodium hypochlorite, and liquid alum*, between a 35 mile radius of Chicago, Ill., and between points in Indiana, Wisconsin, and Michigan, under a continuing contract with Thompson-Hayward Chemical Co., for 180 days. Supporting shipper: Thompson-Hayward Chemical Co., Jack H. Stitzer, Acid Sales Coordinator, 2501 S. Damen Ave., Chicago, Ill. 60608. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141046 (Sub-No. 1TA), filed October 28, 1975. Applicant: MASON O. MITCHELL, doing business as M. MITCHELL TRUCKING, 1911 I St., LaPorte, Ind. 46350. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic products, toothpaste dispensers, and sporting goods and accessories*, from the plantsites of Forster Mfg. Co., Inc., near Wilton, Maine, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin, under a continuing contract or contracts with Forster Mfg. Co., Inc., Wilton, Maine, for 180 days. Supporting shipper: Forster Mfg. Co., Inc., Wilton, Maine 04294. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 141070 (Sub-No. 1TA), filed October 28, 1975. Applicant: RAZORBACK DUMP HAULERS, INC., Route 1,

Black Rock, Ark. 72415. Applicant's representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, and gravel*, from points in Lawrence and Randolph County, Ark., to points in Ripley County, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Black Rock & Gravel Company, P.O. Box 276, Black Rock, Ark. 72415. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141152 (Sub-No. 1TA), filed October 24, 1975. Applicant: JAMES H. FUNCH, doing business as JAMES FUNCH TRUCKING, 2750 North Polk Ave., Fresno, Calif. 93705. Applicant's representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shingles, shakes, and ridge*, from points in Washington, to points in Arizona, California, and New Mexico, for 180 days. Supporting shippers: There are approximately 10 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: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 35004, San Francisco, Calif. 94102.

No. MC 141427 (Sub-No. 1TA), filed October 29, 1975. Applicant: ROBERT L. HUDSON, JR., 4 North 6th St., Richmond, Ind. 47474. Applicant's representative: Robert W. Lospr II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film and theatre supplies* between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana (except Marion County, Ind., and Cumberland, Clairmont, and Greenwood, Ind.), and Jefferson County, Ky., for 180 days. Supporting shipper: Allied Theatre Owners of Indiana, Inc., d/b/a Theatre Owners of Indiana, 646 Illinois Bldg., Indianapolis, Ind. 46204. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

PASSENGER APPLICATION

No. MC 141321 (Sub-No. 1 TA), filed October 30, 1975. Applicant: J. MEREDITH BUS CO., 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passenger and their baggage*, between Haddon-

view Apartments, Haddon Township, N.J., on the one hand, and, on the other, Philadelphia, Pa., under a continuing contract or contracts with Haddonview Associates, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Haddonview Associates, 12 South Orange Ave., South Orange, N.J. 07079. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-30666 Filed 11-12-75; 8:45 am]

[NOTICE NO. 90]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 7, 1975.

The following applications are governed by Special Rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER

issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2401 (Sub-No. 56), filed October 6, 1975. Applicant: MOTOR FREIGHT CORPORATION, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: G. G. Heller (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, dangerous explosives, commodities in bulk, and commodities requiring special equipment), serving the plant site of Koller Craft Products, Inc. located at Fenton, Mo., as an off-route point in connection with applicant's regular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 18535 (Sub-No. 65), filed October 14, 1975. Applicant: HICKLIN MOTOR LINE, INC., U.S. Highway 601, P.O. Box 377, Railroad Ave., St. Mat-

thews, S.C. 29135. Applicant's representative: Lawrence M. Gressette, Jr., P.O. Box 346, 203 Railroad Ave. NW., St. Matthews, S.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer and fertilizer materials, in bulk, in dump vehicles, between Chatham County, Ga., and points in South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 28599 (Sub-No. 8), filed October 10, 1975. Applicant: DEVINE & SON TRUCKING CO., P.O. Box 217, 2700 Rice Ave., West Sacramento, Calif. 95691. Applicant's representative: James J. Devine (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (A) General commodities (except those of unusual value; household goods as defined by the Commission; Classes A and B explosives; commodities in bulk; motor vehicles; livestock and commodities requiring special equipment, excepting that carrier is authorized to transport those commodities in bulk in specialized equipment when such equipment is open-top "possum-bellied" vans of high cubic foot capacity with special structural construction capable of withstanding overhead loading and tilting to 55-60 degree angle by means of power equipment to accomplish end-unloading and commodities in bulk in collapsible rubber bulk commodity shipping containers). Between points in California, serving all intermediate points: (1) From San Francisco over Interstate Highway 80 to California-Nevada State line; (2) From Oakland over California Highway 24 to Walnut Creek; (3) From San Francisco over U.S. Highway 50 to California-Nevada State line; (4) From San Andreas over California Highway 12 to junction with California Highway 1 near Valley Ford; (5) From Stockton over California Highway 26 to Valley Springs; (6) From junction of California Highway 104 and U.S. Highway 50 at a point approximately 3 miles north of Galt over California Highway 104 to junction with California Highway 88 near Ione; (7) From Sacramento over California Highway 70 to Hallelujah Junction.

(8) From junction of California Highway 88 and U.S. Highway 50 at a point approximately 1 mile north of Stockton over California Highway 88 to California-Nevada State line; (9) From junction of California Highway 16 and California Highway 20 at a point approximately 18 miles west of Williams over California Highway 16 to junction with California Highway 49 near Drytown; (10) From junction of California Highway 1 and California Highway 12 at a point north of Valley Ford over California Highway 1 to Carmel; (11) From Monterey over California Highway 68 to Salinas; (12) From Santa Rosa over U.S. Highway 101 to Salinas; (13) From Vallejo over California State Highway 29 to Calistoga; (14) From junction of

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Interstate Highway 680 and Interstate Highway 80 at a point east of Vallejo over Interstate Highway 680 to San Jose; (15) From Benicia over California Highway 21 to Cordelia; (16) From junction of California Highway 4 and Interstate Highway 80 at a point north of Pinole over California Highway 4 to junction with California Highway 89 at a point 5 miles south of Markleeville; (17) From junction of California Highway 89 with California Highway 4 at a point 5 miles south of Markleeville over California Highway 89 to Woodfords; (18) From junction of California Highway 36 and California Highway 3 at a point 4 miles southwest of Peanut over California Highway 36 to Johnstonville; (19) From junction of California Highway 32 and California Highway 36 at a point approximately 13 miles southwest of Chester over California Highway 32 to Orland; (20) From Hallelujah Junction over U.S. Highway 395 to California-Oregon State line; (21) From junction of California Highway 89 and California Highway 88 at a point approximately 6 miles west of Woodfords over California Highway 89 to junction with Interstate Highway 5 near Mt. Shasta.

(22) From Tahoe City over State Highway 28 to California-Nevada State line; (23) From Turlock over California Highway 99 to Red Bluff; (24) From Roseville over California Highway 65 to Olivehurst; (25) From junction of Interstate Highway 5 and Interstate Highway 580 over Interstate Highway 5 to California-Oregon State line; (26) From Hamilton City over California Highway 45 to Knights Landing; (27) From Willows over California Highway 261 to Elk Creek; (28) From Willows over California Highway 162 to Oroville; (29) From junction of California Highway 20 and Interstate Highway 80 near Emling Gap over California Highway 20 to Upper Lake; (30) From Upper Lake over California Highway 29 to Lower Lake; (31) From junction of California Highway 53 and California Highway 20 over California Highway 53 to Lower Lake; (32) From Coulterville over California Highway 49 to Sattley; (33) From Big Bar over California Highway 299 to Alturas; (34) From Weed over U.S. Highway 97 to California-Oregon State line; (35) From Redding over California Highway 44 to Manzanita Lake; (36) From Canby over California Highway 139 to California-Oregon State line; (37) From San Rafael over California Highway 17 to Santa Cruz; (38) From Los Gatos over California Highway 9 to Santa Cruz; (39) From San Francisco over California Highway 35 to Holy City; (40) From San Francisco over Interstate Highway 280 to San Jose; (41) From San Francisco over California Highway 82 to San Jose; (42) From Watsonville over California Highway 152 to junction with California Highway 156 approximately 8 miles north of Hollister; (43) From Half Moon Bay over California Highway 92 to Hayward; (44) From junction of California Highway 132 and Interstate Highway 580 over California Highway 132 to

Coulterville; (45) From junction of Interstate Highway 580 and Interstate Highway 5 over Interstate Highway 580 to Oakland; (46) From junction of California Highway 120 and U.S. Highway 50 over California Highway 120 to junction with California Highway 49 near Jamestown; (47) From Rutherford over California Highway 128 to Davis.

(48) From junction of California Highway 121 and California Highway 128 approximately 20 miles east of Rutherford over California Highway 121 to Sears Point; (49) From junction of California Highway 37 and Interstate Highway 80 northeast of Vallejo over California Highway 37 to junction with U.S. Highway 101 north of Ignacio; (50) From junction of Interstate Highway 505 and Interstate Highway 5 near Dunnigan over Interstate Highway 505 to junction with Interstate Highway 80 near Vacaville; (51) From junction of California Highway 156 and California Highway 152 approximately 8 miles north of Hollister over California Highway 156 to Castroville; (52) From junction of California Highway 113 and California Highway 99 approximately 10 miles south of Yuba City over California Highway 113 to Davis; (53) From junction of California Highway 161 and U.S. Highway 97 near California-Oregon State line over California Highway 161 to junction with California Highway 139 approximately 4 miles north of Tulelake; (54) From San Gregorio over California Highway 84 to junction with U.S. Highway 50 near Livermore; (55) From Sonoma over California Highway 108 to Confidence; (B) Service is authorized at all off-route points in the counties of Alameda, Alpine, Alameda, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Glenn, Lake, Lassen, Marin, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Yolo and Yuba; (C) Alternate Routes for operating convenience only, between points in California and Nevada, serving no intermediate points except as otherwise authorized, as follows: (1) From Hallelujah Junction, California over U.S. Highway 395 to Reno, Nevada; (2) From Reno, Nevada over Interstate Highway 80 to California-Nevada State line; (D) Exceptions: No Local service shall be rendered between points and places in San Francisco-East Bay cartage zone as described in Paragraph E, on the one hand, and points and places in Marin, Sonoma and Napa Counties north of San Rafael, on the other hand; (E) Description of San Francisco-East Bay cartage zone, viz: San Francisco-East Bay cartage zone includes that area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard.

Thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence west-

terly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence south-easterly along an imaginary line of one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, north-westerly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 By-Pass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence north-easterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and north-easterly along an imaginary line one mile south and southeasterly of an paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road.

Thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland; thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkely); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific

Company right of way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 32838 (Sub-No. 16), filed August 13, 1975. Applicant: ST. LOUIS-KANSAS CITY EXPRESS, INC., 26 E. Mercury Blvd., P.O. Box 333, Chesterfield, Mo. 63017. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and household goods as defined by the Commission), (1) Between Jefferson City, Mo. and Reform, Mo.: From Jefferson City, Mo. over U.S. Highway 54 to junction Missouri Highway 94, thence over Missouri Highway 94 to junction Callaway County Route D, thence over Callaway County Route D to junction Callaway County Route O, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate points of Wainwright, Tebbetts, Mokane and Portland, Mo. and the off-route point of the facilities of the Union Electric Company at or near Reform, Mo.; (2) Between junction Missouri Highway 94 and Callaway County Route CC and Reform, Mo.: From junction Missouri Highway 94 and Callaway County Route CC over Callaway County Route CC to Reform, Mo., and return over the same route, serving the intermediate point of Steedman, Mo. and the off-route points of the facilities of the Union Electric Company at or near Reform, Mo.; (3) Between junction U.S. Highway 54 and Callaway County Route O and junction Callaway County Route O and Callaway County Route CC: From junction U.S. Highway 54 and Callaway County Route O over Callaway County Route O to junction Callaway County Route CC, and return over the same route, serving no intermediate points, and serving the termini for the purpose of joinder only; and (4) Between junction Interstate Highway 70 and Callaway County Route D and junction Callaway County Route D and Callaway County Route O: From junction Interstate Highway 70 and Callaway County Route D over Callaway County Route D to junction Callaway County Route O, and return over the same route, serving Readsview, Mo. as an intermedi-

ate point, and the termini for the purpose of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jefferson City or St. Louis, Mo.

No. MC 33919 (Sub-No. 13), filed October 22, 1975. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 1649, Yakima, Wash. 98907. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Osoyoos, Wash., to Anaheim, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 35628 (Sub-No. 379), filed October 23, 1975. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S.W., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and other facilities of Stormor, at or near Fremont, Nebr., as an off-route point in connection with applicant's otherwise authorized operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 51146 (Sub-No. 449), filed October 20, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk), from Blooming Prairie, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture and distribution of chemicals and chemicals, from points in the United States (except Alaska and Hawaii), to Blooming Prairie, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59098 (Sub-No. 10), filed June 3, 1975. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson Street, Ridgefield Park, N.J. 07660. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings and materials, equipment and supplies* used in the installation and sale of floor coverings, between points in New

Jersey, on the one hand, and, on the other, Ridgefield Park (Bergen County), N.J., points in Orange, Rockland, Putnam, and Suffolk Counties, N.Y., and points in Fairfield County, Conn.; and (2) *textile products*, between Ridgefield Park (Bergen County), N.J., on the one hand, and, on the other, points in Suffolk County, N.Y.

NOTE.—Applicant states that the requested authority in (1) above will be tacked at Ridgefield, N.J. (a) with its existing authority in MC-59098 and Sub-No. 8, to provide service on the named commodities between points in New Jersey on the one hand, and, on the other, New York, N.Y., points in Nassau and Westchester Counties, N.Y., and those in Hudson, Bergen, Essex, Passaic, Union, Morris, Ocean, Sussex, Middlesex, Somerset, Monmouth, and Mercer Counties, N.J.; and (b) with Sub-No. 7 to provide service from points in New Jersey, to points in Suffolk County, N.Y. Applicant further states that the authority in (2) above will be tacked at Ridgefield, N.J. with its existing authority in MC-59098 and Sub-No. 5, to provide service on the named commodities between points in New Jersey, on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester Counties, N.Y. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 59247 (Sub-No. 8), filed October 20, 1975. Applicant: LINDEN MOTOR FREIGHT CO., INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: William Biederman, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Antifreeze* (except in bulk, in tank trucks), from the plantsite and warehouse of Union Carbide Corp. at Freehold, N.J., to points in Connecticut, Delaware, Massachusetts, Rhode Island, and that part of Maryland east of a line beginning at the Pennsylvania-Maryland State Boundary line and extending along Interstate Highway 83 (formerly U.S. Highway 111) to Baltimore, Md., thence along Maryland Highway 2 to Annapolis, Md., including points in Maryland on the Del-Mar Peninsula, and that part of New York east and south of a line beginning at the junction of the New York-Vermont State Boundary line on New York Highway 7 and extending in a northwesterly direction to Saratoga Springs, N.Y., thence in a westerly direction to Gloversville, N.Y., thence in a southerly direction to New York Highway 7, and extending along New York Highway 7 in a southwesterly direction to the junction of New York Highway 7 and U.S. Highway 11, thence along U.S. Highway 11 in a southerly direction to the New York-Pennsylvania State Boundary line, including New York, N.Y. and points on Long Island, N.Y., that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State Boundary line and extending along U.S. Highway 11 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly portion of U.S. Highway 111) to York, Pa., thence along unnumbered highway (formerly portion of U.S. Highway 111) to the

Pennsylvania-Maryland State Boundary line, including points on the indicated portions of the highway specified.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City or Washington, D.C.

No. MC 61592 (Sub-No. 374), filed October 5, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and trailer parts*, from Denmark, S.C. and Holland, Mich. and the ports of entry on the International Boundary line between the United States and Canada located at Buffalo, N.Y., (on traffic from Welland, Ontario, Canada), to Los Angeles and Milpitas, Calif., Portland, Oreg. and Seattle, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 83539 (Sub-No. 420), filed October 14, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company at or near Wilton, Iowa, to points in the United States, including Alaska but excluding Hawaii; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from points in the states named in Part (1) above, to the plantsite and storage facilities of North Star Steel Company at or near Wilton, Iowa, restricted to traffic originating at and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn. or Washington, D.C.

No. MC 94430 (Sub-No. 37) (Amendment), filed October 16, 1975, published in the FEDERAL REGISTER issue of November 6, 1975, republished as amended this issue. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. 46771. Applicant's representative: James R. Stivers, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from Ownesboro, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—The purpose of this republication is to delete "in tank vehicles" from the commodity description. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 95540 (Sub-No. 936), filed October 3, 1975. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33801. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods*, from points in Texas, to points in North Carolina and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga.; Fort Worth, Tex. or Washington, D.C.

No. MC 103993 (Sub-No. 859), filed October 22, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. Highway 20 west, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borgheani and James B. Buda (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company located at or near Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, the District of Columbia, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 106674 (Sub-No. 173), filed October 14, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed wood, fireplace logs, and briquettes*, (1) from Millington, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Texas, and Virginia; and (2) from Camden, Ala., to points in Louisiana, Georgia, Mississippi, Florida, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 106674 (Sub-No. 174), filed October 20, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap paper*, from points in Kentucky and Tennessee, to Alton, Ill.; and (2) *wood steel shelving, wood prod-*

ucts, parts and accessories thereto, from Jacksonville, Ill., to points in Minnesota, Wisconsin, Michigan, Ohio, Indiana, Kentucky, Tennessee, Mississippi, Arkansas, Missouri, Kansas, Nebraska, and Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107002 (Sub-No. 477), filed October 20, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, in tank vehicles, from points in Arkansas, Kentucky, Louisiana, and Mississippi, to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 107993 (Sub-No. 42), filed October 22, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dall, Jr., 1111 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and materials, supplies and equipment* used in the manufacture of iron and steel articles, between the plantsite and storage facilities of National Pipe & Tube Company in Liberty County, Tex., on the one hand, and, on the other, points in the United States (except Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 108393 (Sub-No. 98), filed October 6, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances; (1) between Birmingham and Leesburg, Ala., on the one hand, and, on the other, Evansville, Ind.; and (2) from Columbus, Ohio, to St. Joseph and Benton Harbor, Mich., under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108676 (Sub-No. 85), filed October 28, 1975. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Burns Harbor, Ind.; Detroit, Mich.; Philadelphia, Pa.; Cleveland, Ohio; Newark, N.J.; Houston, Tex.; New Orleans, La.; and Baltimore, Md., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 110191 (Sub-No. 26), filed September 22, 1975. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, Va. 23502. Applicant's representative: D. L. Turner (same address as applicant). 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, Chesapeake, Virginia Beach, Suffolk, Newport News, and Hampton, Va., points in Isle of Wight, Charles City, Gloucester, James City, Mathews, Northampton, Southampton, Surry, Sussex, and York Counties, Va., and points in Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, and Perquimans Counties, N.C., to points in Maryland, New Jersey, New York, Pennsylvania, Michigan, and Ohio, and Robinson, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Norfolk, Va.

No. MC 111231 (Sub-No. 198), filed October 16, 1975. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cheese*, *cheese food*, and *cheese spreads* and refused and rejected shipments, from Monett, Mo., to points in Connecticut, the District of Columbia, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Rhode Island, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated hearing with similar applications of National Refrigerated Lines, Charter Express, Rolands Transportation Services, Bray Lines, and Altrik at Kansas City or St. Louis, Mo.

No. MC 111545 (Sub-No. 217), filed October 24, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa, to points in California, Arizona, Utah, and points in and east of Minnesota, Iowa, Nebraska, Kansas, Ok-

lahoma, and Texas; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of iron and steel articles, from the destination states named in (1) above, to the plantsite and storage facilities of North Star Steel Company, located at or near Wilton, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 112822 (Sub-No. 390), filed October 10, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Articles and materials* used in the manufacturing of gift packages (except commodities in bulk), from Long Beach, Los Angeles and San Francisco, Calif. and Seattle, Wash., to the facilities of Pigi's, Inc. at or near Marshfield, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 112822 (Sub-No. 393), filed October 28, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, *cooking oils*, *animal litter*, *bleaching*, *cleaning*, *laundry* and *scouring compounds*, and *related materials and supplies*, when moving in mixed loads (except commodities in bulk), from the plantsite and facilities of the Clorox Co., at or near Houston, Tex., to the plantsites and facilities of the Clorox Company, at or near Atlanta, Ga.; Kansas City, Kans.; and Tampa, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Houston, Tex.

No. MC 112822 (Sub-No. 395), filed October 20, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen meats*, and *frozen and unfrozen food stuffs*, from the facilities owned and operated by New Orleans Cold Storage and Warehouse Co., at or near Metairie, La., to points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, Utah, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Dallas, Tex.

No. MC 113267 (Sub-No. 323), filed October 6, 1975. Applicant: CENTRAL

& SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets* (except in bulk), from Jacksonville, Tex., and Paris, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Little Rock, Ark.

No. MC 113267 (Sub-No. 325), filed October 20, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except in bulk), from the plant site and storage facilities utilized by Bruce Foods Corporation at or near Cade and Lozes, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La. or Memphis, Tenn.

No. MC 113267 (Sub-No. 326), filed October 24, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat*, *meat products*, *meat by-products* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M. C. C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plant site and storage facilities of or utilized by Reelfoot Packing Co., located at or near Union City or Humboldt, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, New Jersey, Oklahoma, Pennsylvania, South Carolina, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 114552 (Sub-No. 108), filed October 17, 1975. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jack-

son, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Roofing and roofing materials*; and (b) *materials and supplies*, used in the distribution or installation of the commodities described in (a) above (except in bulk), from the facilities of the Flintkote Company, at or near Peachtree City, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia; and (2) *materials, equipment and supplies*, used in the manufacture or distribution of roofing and roofing materials (except in bulk), from points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia, to the facilities of the Flintkote Company, at or near Peachtree City, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115181 (Sub-No. 35), filed Oct. 7, 1975. Applicant: HAROLD M. FELTY, INC., R.D. No. 1, Box 148, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump vehicles, from points in Harford and Cecil Counties, Md., to York, Pa., and points in York County, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 115669 (Sub-No. 151) (Correction), filed September 15, 1975, published in the FEDERAL REGISTER issue of October 9, 1975, republished as corrected this issue. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, 101 West Edgar St., Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and bentonite products*, in bulk, from the plant sites of Federal Bentonite Company, located at or near Colony and Upton, Wyo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin.

NOTE.—The purpose of this republication is to include South Dakota as a destination point which was previously omitted from the FEDERAL REGISTER. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 116004 (Sub-No. 35), filed October 10, 1975. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, Tex. 75247. Applicant's representative: Clayte Binlon, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Food-*

stuffs, from the plant site and storage facilities of Field's, Inc. at Pauls Valley, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Oklahoma City, Okla.

No. MC 123061 (Sub-No. 77) (Correction) filed September 24, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, republished as corrected this issue. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Suite 400, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bags and bulk (except in liquid or tank vehicles), from points in Nye and Pershing Counties, Nev., to points in Washington, Oregon, Idaho and Utah.

NOTE.—The purpose of this republication is to delete Nevada and to include Utah as a destination point. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah or Boise, Idaho.

No. MC 124656 (Sub-No. 10), filed October 9, 1975. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 56th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, for recycling purposes, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming, to Sapulpa, Okla., under a continuing contract or contracts with Liberty Glass Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 124692 (Sub-No. 155), filed October 20, 1975. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59802. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles*, (a) from East Morris, Ill. to points in the United States on and west extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; (b) from Riverside and Visalia, Calif., to points in the United States, on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International

Boundary line between the United States and Canada and points in Illinois, Wisconsin, Indiana, and Ohio. (2) *Aluminum and zinc ingots*, (a) from Checotah, Okla. to points in Arkansas, Texas, Missouri, Tennessee, Kansas, Colorado, Illinois, Iowa, Georgia, Ohio, Kentucky, and Indiana; (b) from Cleveland, Ohio to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Pennsylvania, and Wisconsin; and (3) *Aluminum ingots, blooms, pigs, billets and slabs*, from Ferndale, Wash., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada and to points in Illinois, Wisconsin, Indiana, and Ohio, restricted to traffic originating at or destined to the facilities of Alumax, Inc. and its affiliated companies.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 125745 (Sub-No. 2), filed September 29, 1975. Applicant: RAY D. SIMMONS, doing business as SIMMONS TRUCKING CO., Route 2, Box 296A, Carthage, Mo. 64836. Applicant's representative: Turner White, 910 Plaza Towers, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, from points in Oklahoma, Kansas and Arkansas, to points in Jasper County, Mo.; and (2) *flint cherts, sand and asphalt concrete*, from Webb City, Mo., to points in Ohio, Nebraska, Colorado, Minnesota, Wisconsin, Texas; that part of Mississippi south of U.S. Highway 84; that part of Louisiana south of a line beginning at a point on the Texas-Louisiana State Boundary line and extending along the southern boundary lines of Vernon, Rapides and Avoyelles Parishes, La. to the Mississippi-Louisiana State Boundary line; that part of Alabama south of U.S. Highway 80; that part of Tennessee east of a line beginning at a point on the Kentucky-Tennessee State Boundary line and extending along U.S. Highway 31-E to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State Boundary line; that part of Kentucky east of U.S. Highway 31-E; and that part of Indiana east of U.S. Highway 31.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 128205 (Sub-No. 22), filed October 20, 1975. Applicant: BULK MATE TRANSPORT COMPANY, a Corporation, 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Flour*, in bulk, from Chicago, Ill., to Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128746 (Sub-No. 25), filed October 21, 1975. Applicant: D'AGATA NATIONAL TRUCKING CO., a Corporation, Philadelphia, 3224-44 South 61st Street, Philadelphia, Pa. 19152. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Latrobe, Pa., to points in New Hampshire.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 129759 (Sub-No. 12), filed October 14, 1975. Applicant: TRIANGLE TRUCKING CO., a Corporation, P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Post tension strand*, from Springfield, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacture of post tension strand, from Baltimore, Md., to Springfield, Va., parts (1) and (2) above are under a continuing contract or contracts with Atlas Prestressing Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133591 (Sub-No. 22), filed October 17, 1975. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems and parts and accessories thereof*, including but not limited to stoves, heaters, furnaces, humidifiers, blowers, fans, cooling coils, electric controls, compressors, and evaporators (except commodities which because of size or weight require use of special equipment), from Aurora, Mo., to points in New Mexico, Colorado, Wyoming, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, and Montana.

NOTE.—Applicant holds contract carrier authority in MC 134494 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 133708 (Sub-No. 19), filed October 17, 1975. Applicant: FISKE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from the plantsite of Kaiser Gypsum Company, Inc. located at Long Beach, Calif. to the distribution center of Kaiser Gypsum Company, Inc. located at Glendale, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 133920 (Sub-No. 11), filed October 23, 1975. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, in bags, from points in Georgia, to Richmond, Va., and points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta or Macon, Ga.

No. MC 134755 (Sub-No. 58), filed October 16, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese foods, and cheese spreads*, from Morett, Mo., to points in Indiana, Ohio, Pennsylvania, New Jersey, Maryland, New York, Virginia, West Virginia, North Carolina, Tennessee, District of Columbia, South Carolina, and Kentucky, restricted to traffic originating at the facilities of L. D. Schreiber Cheese Co. at Monett, Mo. and (2) *refused and rejected shipments*, from the destination stated named in (1) above, to Monett, Mo.

NOTE.—Applicant holds contract carrier authority in MC 138398 Sub-No. 5, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Milwaukee, Wis.

No. MC 134755 (Sub-No. 59), filed October 23, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, from Wichita, Kans., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia; (2) *oil and grease*, in containers, (a) from

Beaumont and Port Arthur, Tex., to Little Rock and Bentonville, Ark. and points in Missouri; and (b) from Eminton, Pa. and Congo, W. Va., to Knoxville, Tenn. and points in Missouri.

NOTE.—The purpose of (1) above is to eliminate the Springfield, Mo. gateway. Applicant holds contract carrier authority in MC-138398 (Sub-No. 5), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 134755 (Sub-No. 60), filed October 20, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sisal twine*, from Philadelphia, Pa.; Fayette, Mo.; New Orleans, La., and Louisville, Ky., to points in Kansas, Missouri, Iowa, Indiana, Illinois, Ohio, Nebraska, Kentucky, Arkansas, Alabama, Michigan, Minnesota, Tennessee, Wisconsin, Oklahoma, Mississippi, Virginia, West Virginia, Colorado, North Carolina, South Dakota, North Dakota, Pennsylvania, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 134779 (Sub-No. 10), filed October 20, 1975. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a Corporation, 1800 South Jackson Street, Janesville, Wis. 53545. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, (A) from Norwood, Ohio, to points in Illinois and Wisconsin; and (B) from Willow Run, Mich., to points in Michigan, Illinois, Iowa, Wisconsin, and Minnesota, restricted to traffic moving through Janesville, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 134884 (Sub-No. 9), filed October 15, 1975. Applicant: FARWEST FURNITURE TRANSPORT, INC., 6840-112th Street SE., Renton, Wash. 98055. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New Furniture*; and (2) *new fixtures*, uncrated, between points in Montana, Wyoming, Utah, Nevada, California, Colorado, New Mexico, and Arizona.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Salt Lake City, Utah, or Seattle, Wash.

No. MC 135283 (Sub-No. 14), filed October 15, 1975. Applicant: **GRAND ISLAND MOVING AND STORAGE CO., INC.**, Box 1665, E. Highway 30, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from Alda, Nebr., to Boulder and Denver, Colo.; Wichita, Kans.; Grand Rapids, Mich.; Senatobia, Miss. and Birmingham, Ala.; (2) *plastic granules*, from Boulder and Denver, Colo.; Houston and Orange, Tex.; Ottawa, Chicago and Peru, Ill.; Hammond and Mt. Vernon, Ind.; Grand Rapids and Detroit, Mich.; Copley and Akron, Ohio; Delaware City, Del. and West Haven, Conn. to Alda, Nebr.; and (3) *equipment* used in the manufacture of plastic articles, between Alda, Nebr., on the one hand, and, on the other, points in Grand Rapids, Mich. and Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Grand Island, Nebr.

No. MC 136371 (Sub-No. 16), filed October 28, 1975. Applicant: **CONCORD TRUCKING CO., INC.**, 30 Pulaski St., Bayonne, N.J. 07002. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount department stores, between the facilities of Unishops, Inc., at Akron, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Unishops, Inc. of Jersey City, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 138274 (Sub-No. 23), filed October 21, 1975. Applicant: **SHIPPERS BEST EXPRESS, INC.**, 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration; (1) between Richmond and Clearfield, Utah, Springdale, Ark., and Omaha, Nebr. and (2) between Richmond and Clearfield, Utah, Springdale, Ark. and Omaha, Nebr., on the one hand, and, on the other, points in California, Illinois, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138398 (Sub-No. 16), filed October 20, 1975. Applicant: **CHARTER EXPRESS, INC.**, 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D.

Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Small kitchen appliances* and (2) *equipment, material, and supplies* (except in bulk) used in the sale, distribution and manufacture of the commodities in (1) above, between Jackson, Miss., on the one hand, and, on the other, points in Missouri, under contract with Rival Manufacturing Company.

NOTE.—Applicant holds common carrier authority in MC 134755 and Subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Jackson, Miss.

No. MC 138941 (Sub-No. 9), filed Oct. 22, 1975. Applicant: **COUNTRY WIDE TRUCK SERVICE, INC.**, 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Dandell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Washington, N.J., to points in Georgia, Oregon, Washington, and California, under contract with Mobil Chemical Company, Plastic Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139340 (Sub-No. 3), filed October 20, 1975. Applicant: **YELVINGTON TRANSPORT, INC.**, 800 Big Tree Road, P.O. Box 1686, Daytona Beach, Fla. 32015. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay pipe*, from Ocala, Fla., to points in Mississippi, Louisiana, Tennessee, South Carolina and North Carolina and (2) *materials and supplies* used in the manufacture of clay pipe, from points in Mississippi, Louisiana, Tennessee, South Carolina, and North Carolina, to Ocala, Fla., under contract with United States Concrete Pipe Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 139495 (Sub-No. 102), filed October 16, 1975. Applicant: **NATIONAL CARRIERS, INC.**, 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and except in bulk), from the plantsite and storage facilities utilized by Ragú Foods, Inc. at or near Merced, Calif., to points in Montana, Wyoming, Colorado, New Mexico, Texas, Arizona, Utah, Idaho, Washington, Oregon, and Nevada.

NOTE.—Applicant holds contract carrier authority in MC 131106 and Subs thereunder, therefore dual operations may be involved. The hearing will be held November 14, 1975,

for one day, at 9:30 a.m. Local Time, in Room 609, Federal Office Building, 911 Walnut Street, Kansas City, Mo.

No. MC 139495 (Sub-No. 103), filed October 23, 1975. Applicant: **NATIONAL CARRIERS, INC.**, 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Wilson, N.C., to points in Colorado, New Mexico, Arizona, Nevada, California, Florida, Washington, Oregon, Texas, Kansas, Oklahoma, and Missouri.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139658 (Sub-No. 5), filed October 16, 1975. Applicant: **HARRY POOLE, INC.**, 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Ste 212-5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone*, from points in Jones, Monroe and Muscogee Counties, Ga., to points in Florida on and north of Florida Highway 40; points in Alabama on and south of Interstate Highway 85, and points on and east of U.S. Highway 331, from Montgomery, to the Alabama-Florida State Line; (2) *plant mix asphalt, concrete and fill dirt*, from Muscogee County, Ga., to points in Alabama and Florida in (1) above; and (3) *sand, gravel, crushed stone and agricultural lime*, from points in Russell County, Ala., to points in Georgia, in and south of Troup, Merriwether, Pike, Lamar, Monroe, Bibb, Twiggs, Wilkinson, Johnson, Emanuel, Bulloch, Effingham and Chatham Counties.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140026 (Sub-No. 3), filed October 15, 1975. Applicant: **ELDEN LYNN, JR., AND VIRGIL NEWELL**, a partnership, doing business as, **LYNN & NEWELL TRANSPORTATION**, Route #1, Desoto, Kans. 66018. Applicant's representative: John L. Richeson, P.O. Box 7, Ottawa, Kans. 66067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete, components used in prestressed concrete, and equipment*, for the handling of prestressed concrete products, from the plantsite of Rocky Mountain Prestress, Inc., at or near Edwardsville, Kans., to points in Missouri, Colorado, Nebraska, Iowa, Illinois and Oklahoma, under contract with Rocky Mountain Prestress, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 140603 (Sub-No. 1), filed October 7, 1975. Applicant: **FRANKS, INC.**, Highway No. 1, North, Kalona, Iowa 52247. Applicant's representative: Lloyd A. Epley, 14 South Linn Street,

Iowa City, Iowa 52240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* as are dealt in by retail department stores, which require installation and/or set up service after delivery, from the facilities of Montgomery Ward & Co., Inc., at Muscatine, Iowa, to points in Henry, Mercer, and Rock Island Counties, Ill.; and (2) *returned shipments* of the commodities in (1) above, from the destinations named in (1) above, to the facilities of Montgomery Ward & Co., Inc., at Muscatine, Iowa, under a continuing contract or contracts with Montgomery Ward & Co., Inc., at Muscatine, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 140963 (Sub-No. 2), filed October 16, 1975. Applicant: TRIPLE "C" ORCHARDS, INC., P.O. Box 1614, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, Suite 2, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Zillah, Toppenish and Buena, Wash., to Sublimity, Ore.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima or Seattle, Wash., or Portland, Ore.

No. MC 140980 (Sub-No. 2), filed October 20, 1975. Applicant: JACK D. LOWE, doing business as TOPPENISH TOWING, 320 East 1st Street, Toppenish, Wash. 98948. Applicant's representative: Charles C. Flower, 303 East D Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Buena, Toppenish and Zillah, Wash., to Sublimity, Ore.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima or Seattle, Wash., or either Portland, Ore.

No. MC 141048 (Sub-No. 2), filed October 24, 1975. Applicant: SAMUEL A. PEARMAN, doing business as, INDUSTRIAL TRANSPORT, Martinsville, Va. 24112. Applicant's representative: Samuel A. Pearman, Route No. 6, Box 328, Martinsville, Va. 24112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper tube products*, between Martinsville, Va., and Wilmington, N.C., under a continuing contract or contracts with Yarn Carriers, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Martinsville, or Roanoke, Va.

No. MC 141135 (Sub-No. 1), filed October 20, 1975. Applicant: VARRA ENTERPRISES, INC., Route 2, Box 640, Broomfield, Colo. 80020. Applicant's representative: Thomas J. Bruke, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and fracturing sand*, in bulk, in dump trucks, between points in Arizona, Colorado, Kansas, Nebraska,

New Mexico, Texas, Utah, Oklahoma and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 141148 (Sub-No. 1), filed Oct. 6, 1975. Applicant: WILLIAM E. PHILLIPS, doing business as, PHILLIPS TRUCKING COMPANY, Box 511, Hebron, Md. 21830. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Sharptown, Md. and points within 2 miles thereof, to points in New Jersey and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 141380 (Sub-No. 2), filed October 14, 1975. Applicant: ANDRES VIERA AND ORPHA VIERA, doing business as, LA GRAN VIA EXPRESS, a Partnership, 6476 N.E. 2nd Avenue, Miami, Fla. 33138. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between points in Florida south of the northern boundaries of Brevard, Seminole, Lake, Polk, Hillsborough, and Pinellas Counties, Fla., restricted to the transportation of shipments having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 141384 (Sub-No. 1), filed October 14, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile kitchens, food and foodstuffs, cooking utensils and food preparation and serving equipment*, between Seattle, Wash. and points in Oregon, California, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico, under a continuing contract or contracts with OK's Company, a subsidiary of Keeners, Incorporated.

NOTE.—Applicant holds common carrier authority in MC-117589 (Subs 1 and 11) thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash. or Portland, Ore.

No. MC 141402, filed September 29, 1975. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 332, Indiana State Highway 32, Lapel, Ind. 46051. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building,

Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty glass bottles, jars, cartons, containers, covers and skids*, from Lapel, Ind., to points in Illinois, Kentucky, Michigan, Ohio and Iowa; (2) *equipment, materials and supplies* used in the manufacture of empty glass bottles, jars, cartons, containers and covers; and pallets, from points in the states named above to Lapel, Ind., restricted to transportation of commodities under a continuing contract or contracts with Brockway Glass Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 141424, filed October 8, 1975. Applicant: P-Y TRANSPORT, INC., 2767 Lewisberry Road, York, Pa. 17404. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and supplies, and building paper*, between York, Pa., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., New York, N.Y. and points in its commercial zone as defined by the Commission, and points in New Jersey on and north of New Jersey Highway 33.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141426, filed October 6, 1975. Applicant: WHEATON CARTAGE CO., a corporation, Millville, N.J. 08332. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, caps, stoppers, bails, bands, covers, lids and closures; glassware; glass, metal and plastic articles and products and parts and accessories therefor; polystyrene forms and shapes; corrugation; display material; candles and wax articles and products and containers; orifice reducers; salt and pepper shaker; foodstuffs and containers therefor; printers machines, machinery, impellers and parts and accessories therefor; anti-pollution apparatus; components for glass workers; Bio-medical apparatus; organic chemistry kits; products for radiological research; and materials, equipment and supplies used or useful in the manufacture, production, sale, shipping, packing, distribution, assembling; and transportation of the above-named commodities, including parts and accessories for said commodities, between the plantsites of and facilities utilized by Wheaton Industries located in Cumberland, Ocean, and Atlantic Counties, N.J., on the one hand, and, on the other, points in New York, New Jersey, Ohio, Michigan, Indiana, Kentucky, West Virginia, Illinois, Wisconsin, Missouri, Minnesota, Kansas, Iowa, Nebraska, North Dakota, South Dakota, and Wyoming, restricted against the transportation of commodities in bulk, in tank vehicles, and further re-*

stricted to the transportation of traffic moving under a continuing contract or contracts with Wheaton Industries of Millville, N.J.

NOTE.—Applicant states that it is a wholly owned subsidiary of Wheaton Industries and thus applicant and shipper are commonly controlled and that the purpose of this application is to substitute the commonly controlled contract carrier services of applicant for the private carrier activities of the shipper, Wheaton Industries. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141434, filed October 8, 1975. Applicant: RICHARD F. BRIGGS AND ELTON R. LONGSTREET, a partnership, doing business as, B-LONG TRANSPORTATION, R. D. #1, Bear Lake, Pa. 16402. Applicant's representative: James R. Stivers, 1896 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Steel shelving, pallet racks, and parts and accessories* utilized in the erection of steel shelving and pallet racks, from North East, Pa., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana and (2) *materials and supplies* utilized in the manufacture of steel shelving and pallet racks (except commodities in bulk), on return, from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to North East, Pa., under contract with Bernard-Gloekler North East Co., Inc., Ridg-U-rak, Inc., and Dixie Fabricating Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Columbus, Ohio or Washington, D.C.

No. MC 141435, filed October 15, 1975. Applicant: DAYTON DELIVERY, INC., 8044 Dayton-Springfield Pike, Fairborn, Ohio 54324. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Refined sugar* in packages, from Cincinnati, Ohio, to points in Ohio, Indiana, Kentucky, and West Virginia, under contract with Colonial Sugars Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 141436, filed Oct. 16, 1975. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, Iowa 51031. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from LeMars, Iowa, to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Wisconsin, Indiana, Ohio, Michigan, Colorado, Wyoming, Idaho, Montana, Utah and Kentucky; and (2) *commodities named in (1) above, and materials, supplies and equipment*, utilized in the manufacturer, production distribution of the commodities named

in (1) above, from points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Wisconsin, Indiana, Ohio, Michigan, Colorado, Wyoming, Idaho, Montana, Utah and Kentucky, under contract with Harker's Wholesale Meat, Inc., restricted (1) against the transportation of commodities in bulk, in tank vehicles; (2) to traffic originating at the named origins and destined to the named destinations; and (3) to a transportation service to be performed under a continuing contract or contracts, with Harker's Wholesale Meat, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 141438, filed Oct. 8, 1975. Applicant: TIMPTE DELIVERY, INC., 5990 North Washington, Denver, Colo. 80216. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Trailers, and truck and trailer bodies*, from the plantsites and facilities of Timppte, Inc., and Timppte-Beall, Inc., located in Denver and Adams Counties, Colo., to points in the United States (except Alaska and Hawaii); (2) *machinery, equipment materials, trailer and truck and trailer body components, or supplies*, used in or in connection with the manufacture, servicing, maintenance or repair of trailers, truck and trailer bodies, or components or parts thereof, from points in the United States (except Alaska and Hawaii), to the plantsites and facilities of Timppte, Inc., and Timppte-Beall, Inc., located in Denver and Adams Counties, Colo.; (3) *trailer and truck and trailer body components, equipment, parts, materials or supplies*, from the plantsites and facilities of Timppte, Inc., and Timppte-Beall, Inc., located in Denver and Adams Counties, Colo., to points in the United States (except Alaska and Hawaii); (4) *trailers, and truck and trailer bodies*, between points in the United States; and (5) *show displays, equipment, materials and supplies*, between the plantsites and facilities of Timppte, Inc., and Timppte-Beall, Inc., located in Denver and Adams Counties, Colo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Timppte, Inc., and Timppte-Beall, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 141451, filed October 23, 1975. Applicant: C & C TRUCKING, INC., P.O. Box 1051, Tulsa, Okla. 74101. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such products and merchandise, as are dealt in by wholesale, retail chain grocery and food busi-*

ness houses (except commodities in bulk), from points in Arkansas, Illinois, Kansas, Missouri, Nebraska and Texas, to Tulsa, Okla., under a continuing contract or contracts with Warehouse Market, Inc., at Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

PASSENGER APPLICATIONS

No. MC 59238 (Sub-No. 69), filed October 21, 1975. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 1200 Eye St. NW., Washington, D.C. 20004. Applicant's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction Interstate Highway 95 and Virginia Highway 30 and junction Virginia Highways 30 and 2, serving all intermediate points: From junction Interstate Highway 95 and Virginia Highway 30 over Virginia Highway 30 to junction Virginia Highways 30 and 2, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138942 (Sub-No. 2), filed October 20, 1975. Applicant: JOHN H. WOLFF, doing business as, AURORA EDUCATIONAL TOURS, 731 North Highland, Aurora, Ill. 60506. Applicant's representative: Patrick H. Smyth, 382 Hillside Drive, Roselle, Ill. 60172. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations, from points in DeKalb County, Ill., to points in the United States (except Hawaii), and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at DeKalb or Chicago, Ill.

No. MC 141437, filed October 14, 1975. Applicant: JUAN V. SANDOVAL AND JOSE A. SANDOVAL, doing business as, RAPIDOS EXPRESS SERVICE, P.O. Box 4731, El Paso, Tex. 79918. Applicant's representative: Juan V. Sandoval, 10337 Newport St., El Paso, Tex. 79924. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in new, fully equipped window vans (maxiwagons), total capacity 15, including driver, between El Paso, Tex. and Los Angeles, Calif.: From El Paso, Tex. over Interstate Highway 10 to Los Angeles, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-30509 Filed 11-12-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-75-383]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Housing Management

The Department of Housing and Urban Development is amending §§ 236.72 and 425.22 of Title 24 of the Code of Federal Regulations in order to implement an amendment to Section 236 of the National Housing Act contained in Section 212(5) of the Housing and Community Development Act of 1974 respecting the establishment of admission income limits. These amendments are being published concurrently with publication of this redelegation (see Rules and Regulations section of this issue). The amendments to Sections 236 and 425 are the same, and permit the establishment of income limits for assisted admission to Section 236 projects on the basis of individual projects as well as on an area wide basis. Since the authority to establish income limits is presently excepted from the Redelegation of Authority With Respect to Housing Management from the Assistant Secretary for Housing Management to Regional Administrators and subordinate field officials, the redelegation is being amended to permit those officials to take necessary income establishing actions.

Accordingly, Sections A, C, and D of the Redelegations of Authority With Respect to Housing Management published at 35 FR 16105 on October 14, 1970, are hereby amended and new sections N and O are added.

1. Section A, Subsection 1, Paragraph a is amended to read as follows:

a. Establish income limits: *Provided*, That each Regional Administrator, Deputy Regional Administrator, Area Director and Deputy Area Director, for projects receiving interest reduction payments under Section 236 of the National Housing Act, is authorized to establish project-by-project income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high for low family incomes, or other factors.

2. Section C, Subsection 1, Paragraph a is amended to read as follows:

a. Establish income limits: *Provided*, That each Insuring Office Director and Insuring Office Deputy Director, for projects receiving interest reduction payments under Section 236 of the National Housing Act, is authorized to establish project-by-project income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

3. Section D is amended by adding a new paragraph 3 as follows:

3. For projects receiving interest reduction payments under Section 236 of

the National Housing Act, to exercise the power and authority of the Secretary redelegated under Section A to establish project-by-project income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

4. A new section N is added to read:

Sec. N. *Additional authority redelegated to Directors of Housing Management, Insuring Offices.* Each Director, Housing Management Division, Insuring Office, for projects receiving interest reduction payments under Section 236 of the National Housing Act, is authorized to establish project-by-project income ceilings higher or lower than 80 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes or other factors.

5. The present section N is redesignated section O and is amended to read:

Sec. O. *Exercise of delegated authority.* Redelegations of authority made under sections A through N shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrators, Area Director, or Insuring Office Director, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority published at 36 FR 5005, March 16, 1971)

Effective date. These amendments are effective November 13, 1975.

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

[FR Doc. 75-30583 Filed 11-12-75; 8:45 am]

Federal Insurance Administration

[Docket No. N-75-376]

NATIONAL FLOOD INSURANCE PROGRAM Notice of Flood-Prone Areas of Communities; Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (PL 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and up-dates the list published in the Federal Register at 40 FR. 47818-47825.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 USC §§ 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to December 1, 1974, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., S.W., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR § 1914.4 List of eligible communities. At that time the sanctions of Section 202 will no longer apply to the communities listed below.

Community name	County name	Identification date
Alabama:		
Lowndes	Lowndes	Nov. 29, 1974
Randolph	Randolph	Sept. 13, 1974
Shelby	Shelby	Nov. 29, 1974
Tulapocosa	Tulapocosa	Nov. 8, 1974
Autaugaville, town of	Autauga	June 7, 1974
Avon, town of	Houston	Sept. 20, 1974
Belk, town of	Fayette	Sept. 13, 1974
Brantley, town of	Crenshaw	June 28, 1974
Cardiff, town of	Jefferson	Sept. 20, 1974
Cottonwood, town of	Houston	May 17, 1974
Cowarts, town of	do	Aug. 16, 1974
Dozier, town of	Crenshaw	Sept. 20, 1974
Elberta, town of	Baldwin	Nov. 15, 1974
Five Points, town of	Chambers	Do
Gadsden, city of	Etowa	Mar. 8, 1974
Gant, town of	Covington	June 7, 1974
Glenwood, town of	Crenshaw	Sept. 20, 1974
Gordon, town of	Houston	Oct. 28, 1974
Providence, town of	Marengo	Dec. 17, 1973
River Falls, town of	Covington	Sept. 20, 1974
Silver Hill, town of	Baldwin	June 28, 1974
Taylor, town of	Houston	Sept. 13, 1974
Total 22		
Alaska:		
Hoonah, city of	Lynn	June 7, 1974
	Canal-Icy Straits	
Hooper Bay, city of	Wade Hampton	June 28, 1974
Total 2		

Community name	County name	Identification date
Arizona:		
Gila County		Nov. 1, 1974
Mammoth, town of	Pinal	Dec. 7, 1973
Surprise, town of	Maricopa	June 28, 1974
Total 3.		
Arkansas:		
Alpena, town of	Boone	Aug. 30, 1974
Carthage, city of	Dallas	Mar. 8, 1974
Everton, town of	Boone	Aug. 30, 1974
Foreman, city of	Little River	Mar. 1, 1974
Garnett, town of	White	Aug. 30, 1974
Greenland, town of	Washington	June 28, 1974
Greenway, town of	Clay	Aug. 30, 1974
Havana, city of	Yell	Aug. 30, 1974
Hilltop, town of	Lawrence	May 3, 1974
Imboden, town of	White	Oct. 12, 1973
Kennett, city of	Sebastian	Aug. 16, 1974
Midland, town of	Desha	Nov. 8, 1974
Mitchellville, town of	Isard	Nov. 22, 1974
Mount Pleasant, town of	Crawford	May 3, 1974
Mountainburg, town of	Ashley	Mar. 29, 1974
Parkdale, city of	Cleveland	Mar. 8, 1974
Rison, city of	Columbia	Apr. 5, 1974
Waldo, city of	Drew	Aug. 30, 1974
Winchester, town of		
Total 19.		
California:		
Butte County	Imperial	Sept. 6, 1974
Calipatria, city of	Imperial	Apr. 12, 1974
Carmel By-The-Sea, city of	Monterey	June 14, 1974
Cochella, city of	Riverside	May 17, 1974
Colton, city of	San Diego	Oct. 25, 1974
Commerce, city of	Los Angeles	June 28, 1974
Contra Costa County		Nov. 1, 1974
El Dorado County		Aug. 2, 1974
Exeter, city of	Tulare	Mar. 8, 1974
Grass Valley, city of	Nevada	May 17, 1974
Hughson, city of	Stanislaus	May 24, 1974
Huron, city of	Fresno	May 17, 1974
Indio, city of	Riverside	May 31, 1974
Maricopa, city of	Kern	June 14, 1974
Point Arena, city of	Mendocino	Oct. 18, 1974
Selma, city of	Fresno	May 24, 1974
Sonoma, city of	Tuolumne	May 31, 1974
Total 17.		
Colorado:		
Bennett, town of	Adams	Nov. 22, 1974
Boone, town of	Pueblo	Sept. 6, 1974
Crook, town of	La Plata	Oct. 29, 1974
Deer Trail, town of	Arapahoe	Oct. 29, 1974
Dinosaur, town of	Monte Vista	Aug. 30, 1974
Dove Creek, town of	Dolores	May 24, 1974
Elizabeth, town of	Elbert	Sept. 6, 1974
Fleming, town of	Loran	Nov. 8, 1974
Fraser, town of	Grand	Sept. 6, 1974
Grand Junction, city of	Mesa	Feb. 1, 1974
Hot Sulphur Springs, town of	Grand	Nov. 22, 1974
Hoteliers, town of	Delta	June 28, 1974
Ignacio, town of	La Plata	Mar. 22, 1974
Kiowa, town of	Elbert	Sept. 6, 1974
Leadville, city of	Lake	May 17, 1974
Newwood, town of	San Miguel	Nov. 22, 1974
Norcia, town of	Montrose	May 24, 1974
Otis, town of	Washington	Do.
Ovid, town of	Sedgewick	Nov. 13, 1974
Ramah, town of	El Paso	Sept. 13, 1974
Ridgway, town of	Ouray	Nov. 8, 1974
Rifle, city of	Garfield	June 15, 1973
Stirling, town of	Elbert	Sept. 13, 1974
Starkville, town of	Las Animas	Sept. 6, 1974
Yampa, town of	Routt	May 24, 1974
Total 25.		
Connecticut:		
Ashford, town of	Windham	Sept. 8, 1974
Colebrook, town of	Litchfield	Nov. 29, 1974
Danielson, borough of	Windham	Jan. 24, 1974
Total 3.		
Delaware:		
Kenton, town of	Kent	Sept. 13, 1974
Leipsic, town of	do	Aug. 8, 1974
Millville, town of	Sussex	Oct. 18, 1974
Total 3.		
Florida:		
Belle Glade, city of	Palm Beach	July 19, 1974
Big Alligator Lake, town of	Columbia	Sept. 6, 1974
Briny Breezes, town of	Palm Beach	Jan. 23, 1974
Brook, town of	Bradford	Aug. 30, 1974
Callahan, city of	Nassau	July 19, 1974
Campbellton, city of	Jackson	Sept. 6, 1974
Grand Ridge, town of	do	Aug. 2, 1974
Haverhill, town of	Palm Beach	June 28, 1974
North Davenport, city of	Polk	Do.
Ocean Breeze, town of	Martin	Aug. 2, 1974
Parkland, town of	Broward	Aug. 22, 1974
Ponce De Leon, city of	Holmes	Nov. 22, 1974
Snedee, town of	Jackson	Aug. 2, 1974
West Dundee, city of	Polk	Do.
Westville, town of	Holmes	Sept. 6, 1974
Wewahatcha, town of	Gulf	Aug. 9, 1974
White Springs, town of	Hamilton	Jan. 16, 1974
Total 17.		

Community name	County name	Identification date
Georgia:		
Adairsville, town of	Newton	Apr. 12, 1974
Argyle, town of	Bartow	June 14, 1974
Baldwin, town of	Clinch	Aug. 30, 1974
Clarksburg, city of	Habersham	June 21, 1974
Crawford, city of	Oglethorpe	June 7, 1974
Dahlonega, city of	Lumpkin	June 28, 1974
Duluth, city of	Gwinnett	May 24, 1974
Girdard, town of	Burke	Sept. 6, 1974
Hampton, city of	Henry	Sept. 28, 1974
Helen, city of	Paulding	Oct. 18, 1974
Hiram, city of	Jackson	June 28, 1974
Jefferson, city of	Clayton	May 24, 1974
Jonesboro, city of	Long	June 14, 1974
Ludowici, city of	Clayton	May 10, 1977
Mountain View, city of	Scriven	Sept. 6, 1974
Newington, town of	do	Do.
Rocky Ford, town of	Telfair	Aug. 30, 1974
Scotland, city of	Wheeler	
Stone Mountain, city of	De Kalb	May 12, 1974
Vernonburg, town of	Chatham	July 27, 1973
Young Harris, town of	Town	June 14, 1974
Total 22.		
Idaho:		
Challis, city of	Custer	June 28, 1974
Chico, city of	Benewah	Sept. 13, 1974
Council, city of	Adams	May 3, 1974
Declo, city of	Cassia	Sept. 6, 1974
Ferdinand, city of	Idaho	Do.
Fernan Lake, city of	Kootenai	Do.
Garden City, city of	Ada	Dec. 17, 1973
Harrison, city of	Kootenai	Mar. 22, 1974
Hayden Lake, city of	do	Sept. 6, 1974
Kendrick, city of	Latah	Oct. 18, 1974
Oakley, city of	Cassia	Do.
Parma, city of	Canyon	May 17, 1974
Shoshone, city of	Lincoln	June 28, 1974
Victor, city of	Teton	Sept. 6, 1974
White Bird, city of	Idaho	Sept. 13, 1974
Worley, city of	Kootenai	Sept. 6, 1974
Total 14.		
Illinois:		
Altamont, city of	Effingham	Mar. 22, 1974
Anna, city of	Union	Mar. 22, 1974
Atwood, village of	Platt	Nov. 23, 1973
Avon, village of	Fulton	Oct. 18, 1974
Banner, village of	do	Dec. 28, 1973
Bardolph, village of	McDonough	Sept. 13, 1974
Bath, village of	Mason	Dec. 17, 1973
Bluffs, village of	Scott	June 7, 1974
Bowen, village of	Hancock	Nov. 15, 1974
Breese, city of	Clinton	June 7, 1974
Brookport, city of	Massac	Do.
Brown, village of	Edwards	Nov. 15, 1974
Russell, village of	Calhoun	Nov. 22, 1974
Rush, village of	Williamson	Nov. 22, 1974
Bushnell, city of	McDonough	June 7, 1974
Carmar, village of	Douglas	Apr. 5, 1974
Carrollton, city of	Green	June 7, 1974
Casey, city of	Clark	Nov. 13, 1974
Cleveland, village of	Henry	May 24, 1974
Clinton, city of	Tazewell	Mar. 1, 1974
Creve Coeur, village of	Livingston	Feb. 22, 1974
Cullom, village of	Iroquois	Sept. 13, 1974
Danforth, village of	Jackson	Apr. 5, 1974
De Soto, village of	Tazewell	June 28, 1974
Deer Creek, village of	Platt	Aug. 23, 1974
Deland, village of	Union	Mar. 8, 1974
Dogana, village of	Macoupin	July 19, 1974
East Gillespie, village of	Madison	Apr. 5, 1974
Edwards, village of	Greene	Dec. 17, 1973
Ellisville, village of	Fulton	Mar. 22, 1974
Fayetteville, village of	St. Clair	Feb. 22, 1974
Florence, village of	Pike	Dec. 17, 1973
Freeburg, village of	St. Clair	Mar. 22, 1974
Galva, city of	Henry	June 14, 1974
Germantown, village of	Clinton	Mar. 29, 1974
Gibson City, city of	Food	Do.
Gilbert, village of	Kane	Sept. 6, 1974
Golden, village of	Adams	June 7, 1974
Greenfield, city of	Green	Feb. 22, 1974
Hammond, village of	Platt	June 14, 1974
Hampshire, village of	Kane	May 3, 1974
Havana, city of	Mason	Apr. 5, 1974
Heyworth, village of	McLean	June 14, 1974
Hinckley, village of	De Kalb	Mar. 1, 1974
Ima, village of	Jefferson	Aug. 16, 1974
Indian Creek, village of	Lake	Aug. 23, 1974
Jerryville, city of	Jersey	June 7, 1974
Joppa, village of	Massac	Nov. 23, 1973
Lacon, city of	Marshall	Nov. 30, 1973
Lafayette, village of	Stark	Nov. 13, 1974
Lake Bluff, village of	Lake	Oct. 25, 1974
Larose, village of	Marshall	Nov. 23, 1973
Leaf River, village of	Ogle	June 28, 1974
Lexington, city of	McLean	June 21, 1974
Lisbon, village of	Cook	Nov. 1, 1974
Livingston, village of	Kendall	Nov. 1, 1974
London Mills, village of	Madison	Mar. 22, 1974
Makanda, village of	Lake	Oct. 18, 1974
	Jackson	Aug. 23, 1974

Community name	County name	Identification date
Indiana:		
Malta, village of	De Kalb	June 7, 1974
Mapon, village of	Knox	Nov. 5, 1974
Marquette Heights, city of	Tazewell	Mar. 8, 1974
Martinsville, city of	Clark	Jan. 23, 1973
Mason City, city of	Mason	Nov. 15, 1974
Maurie, village of	White	Jan. 9, 1974
McNabb, village of	Putnam	Sept. 13, 1974
Metawa, village of	Lake	Oct. 18, 1974
Mill Shoals, village of	White	July 19, 1974
Montrose, village of	Effingham	Aug. 23, 1974
Mount Sterling, city of	Brown	Sept. 20, 1974
Nason, city of	Jefferson	Aug. 16, 1974
Nebo, village of	Pike	Dec. 28, 1973
New Baden, village of	Clinton	May 24, 1974
New Canton, town of	Pike	Aug. 16, 1974
Newman, village of	Douglas	Nov. 29, 1974
Newton, city of	Jasper	Dec. 17, 1973
Niantic, village of	Macon	Mar. 1, 1974
Nokomis, city of	Montgomery	Mar. 29, 1974
Onida, city of	Knox	June 7, 1974
Orangeville, village of	Stephenson	Aug. 16, 1974
Palestine, town of	Crawford	Nov. 23, 1973
Park City, village of	Lake	Mar. 1, 1974
Paxton, city of	Ford	Nov. 22, 1974
Pearl, village of	Pike	Dec. 28, 1973
Pecanunia, village of	Winnebago	Apr. 5, 1974
Pittsfield, city of	Pike	June 7, 1974
Pleasant Plains, village of	Sangamon	Mar. 22, 1974
Pontoon, village of	Hancock	Jan. 16, 1974
Ridott, village of	Stephenson	Dec. 17, 1973
Riverton, village of	Sangamon	Nov. 16, 1973
Sheridan, village of	La Salle	Apr. 12, 1974
Silvis, city of	Rock Island	May 31, 1974
Smithton, village of	St. Clair	Mar. 29, 1974
South Jacksonville, city of	do	Do.
Spartan, village of	Marshall	Nov. 23, 1973
Springfield, city of	Sangamon	June 7, 1974
St. Francisville, village of	Lawrence	Mar. 29, 1974
Stonfort, village of	Saline	Aug. 30, 1974
Summerfield, village of	St. Clair	May 4, 1974
Sumner, city of	Lawrence	Mar. 1, 1974
Tallula, village of	Monard	Mar. 29, 1974
Tamm, village of	Alexander	May 10, 1974
Thayer, village of	Sangamon	Mar. 22, 1974
Third Lake, village of	Lake	Sept. 6, 1974
Timewell, village of	Brown	Sept. 20, 1974
Valley City, village of	Pike	Dec. 17, 1973
Vermont, village of	Fulton	Nov. 28, 1974
Waltonville, village of	Jefferson	Aug. 23, 1974
Wanna, city of	Clinton	June 28, 1974
White Hall, city of	Greene	Apr. 5, 1974
Yates City, village of	Knox	June 14, 1974
Total 77.		
Indiana:		
Boone		Nov. 23, 1974
Fulton		Nov. 23, 1974
Boone		Sept. 20, 1974
Noble		June 7, 1974
Alton, town of	Crawford	Jan. 23, 1974
Amboy, town of	Miami	Nov. 23, 1974
Andrews, town of	Huntington	June 7, 1974
Arcadia, town of	Hamilton	Feb. 1, 1974
Austin, city of	Scott	Nov. 23, 1973
Bargersville, town of	Johnson	Nov. 1, 1974
Battle Ground, city of	Tippecanoe	May 24, 1974
Bloomfield, town of	Greene	Nov. 23, 1973
Boonville, city of	Warick	Dec. 28, 1973
Brooklyn, town of	Morgan	Dec. 7, 1973
Brownburg, town of	Hendricks	Nov. 23, 1973
Brownstown, town of	do	Do.
Burlington, town of	Carroll	Do.
Camden, town of	do	Do.
Cayuga, town of	Vermillion	May 31, 1974
Chandler, town of	Warick	Jan. 8, 1974
Converse, town of	Miami	May 17, 1974
Dupont, town of	Jefferson	Nov. 29, 1974
Easton, town of	Delaware	Nov. 23, 1973
Edwardsport, town of	Knox	Do.
English, town of	Crawford	Apr. 12, 1974
Fairview Park, town of	Vermillion	Sept. 20, 1974
Fountain City, city of	Way	May 10, 1974
French Lick, town of	Orange	Feb. 1, 1974
Gosport, town of	Owen	Nov. 23, 1973
Hamlet, town of	Stauben	Sept. 6, 1974
Hanlet, city of	Stark	June 21, 1974
Hartford, city of	Blackford	Nov. 23, 1973
Hazleton, town of	Gibson	Do.
Hillsboro, town of	Fountain	Feb. 1, 1974
Hudson, town of	Stauben	July 19, 1974
Indian Village, town of	St. Joseph	Oct. 18, 1974
Judson, town of	Parke	Dec. 17, 1973
Kentland, town of	Newton	May 24, 1974
Knightsdown, town of	Henry	Nov. 30, 1973
Ladoga, town of	Montgomery	May 24, 1974
Leavenworth, town of	Crawford	Nov. 30, 1973
Lewisville, town of	Henry	Sept. 20, 1974
Livonia, town of	Washington	Oct. 18, 1974
Marengo, town of	Crawford	Feb. 1, 1974
Maecia, town of	Parke	Jan. 23, 1974
Medora, town of	Jackson	Nov. 23, 1973
Milltown, town of	Crawford	Nov. 30, 1973
Montpelier, town of	and Harrison	Dec. 7, 1973

Community name	County name	Identification date
Morgantown, town of	Morgan	Sept. 30, 1974
New Palestine, town of	Hancock	Nov. 30, 1973
New Ross, town of	Montgomery	Oct. 18, 1974
Newberry, town of	Greene	Feb. 1, 1974
Newport, town of	Vermillion	May 31, 1974
Oakland City, city of	Gibson	May 10, 1974
Ogden Dunes, town of	Porter	May 31, 1974
Orland, town of	Steuken	Do.
Orleans, town of	Orange	Do.
Oscola, town of	St. Joseph	Dec. 17, 1973
Paoli, town of	Orange	Nov. 23, 1973
Paragon, town of	Morgan	Feb. 1, 1974
Pelham, town of	Gibson	Nov. 23, 1973
Perrysville, town of	Vermillion	Do.
Plainfield, town of	Hendricks	Feb. 1, 1974
Remington, town of	Jasper	May 31, 1974
Riley, town of	Vigo	Feb. 1, 1974
Rossmore, town of	Huntington	Dec. 28, 1973
Rochester, city of	Fulton	Feb. 15, 1974
Rosedale, town of	Parke	Nov. 30, 1973
Russellville, town of	Pittsburg	Sept. 30, 1974
Schneider, town of	Lake	Dec. 17, 1973
Seelyville, town of	Vigo	Nov. 29, 1974
Spencerville, town of	De Kalb	Feb. 15, 1974
Spring Lake Park, town of	Hancock	Feb. 1, 1974
Springport, town of	Henry	Do.
Stinesville, town of	Monroe	Do.
Sulphur Springs, town of	Henry	Do.
Tennison, town of	Warick	Do.
Troy, town of	Perry	May 31, 1974
Universal, town of	Vermillion	Feb. 1, 1974
Waynetown, town of	Montgomery	May 31, 1974
West Baden Springs, town of	Orange	Dec. 28, 1973
West Terre Haute, town of	Vigo	Nov. 22, 1974
Williamsport, town of	Warren	Dec. 17, 1973
Winslow, town of	Pike	Do.
Total 84.		
Iowa:		
Alden, town of	Hardin	June 21, 1974
Arion, town of	Woodbury	Jan. 23, 1974
Balmont, city of	Crawford	Sept. 8, 1974
Barnesville, city of	Wright	May 9, 1974
Buck Grove, town of	Van Buren	Nov. 29, 1974
Callender, town of	Webster	Nov. 8, 1974
Cascade, city of	Dubuque	Feb. 17, 1973
Chillicothe, town of	Wapello	Nov. 8, 1974
Columbus Junction, city of	Louisia	Jan. 9, 1974
Dakota City, town of	Humboldt	Nov. 8, 1974
Deloit, town of	Crawford	Aug. 30, 1974
Dow City, town of	do.	May 31, 1974
Dows, town of	Franklin	June 21, 1974
Eldon, town of	Wapello	Dec. 17, 1973
Frederika, town of	Bremer	Nov. 22, 1974
Gowrie, town of	Webster	June 28, 1974
Granger, town of	Dallas	Mar. 22, 1974
Green Island, town of	Jackson	Oct. 25, 1974
Hancock, town of	Pottawatomie	Aug. 30, 1974
Hinton, town of	Plymouth	Sept. 6, 1974
Indianola, city of	Warren	June 7, 1974
Janesville, town of	Black Hawk and Bremer	Dec. 28, 1973
Kellogg, town of	Jasper	June 21, 1974
Kliron, city of	Crawford	Nov. 8, 1974
Landing, town of	Allamakee	Dec. 31, 1971
Linn Grove, town of	Buena Vista	Aug. 16, 1974
Littleport, town of	Clayton	Aug. 23, 1974
Lucas, town of	Lucas	Nov. 28, 1974
Maquoketa, city of	Jackson	June 28, 1974
Medale, town of	Harrison	Oct. 18, 1974
Mystic, city of	Appanoose	Nov. 1, 1974
New Albin, town of	Allamakee	May 17, 1974
North Buenavista, town of	Clayton	Oct. 18, 1974
Olin, town of	Jones	Aug. 30, 1974
Oto, town of	Woodbury	Sept. 13, 1974
Oxford, town of	Johnson	May 10, 1974
Plymouth, town of	Cerro Gordo	Nov. 8, 1974
Reasnor, town of	Jasper	Nov. 1, 1974
Ricketts, town of	Crawford	Nov. 22, 1974
Salix, town of	Woodbury	Oct. 18, 1974
Sheldahl, town of	Franklin	June 28, 1974
Shenandoah, city of	Keokuk	Mar. 15, 1974
Silver City, town of	Mills	Nov. 8, 1974
Stanwood, town of	Cedar	Aug. 9, 1974
Tiffin, town of	Johnson	Nov. 22, 1974
Wapello, city of	Louisia	Jan. 16, 1974
West Branch, city of	Cedar	Mar. 1, 1974
What Cheer, city of	Keokuk	Jan. 9, 1974
Wheatland, town of	Clinton	June 28, 1974
Zearing, town of	Story	July 19, 1974
Total 81.		
Kansas:		
Aburn, city of	Shawnee	Oct. 25, 1974
Belleville, city of	Republic	Feb. 15, 1974
Belvue, city of	Pottawatomie	Nov. 29, 1974
Burr Oak, city of	Jewell	Do.

Community name	County name	Identification date
Burton, city of	Harvey	Mar. 15, 1974
Caney, city of	Montgomery	Feb. 15, 1974
Della, city of	Jackson	Aug. 30, 1974
Edgerton, city of	Johnson	Mar. 8, 1974
Elkhart, city of	Morton	May 24, 1974
Eureka, city of	Greenwood	Apr. 12, 1974
Fairview, city of	Brown	Nov. 8, 1974
Frankfort, city of	Marshall	Jan. 23, 1974
Goessel, city of	Marion	Nov. 22, 1974
Goff, city of	Nemaha	Nov. 8, 1974
Grandview Plaza, city of	Geary	Feb. 1, 1974
Greeley, city of	Anderson	Nov. 22, 1974
Gridley, city of	Coffey	Do.
Harveyville, city of	Wabasha	Nov. 8, 1974
Herndon, city of	Rawlins	Nov. 22, 1974
Holton, city of	Jackson	Feb. 22, 1974
Kincaid, city of	Anderson	Nov. 22, 1974
Kismet, city of	Seward	Do.
La Cymre, city of	Linn	Mar. 15, 1974
Lansing, city of	Leavenworth	Aug. 23, 1974
Leroy, city of	Coffey	Dec. 28, 1973
Logan, city of	Phillips	July 19, 1984
Louisburg, city of	Miami	Mar. 1, 1974
Mayetta, city of	Jackson	Nov. 8, 1974
McCracken, city of	Rush	Nov. 22, 1974
Minneapolis, city of	Clark	June 21, 1974
Morrill, city of	Brown	Nov. 22, 1974
Mound City, city of	Linn	Mar. 1, 1974
Muscatine, city of	Atchison	Nov. 22, 1974
Metawaka, city of	Jackson	Do.
New Straum, city of	Coffey	Do.
Nortonville, city of	Jefferson	Mar. 1, 1974
Osage City, city of	Osage	Do.
Oskaloosa, city of	Jefferson	May 24, 1974
Otis, city of	Rush	Nov. 22, 1974
Pawnee Rock, city of	Barton	Jan. 10, 1974
Pomona, city of	Franklin	Feb. 8, 1974
Riley, city of	Rush	Feb. 15, 1974
Rush Center, city of	Rush	Nov. 22, 1974
Russell, city of	Russell	Feb. 8, 1974
Soldier, city of	Jackson	Nov. 22, 1974
Westmoreland, city of	Pottawatomie	Mar. 8, 1974
Whiting, city of	Jackson	Nov. 29, 1974
Total 47.		
Kentucky:		
Allen, town of	Carlisle	Oct. 18, 1974
Arlington, town of	Garrard	Do.
Bardwell, town of	Hardin	Do.
Berry, town of	Henry	Do.
Bonneville, city of	Hopkins	Do.
Bradfordville, city of	Owen	Do.
Brookhead, city of	Powell	Nov. 29, 1974
Calhoun, town of	Shelby	Oct. 18, 1974
Campbellville, city of	Taylor	Do.
Clay City, city of	Floyd	Jan. 23, 1974
Clay, city of	Carlisle	May 17, 1974
Clinton, town of	do.	Do.
Corbin, city of	Harrison	Aug. 16, 1974
Crab Orchard, town of	Owsley	Feb. 1, 1974
Dover, town of	Marion	May 10, 1974
Falmouth, city of	Rockcastle	May 17, 1974
Florence, town of	Castle	Do.
Fort Thomas, city of	McLean	Feb. 1, 1974
Foster, city of	Taylor	May 24, 1974
Ghent, town of	Powell	Feb. 1, 1974
Glencoe, city of	Webster	Do.
Greenup, town of	Hickman	May 17, 1974
Hardin, city of	Whitley	June 14, 1974
Hardin, town of	Lincoln	Do.
Harrodsburg, city of	Mason	Aug. 2, 1974
Hazel, town of	Pendleton	May 24, 1974
Hickman, city of	Boone	Feb. 1, 1974
Hyden, city of	Fort Thomas	Jan. 23, 1974
Jenkins, city of	Foster	Aug. 1, 1974
Lebanon Junction, city of	Ghent	Jan. 16, 1974
Leitchfield, town of	Glencoe	Feb. 1, 1974
Morgan 65309	Greenup	Jan. 23, 1974
Martin, town of	Marshall	June 14, 1974
McHenry, town of	do.	May 10, 1974
Millersburg, city of	Mercer	Aug. 9, 1974
Morgantown, town of	Calloway	June 28, 1974
Neon, town of	Leslie	May 24, 1974
Petersburg, town of	Letcher	June 7, 1974
Prestonville, town of	Bullitt	Mar. 17, 1974
Raceland, town of	Grayson	May 10, 1974
Rochester, town of	Floyd	May 24, 1974
Rockport, town of	Ohio	Oct. 23, 1974
Sanders, town of	Bourbon	May 10, 1974
Shepherdsville, city of	Butler	Feb. 1, 1974
Slaughters, city of	Letcher	Jan. 24, 1974
Smithland, town of	Boone	Jan. 23, 1974
Sparta, city of	Carroll	Aug. 16, 1974
Uniontown, town of	Greenup	Feb. 8, 1974
Vico, city of	Butler	Feb. 1, 1974
Vine Grove, city of	Ohio	Do.
	Carroll	Jan. 23, 1974
	Bullitt	May 24, 1974
	Webster	Aug. 16, 1974
	Livingston	Feb. 1, 1974
	Gallatin	Do.
	Union	May 17, 1974
	Perry	May 10, 1974
	Hardin	May 17, 1974

Community name	County name	Identification date
Visalia, city of	Kenton	Jan. 23, 1974
Warsaw, city of	Gallatin	Feb. 1, 1974
Wayland, town of	Floyd	Aug. 23, 1974
Wheat Croft, town of	Webster	Feb. 15, 1974
Winston Park, town of	Kenton	Jan. 23, 1974
Woodbury, town of	Butler	Feb. 1, 1974
Worthville, town of	Carroll	Jan. 23, 1974
Total 65.		
Louisiana:		
Albany, village of	Livingston	Apr. 12, 1974
Basile, town of	Evangeline	May 24, 1974
Boyes, town of	Rapides	Apr. 5, 1974
Clarence, village of	Natchitoches	Mar. 1, 1974
Doyline, village of	Webster	Apr. 5, 1974
Duson, town of	Lafayette	Do.
French Settlement, village of	Livingston	Oct. 25, 1974
Mermentau, town of	Acadia	Nov. 23, 1973
Morse, town of	do.	Do.
Oberlin, city of	Allen	June 21, 1974
Pearl River, town of	St. Tammany	May 24, 1974
Ringgold, town of	Bienvenue	May 3, 1974
Roseland, town of	Tangipahoa	Oct. 25, 1973
Sicily Island, village of	Catahoula	Dec. 28, 1973
Springfield, town of	Livingston	Aug. 23, 1974
Sterlington, town of	Quachita	Dec. 17, 1973
Sun, village of	St. Tammany	Aug. 30, 1974
Turkey Creek, village of	Evangeline	Do.
Varnado, village of	Washington	Oct. 25, 1974
Ville Platte, town of	Evangeline	May 17, 1974
Total 26.		
Maine:		
Andover, town of	Oxford	Nov. 8, 1974
Berwick, town of	York	Aug. 9, 1974
Bridgton, town of	Cumberland	Nov. 22, 1974
Burnham, town of	Waldo	July 26, 1974
Buxton, town of	York	Apr. 5, 1974
Dayton, town of	do.	June 26, 1974
Dresden, town of	Lincoln	Sept. 20, 1974
Payette, town of	Kennebec	Nov. 28, 1974
Frenchville, town of	Aroostook	Sept. 20, 1974
Hampden, town of	Penobscot	Nov. 8, 1974
Kenduskeag, town of	do.	Nov. 1, 1974
Limington, town of	York	May 31, 1974
Livermore, town of	Androscoggin	Nov. 8, 1974
Minot, town of	do.	Feb. 1, 1974
Palmyra, town of	Somerset	Nov. 29, 1974
Parsonfield, town of	York	June 28, 1974
Patten, town of	Penobscot	Nov. 1, 1974
Pembroke, town of	Washington	Oct. 18, 1974
Rockland, city of	Knox	Nov. 8, 1974
Sabbatus, town of	Androscoggin	May 31, 1974
Washington, town of	Knox	Sept. 6, 1974
Wells, town of	York	Oct. 18, 1974
Whitefield, town of	Lincoln	July 26, 1974
Total 23.		
Maryland:		
Deer Park, town of	Garrett	Nov. 8, 1974
Queen Anne, town of	Queen Anne	Aug. 9, 1974
Vienna, town of	Dorchester	Nov. 8, 1974
Massachusetts:		
Acushnet, town of	Bristol	Sept. 6, 1974
Ashfield, town of	Franklin	June 28, 1974
Avon, town of	Norfolk	June 21, 1974
Blandford, town of	Hampden	July 26, 1974
Bridgewater, town of	Plymouth	July 19, 1974
Brimfield, town of	Hampden	Do.
Carlisle, town of	Middlesex	Aug. 16, 1974
Chester, town of	Hampden	July 19, 1974
Clinton, town of	Worcester	Aug. 9, 1974
Conway, town of	Franklin	Aug. 2, 1974
Deerfield, town of	do.	Sept. 13, 1974
Dover, town of	Norfolk	Sept. 20, 1974
Dunstable, town of	Middlesex	Nov. 29, 1974
East Hampton, town of	Hampshire	June 21, 1974
Granville, town of	Hampden	Aug. 30, 1974
Hawley, town of	Franklin	Nov. 22, 1974
Holbrook, town of	Norfolk	Aug. 28, 1974
Holliston, town of	Middlesex	Aug. 2, 1974
Hopkinton, town of	do.	July 19, 1974
Hubbardston, town of	Worcester	Sept. 9, 1974
Maynard, town of	Middlesex	July 26, 1974
Mendon, town of	Worcester	Sept. 6, 1974
Millis, town of	Norfolk	July 19, 1974
Montgomery, town of	Hampden	Nov. 22, 1974
New Ashford, town of	Berkshire	Do.
New Draine, town of	Worcester	Sept. 20, 1974
Oakham, town of	do.	Aug. 2, 1974
Paxton, town of	do.	July 26, 1974
Pelham, town of	Hampshire	June 28, 1974
Peru, town of	Berkshire	Nov. 1, 1974
Petersham, town of	Worcester	Sept. 13, 1974

Community name	County name	Identification date	Community name	County name	Identification date	Community name	County name	Identification date
Plainfield, town of	Hampshire	Nov. 1, 1974	Mendota, city of	Wadena	Apr. 12, 1974	Galea, city of	Stone	Aug. 30, 1974
Rowley, town of	Essex	July 26, 1974	Mendota Heights, city of	Dakota	Nov. 23, 1973	Galt, city of	Grundy	Oct. 18, 1974
Southwick, town of	Hampden	Nov. 8, 1974	Mendota, city of	do	Feb. 5, 1974	Grandin, city of	Carver	Nov. 8, 1974
Spencer, town of	Worcester	Sept. 12, 1974	Middle River, city of	Dakota	July 19, 1974	Greenville, city of	Wayne	Oct. 18, 1974
Tyringham, town of	Berkshire	Nov. 29, 1974	Minerva, city of	do	Do.	Henrietta, city of	Ray	Do.
Washington, town of	do	Nov. 1, 1974	Minnesota Lake, city of	Wabasha	Aug. 2, 1974	Koshkonong, city of	Oregon	Sept. 6, 1974
West Boylston, town of	Worcester	July 26, 1974	Morrison, city of	Faribault	May 12, 1974	Laredo, city of	Grundy	Oct. 18, 1974
Windsor, town of	Berkshire	Nov. 22, 1974	Morrisville, city of	Rice	Mar. 29, 1974	Linn Creek, city of	Camden	Oct. 25, 1974
Total 30.			Mosley, city of	Morrison	Aug. 2, 1974	Luray, village of	Clark	Oct. 18, 1974
Michigan:			Mountain Iron, village of	St. Louis	May 24, 1974	Lutserville, city of	Bollinger	May 10, 1974
Bellevue, township of	St. Clair	Aug. 23, 1974	Murdock, city of	Swift	Aug. 23, 1974	Malta Bend, city of	Saline	Oct. 18, 1974
Blaine, township of	Genesee	Sept. 23, 1974	New Munich, city of	Stearns	Oct. 25, 1974	Marble Hill, city of	Bollinger	May 10, 1974
Burtis, township of	St. Clair	Aug. 16, 1974	New Richmond, city of	Waseca	Apr. 12, 1974	Marceline, city of	Linn	Mar. 29, 1974
Clyde, township of	St. Clair	July 26, 1974	Nicollet, city of	Nicollet	Apr. 5, 1974	Marionville, city of	Lawrence	May 17, 1974
Eastland, city of	Barry	Apr. 12, 1974	Nilesville, city of	Polk	Nov. 1, 1974	Marlborough, village of	St. Louis	May 31, 1974
Hinton, township of	Meeker	Sept. 23, 1974	North Branch, city of	Chicago	May 10, 1974	Marshallville, village of	Warren	Sept. 13, 1974
Lincoln, township of	Arenac	June 4, 1974	North Redwood, city of	Redwood	Aug. 30, 1974	Mary Ridge, villa. of	St. Louis	Apr. 5, 1974
Northville, city of	Wayne	Sept. 6, 1974	Norwood, city of	Carver	Nov. 8, 1974	Memphis, city of	Scotland	Dec. 31, 1971
Parchment, city of	Kalamazoo	May 10, 1974	Oak Park Heights, city of	Washington	Apr. 22, 1974	Meta, town of	Osgood	Sept. 13, 1974
Plymouth, city of	Wayne	May 17, 1974	Okabena, city of	Jackson	Nov. 1, 1974	Miami, city of	Saline	Oct. 18, 1974
Riverview, city of	do	May 3, 1974	Palladium, city of	Altkin	Aug. 2, 1974	Missouri City, village of	Clay	Aug. 16, 1974
Sumpter, township of	do	June 28, 1974	Pease, city of	Millie Lakes	Do.	Naylor, city of	Ripley	Mar. 1, 1974
Weesaw, township of	Berrien	Do.	Peterson, city of	Fillmore	Aug. 30, 1974	Nelson, city of	Saline	Oct. 18, 1974
Total 13.			Phleger, city of	Cass	July 19, 1974	New Franklin, town of	Howard	Nov. 22, 1974
Minnesota:			Philo, city of	McLeod	Nov. 1, 1974	Nixa, city of	Christian	June 23, 1974
Askov, city of	Pine	Oct. 25, 1974	Primaburg, city of	Kandiyohi	Aug. 23, 1974	Noel, town of	McDonald	May 21, 1974
Aurora, city of	St. Louis	Apr. 5, 1974	Quamba, city of	Kanabos	Aug. 9, 1974	Norborn, city of	Carroll	Apr. 5, 1974
Avon, city of	Stearns	Mar. 26, 1974	Reynolds, city of	Dakota	Feb. 25, 1974	Northmoor, town of	Platte	July 13, 1974
Biscay, city of	McLeod	Nov. 13, 1974	Richmond, city of	Stearns	Mar. 29, 1974	Ozark, city of	Christian	Dec. 28, 1973
Bluffton, city of	Otter Tail	Aug. 9, 1974	Richterville, city of	Otter Tail	Oct. 25, 1974	Palmyra, city of	Marion	Mar. 29, 1974
Bowling, city of	Morrison	Oct. 25, 1974	Roseau, city of	Stearns	Aug. 2, 1974	Paxlo, town of	Stoddard	Oct. 18, 1974
Branch, city of	Chicago	Aug. 30, 1974	Rush City, city of	Chicago	May 10, 1974	Reeds Spring, city of	Stone	Oct. 18, 1974
Brook Park, city of	Pine	Oct. 25, 1974	Rutledge, city of	Pipestone	Aug. 9, 1974	Riverview, city of	St. Louis	June 23, 1974
Brooks, city of	Red Lake	Aug. 9, 1974	Rutledge, city of	Pine	Do.	Sank City, city of	Scott	Apr. 12, 1974
Brownsville, city of	Houston	Oct. 18, 1974	Sacred Heart, city of	Beaverville	May 3, 1974	Shoal Creek Drive, town of	Newton	Aug. 16, 1974
Brownville, city of	McLeod	May 3, 1974	Sandwich, city of	Carlton	Nov. 23, 1973	Sibley, village of	Jackson	Aug. 30, 1974
Buckman, city of	Morrison	Aug. 9, 1974	Saskia, city of	Wadena	Apr. 12, 1974	Siber, village of	Lincoln	Nov. 22, 1974
Campbell, city of	Wilkin	Aug. 2, 1974	St. Bonifas, city of	Wadena	June 7, 1974	St. Clair, town of	Franklin	Apr. 12, 1974
Chandler, city of	Murray	Aug. 9, 1974	St. Clair, city of	Hennepin	Aug. 23, 1974	Strasburg, city of	Cass	Aug. 16, 1974
Chukla, city of	Stearns	May 3, 1974	St. Stephen, city of	Blue Earth	Aug. 23, 1974	Tusculum, village of	Miller	Oct. 25, 1974
Clearbrook, city of	Clearwater	Nov. 1, 1974	Sturgeon Lake, city of	Pine	Oct. 25, 1974	Versailles, city of	Morgan	Apr. 5, 1974
Climax, city of	Polk	Sept. 20, 1974	Tamworth, city of	Lyon	July 19, 1974	Watson, village of	Aitchison	Nov. 22, 1973
Clinton, city of	Big Stone	May 17, 1974	Thomson, city of	Carlton	Aug. 2, 1974	Westphalia, city of	Osgood	Oct. 18, 1974
Colden, city of	Swift	July 19, 1974	Trosky, city of	Pipestone	Aug. 9, 1974	Williamsburg, city of	Wayne	Do.
Cohasset, city of	Brown	Nov. 1, 1974	Twin Lakes, city of	Freeborn	Aug. 2, 1974	Windsor, city of	Henry	Apr. 5, 1974
Cologne, city of	Innes	May 31, 1974	Tyler, city of	Lincoln	May 3, 1974	Wynona, city of	Clark	Oct. 18, 1974
Comfrey, city of	Carver	Nov. 1, 1974	Upania, city of	Norriston	Oct. 25, 1974	Zalma, village of	Bollinger	Oct. 25, 1974
Comstock, city of	Brown	Sept. 20, 1974	Veranda, city of	Wadena	Do.	Total 71.		
Comstock, city of	Meeker	May 12, 1974	Waldorf, city of	Waseca	Aug. 9, 1974	Montana:		
Comstock, city of	Nicollet	July 19, 1974	Warba, city of	Itasca	Sept. 13, 1974	Baker, city of	Fallon	Mar. 15, 1974
Currie, city of	Murray	Aug. 2, 1974	Watkins, city of	Meeker	Apr. 12, 1974	Big Sandy, town of	Chouteau	Mar. 29, 1974
Cyrus, city of	Pope	Aug. 9, 1974	Welcome, city of	Martin	May 10, 1974	Dillon, city of	Beaver	Nov. 8, 1974
Danube, city of	Renville	Sept. 20, 1974	Williams, city of	Lake of the Woods	Nov. 29, 1974	Ends, town of	Head	Mar. 15, 1974
Danvers, city of	Swift	Aug. 9, 1974	Winston, city of	St. Louis	Aug. 2, 1974	Fairview, town of	Richland	Aug. 16, 1974
Deer Creek, city of	Otter Tail	Aug. 16, 1974	Wolverton, city of	Wilkin	Aug. 9, 1974	Forsyth, city of	Rosford	Mar. 8, 1974
De Graff, city of	Swift	Aug. 9, 1974	Woodbury, city of	Washington	May 31, 1974	Fort Benton, city of	Chouteau	May 10, 1974
Delavan, city of	Faribault	Oct. 16, 1974	Wright, city of	Carlton	Sept. 13, 1974	Fromberg, town of	Carlton	Nov. 22, 1974
Duluth, city of	Redwood	Oct. 25, 1974	Wanamanga, city of	Goodhue	May 10, 1974	Glasgow, city of	Valley	Jan. 7, 1974
Dover, city of	Olmstead	Nov. 1, 1974	Total 129.			Hot Springs, town of	Sanders	Feb. 15, 1974
Eden Valley, city of	Stearns	May 3, 1974	Mississippi:			Kalispell, city of	Flathead	Feb. 15, 1974
Ellsworth, city of	Nobles	Do.	Clarke	Nov. 29, 1974		Kalispell, city of	Sanders	Mar. 22, 1974
Elmendale, city of	Morrison	Aug. 9, 1974	Pontotoc	Do.		Kalispell, city of	Sanders	Mar. 22, 1974
Elmore, city of	Faribault	May 14, 1974	Braxton, village of	Simpson	July 19, 1974	Randolph County	Judith	June 28, 1974
Elmore, city of	Otter Tail	Aug. 9, 1974	Duncan, town of	Bolivar	June 21, 1974	Basin	Basin	June 28, 1974
Evans, city of	St. Louis	June 7, 1974	Eden, village of	Yazoo	July 19, 1974	White Sulphur Spring, city of	Meager	May 24, 1974
Fairfax, city of	Olmstead	Aug. 12, 1974	Gatman, village of	Monroe	Do.	Total 15.		
Fairfax, city of	Renville	Mar. 29, 1974	Georgetown, town of	Copiah	Aug. 2, 1974	Nebraska:		
Farmington, city of	Martin	June 7, 1974	Hickory Flat, town of	Benton	Oct. 25, 1974	Anselmo, village of	Custer	Nov. 22, 1974
Fifty Lakes, city of	Crow Wing	Oct. 16, 1974	Lake, town of	Scott	July 19, 1974	Barnston, town of	Gage	Sept. 6, 1974
Fisher, city of	Polk	Aug. 2, 1974	Lena, town of	Leake	Oct. 25, 1974	Beaver Crossing, village of	Seward	Nov. 8, 1974
France, city of	Becker	Nov. 13, 1974	Lincoln, town of	Clarke	Nov. 8, 1974	Bellwood, village of	Butler	Nov. 22, 1974
Frederick, city of	Stearns	May 3, 1974	Packett, town of	Rankin	Aug. 23, 1974	Brook, village of	Nemaha	Aug. 16, 1974
Gibson, city of	Greenbush	Sept. 1, 1974	Sakila, village of	Attala	Aug. 9, 1974	Burchard, village of	Pawnee	Nov. 8, 1974
Gibson, city of	Sibley	June 21, 1974	Schlar, town of	LeFlore	Aug. 23, 1974	Clintonia, village of	Gage	Nov. 22, 1974
Goodhue, city of	Goodhue	May 24, 1974	Starbuck, town of	Clarke	June 7, 1974	Clay Center, city of	Clay	Mar. 22, 1974
Grandville, city of	Big Stone	May 12, 1974	Walnut Grove, town of	Leake	June 28, 1974	Cook, village of	Johnson	Oct. 18, 1974
Grandville, city of	Martin	Aug. 2, 1974	Winstonville, town of	Bolivar	July 19, 1974	Deweese, village of	Clay	Nov. 8, 1974
Greenwald, city of	Stearns	Aug. 23, 1974	Total 17.			Douglas, village of	Otoe	Nov. 22, 1974
Hackman, city of	Cass	Sept. 20, 1974	Amazonia, town of	Andrew	Aug. 16, 1974	Eddyville, village of	Dawson	Do.
Harris, city of	Chicago	Do.	Anderson, city of	McDonald	May 17, 1974	Elk Creek, village of	Johnson	Nov. 1, 1974
Hemlock, city of	Otter Tail	May 3, 1974	Anniston, town of	Mississippi	May 3, 1974	Ewing, village of	Holt	May 3, 1974
Hill City, city of	Rock	Apr. 12, 1974	Archie, town of	Cass	June 7, 1974	Farnah, village of	Dawson	Nov. 22, 1974
Holland, city of	Stearns	May 17, 1974	Avon, city of	Douglas	May 17, 1974	Fullerton, city of	Nance	June 7, 1974
Hollandale, city of	Pipestone	Aug. 30, 1974	Bel Nor, village of	St. Louis	Apr. 5, 1974	Hay Springs, city of	Sheridan	Mar. 22, 1974
Holloway, city of	Freeborn	Sept. 20, 1974	Vell City, city of	Stoddard	Oct. 18, 1974	Ithaca, village of	Saunders	Oct. 18, 1974
Humboldt, city of	Swift	Sept. 6, 1974	Bland, city of	Gaensado	May 17, 1974	Lindsay, village of	Platte	Oct. 25, 1974
Hulen, city of	Kittson	Aug. 9, 1974	Bruswick, town of	Charlton	Mar. 29, 1974	Linwood, village of	Butler	Nov. 22, 1974
International Falls, city of	Pipestone	Aug. 2, 1974	Bunker, town of	Reynolds	Sept. 6, 1974	Lynch, village of	Boyd	Nov. 8, 1974
Iron Junction, city of	Koochiching	June 7, 1974	California, city of	Moniteau	Apr. 5, 1974	Nemaha, village of	Nemaha	Aug. 16, 1974
Jenkins, city of	St. Louis	Oct. 25, 1974	Campbell, city of	Dunklin	Mar. 29, 1974	Nickerson, village of	Pawnee	Nov. 8, 1974
Kerwin, city of	Itasca	May 3, 1974	Center, town of	Jasper	Dec. 28, 1973	Oak, village of	Nickolls	Nov. 15, 1974
Kenyon, city of	Goodhue	May 24, 1974	Centerville, village of	Rails	July 23, 1974	Obiowa, village of	Fillmore	Nov. 8, 1974
Klester, city of	Faribault	May 10, 1974	Cole Camp, city of	Reynolds	Nov. 22, 1974	Ong, village of	Clay	Do.
La Prairie, city of	Itasca	Aug. 23, 1974	Conway, town of	Bentley	June 14, 1974	Orchard, village of	Antelope	Nov. 15, 1974
Lake Shore, city of	Cass	Sept. 13, 1974	Crane, city of	Lacade	May 10, 1974	Palmyra, village of	Otoe	Sept. 6, 1974
Lilydale, city of	Dakota	Feb. 9, 1973	Denver, village of	Stone	June 7, 1974	Panna, city of	Dixon	Apr. 12, 1974
Madelia, city of	Watson	Apr. 12, 1974	Dewitt, city of	Worth	Nov. 22, 1974	Prague, village of	Saunders	Nov. 15, 1974
Madison, city of	Lac Qui Parle	Do.	Dunwoody, city of	Carroll	Sept. 6, 1974	Raymond, village of	Lancaster	Oct. 18, 1974
Marietta, city of	do	Sept. 6, 1974	Essen, town of	Carter	Oct. 18, 1974	Roca, village of	do	Nov. 22, 1974
Maryland, city of	Carver	Nov. 23, 1973	Farber, city of	Reynolds	Sept. 6, 1974	Rushville, city of	Sheridan	May 3, 1974
Maysville, city of	Chippewa	Nov. 15, 1974	Freeman, city of	Andral	Nov. 1, 1974	Salem, village of	Richardson	Nov. 8, 1974
McIntosh, city of	Wabasha	July 19, 1974	Fulton, city of	Cass	Nov. 8, 1974	Stratton, village of	Pawnee	Nov. 22, 1974
	Polk	Nov. 29, 1973		Callaway	May 17, 1974	Table Rock, village of	do	Nov. 1, 1974

Community name	County name	Identification date	Community name	County name	Identification date	Community name	County name	Identification date
Waterloo, village of	Douglas	Sept. 6, 1974	Bergen, town of	Genesee	Nov. 22, 1974	Java, town of	Wyoming	Oct. 25, 1974
Weston, village of	Saunders	Oct. 18, 1974	Berlin, town of	Rensselaer	Aug. 30, 1974	Jay, town of	Essex	Nov. 8, 1974
Winer, city of	Cuming	Dec. 7, 1973	Bladell, village of	Erie	Nov. 22, 1974	Johnstown, town of	Fulton	Oct. 25, 1974
Wolbach, village of	Greeley	Nov. 8, 1974	Bleeker, town of	Fulton	Do.	Kenne, town of	Essex	Nov. 1, 1974
Total 40:			Bloomington, village of	do.	Nov. 15, 1974	Keesville, village of	do.	May 31, 1974
Nevada:			Bloomington, village of	Essex	Do.	Klanton, town of	Chautauqua	Oct. 18, 1974
Nye County		Oct. 18, 1974	Boonville, village of	Onida	Sept. 6, 1974	Lacona, village of	Oswego	Nov. 22, 1974
Total 1:			Bovina, town of	Delaware	June 28, 1974	Lake Placid, village of	Essex	Nov. 15, 1974
New Hampshire:			Bridgewater, town of	Onida	Sept. 6, 1974	Laurens, village of	Otago	Do.
Acworth, town of	Sullivan	Sept. 13, 1974	Bridgewater, village of	do.	May 17, 1974	Leicester, town of	Livingston	Oct. 18, 1974
Andover, town of	Merrimack	June 28, 1974	Brighton, town of	Franklin	Nov. 8, 1974	Leon, town of	Cattaraugus	May 31, 1974
Bartlett, town of	Carroll	Do.	Broadbent, village of	do.	May 10, 1974	Lewis, town of	Essex	Nov. 20, 1974
Bethlehem, town of	do.	Do.	Broadbent, town of	Fulton	Sept. 20, 1974	Lewis, town of	Lewis	June 28, 1974
Boscawen, town of	Merrimack	Mar. 15, 1974	Brushfield, village of	Franklin	Nov. 15, 1974	Litchfield, town of	Herkimer	Mar. 15, 1974
Bristol, town of	Grafton	June 21, 1974	Burlington, town of	Otago	Nov. 22, 1974	Little Valley, town of	Cattaraugus	Oct. 25, 1974
Campton, town of	do.	Apr. 5, 1974	Burns, town of	Allegany	Nov. 8, 1974	Livingston, town of	Columbia	May 24, 1974
Charlestown, town of	Sullivan	May 31, 1974	Busti, town of	Chautauqua	Oct. 18, 1974	Lodi, town of	Jefferson	July 26, 1974
Chichester, town of	Merrimack	Apr. 5, 1974	Butler, town of	Wayne	Nov. 29, 1974	Lorraine, town of	Cattaraugus	Aug. 9, 1974
Croydon, town of	Sullivan	Nov. 29, 1974	Cambridge, town of	do.	Oct. 2, 1974	Lyndon, town of	Cattaraugus	Aug. 9, 1974
Epsom, town of	Merrimack	Mar. 15, 1974	Canadota, town of	Ontario	Nov. 8, 1974	Lyonsdale, town of	Lewis	Aug. 16, 1974
Freedom, town of	Carroll	Aug. 30, 1974	Canastota, village of	Madison	Mar. 29, 1974	Macchia, town of	Cattaraugus	Oct. 18, 1974
Fremont, town of	Rockingham	Aug. 9, 1974	Candor, town of	Tioga	Aug. 2, 1974	Macomb, town of	St. Lawrence	Sept. 13, 1974
Gilford, town of	Belknap	June 28, 1974	Caroga, town of	Fulton	Nov. 8, 1974	Madrid, town of	do.	Nov. 1, 1974
Haverhill, town of	Grafton	Mar. 8, 1974	Carroll, town of	Chautauqua	Sept. 20, 1974	Malta, town of	Saratoga	Oct. 18, 1974
Henniker, town of	Merrimack	Mar. 15, 1974	Carrollton, town of	Cattaraugus	Do.	Mansfield, town of	Cattaraugus	May 31, 1974
Hudson, town of	Hillsborough	Mar. 8, 1974	Castleton on the Hudson, village of	Rensselaer	Mar. 1, 1974	Marathon, town of	Cortland	Nov. 29, 1974
Landen, town of	Coos	Apr. 13, 1973	Castroville, village of	Lewis	Aug. 9, 1974	Maryland, town of	Otago	Oct. 18, 1974
Lancaster, town of	Rockingham	Aug. 9, 1974	Cayuta, town of	Schuyler	Nov. 15, 1974	Mayfield, village of	Fulton	Nov. 15, 1974
London, town of	Merrimack	Aug. 2, 1974	Cazenovia, town of	Madison	Nov. 22, 1974	Meredith, town of	Delaware	June 28, 1974
Marlow, town of	Cheshire	Sept. 13, 1974	Champion, town of	Jefferson	May 31, 1974	Mexico, town of	Oswego	Nov. 15, 1974
Mill, town of	Coos	June 28, 1974	Charleston, town of	Montgomery	July 26, 1974	Middleburg, town of	Schoharie	Aug. 30, 1974
Monroe, town of	Grafton	Nov. 29, 1974	Cherry Creek, village of	Chautauqua	May 10, 1974	Middleton, town of	Delaware	Sept. 6, 1974
New Hampton, town of	Belknap	Mar. 8, 1974	Cherry Valley, town of	Otago	Oct. 18, 1974	Minetto, town of	Oswego	Nov. 22, 1974
Nottingham, town of	Rockingham	June 28, 1974	Cherry Valley, village of	do.	Nov. 15, 1974	Moin, town of	Franklin	Nov. 15, 1974
Pittsfield, town of	Merrimack	Mar. 15, 1974	Chesterfield, town of	Essex	Sept. 6, 1974	Moravia, town of	Cayuga	June 14, 1974
Plainfield, town of	Rockingham	Oct. 18, 1974	Clarksville, town of	Allegany	Nov. 15, 1974	Moriah, town of	Essex	Nov. 22, 1974
Rumney, town of	Grafton	Mar. 15, 1974	Clayville, village of	Onida	May 24, 1974	Morris, town of	Otago	Nov. 15, 1974
Sandwich, town of	Carroll	July 26, 1974	Clermont, town of	Columbia	Nov. 8, 1974	Morrisville, town of	do.	Do.
Seabrook, town of	Rockingham	Aug. 2, 1974	Cleveland, village of	Oswego	May 31, 1974	Morrisville, town of	St. Lawrence	Sept. 6, 1974
Sharon, town of	Hillsborough	Do.	Clifton, town of	St. Lawrence	Nov. 29, 1974	Morrisville, town of	Madison	Mar. 8, 1974
Shelburne, town of	Coos	Nov. 29, 1974	Clyde, village of	Wayne	May 31, 1974	Morrisville, town of	do.	Aug. 30, 1974
Shenburn, town of	Stratford	Aug. 16, 1974	Cold Spring, town of	Chautauqua	June 21, 1974	Napoli, town of	Cattaraugus	June 14, 1974
Stark, town of	Coos	Nov. 29, 1974	Columbia, town of	Herkimer	Mar. 29, 1974	Nassau, town of	Rensselaer	Mar. 22, 1974
Sunapee, town of	Sullivan	June 28, 1974	Columbus, town of	Chenango	Oct. 18, 1974	Nassau, village of	Rensselaer	Mar. 22, 1974
Sutton, town of	Merrimack	Do.	Coneawango, town of	Cattaraugus	June 28, 1974	Neelston, village of	Montgomery	Feb. 15, 1974
Tenworth, town of	Carroll	July 19, 1974	Conquest, town of	Cayuga	Aug. 16, 1974	Nelson, town of	Madison	Oct. 25, 1974
Unity, town of	Sullivan	May 31, 1974	Constableville, village of	Lewis	Aug. 9, 1974	New Bremen, town of	Lewis	Nov. 1, 1974
Wakefield, town of	Carroll	July 26, 1974	Corfu, village of	Genesee	Nov. 15, 1974	New Haven, town of	Oswego	July 1, 1974
Warren, town of	Grafton	Sept. 13, 1974	Croghan, village of	Lewis	May 31, 1974	Newark Valley, village of	Tioga	June 7, 1974
Whitefield, town of	Coos	July 26, 1974	Crown Point, town of	Essex	Nov. 8, 1974	Newport, town of	Herkimer	Nov. 15, 1974
Wilnot, town of	Merrimack	Aug. 16, 1974	Damascus, town of	Herkimer	Apr. 5, 1974	Nichols, village of	Tioga	June 7, 1974
Total 42:			Day, town of	Saratoga	Nov. 15, 1974	North Collins, town of	Chenango	Sept. 20, 1974
New Jersey:			Derry, town of	Madison	Sept. 20, 1974	Norwich, town of	Genesee	Nov. 15, 1974
Audubon Park, borough of	Camden	June 21, 1974	Diana, town of	Lewis	Sept. 13, 1974	Oakfield, village of	Fulton	Nov. 8, 1974
Elk, town of	Gloucester	Sept. 13, 1974	Dickinson, town of	Franklin	Nov. 8, 1974	Oppenheim, town of	Essex	Nov. 15, 1974
Franklin, township of	do.	Sept. 13, 1974	Dobbs Ferry, village of	Westchester	May 17, 1974	Orange, town of	Schuyler	July 26, 1974
Franklin, township of	Hunterdon	July 26, 1974	Eagle, town of	Wyoming	Sept. 13, 1974	Oriskany Falls, village of	Onida	Nov. 22, 1974
Green, township of	Sussex	Nov. 1, 1974	Edinburg, town of	Saratoga	Nov. 1, 1974	Orwell, town of	Oswego	Oct. 25, 1974
Hardyston, town of	do.	Sept. 6, 1974	Edwards, village of	St. Lawrence	Nov. 15, 1974	Oseola, town of	Lewis	Aug. 16, 1974
Harrison, town of	Hudson	June 28, 1974	Ellington, town of	Chautauqua	Oct. 25, 1974	Oswego, town of	Oswego	May 31, 1974
Kinnelon, borough of	Morris	July 13, 1973	Ellisburg, village of	Jefferson	Aug. 30, 1974	Otisco, town of	Onondaga	Do.
Logan, township of	Gloucester	Sept. 13, 1974	Fairfield, town of	Herkimer	Mar. 29, 1974	Otto, town of	Cattaraugus	Do.
Liberty, township of	Warren	Aug. 9, 1974	Farmerville, town of	Cattaraugus	June 28, 1974	Ovid, town of	Saratoga	July 26, 1974
Lindenwood, borough of	Camden	Nov. 22, 1974	Fennert, town of	Madison	Sept. 13, 1974	Owasco, town of	Cayuga	May 31, 1974
South Harrison, township of	Gloucester	June 28, 1974	Florence, village of	Allegany	Feb. 1, 1974	Palatine Bridge, village of	Montgomery	Feb. 15, 1974
Springfield, township of	Burlington	July 26, 1974	Florence, town of	Onida	Sept. 13, 1974	Palatine, town of	do.	Nov. 29, 1974
Tavistock, borough of	Camden	Nov. 29, 1974	Forest Port, town of	do.	June 28, 1974	Pamela, town of	Jefferson	Oct. 18, 1974
Teterboro, borough of	Bergen	Nov. 1, 1974	Fort Ann, village of	Washington	Apr. 12, 1974	Pawling, town of	Dutchess	Oct. 25, 1974
Upper Freehold, township of	Morristown	Mar. 22, 1974	Fowler, town of	St. Lawrence	Nov. 1, 1974	Perry, town of	Wyoming	June 28, 1974
Winfield, township of	Union	Mar. 8, 1974	Franklin, town of	Franklin	May 1, 1974	Perryburg, town of	Cattaraugus	May 17, 1974
Wrightstown, borough of	Burlington	June 28, 1974	Franklinville, village of	Cattaraugus	May 31, 1974	Perth, town of	Fulton	Oct. 18, 1974
Total 18:			Fulton, town of	Schoharie	Nov. 8, 1974	Pharsalia, town of	Chenango	Do.
New Mexico:			Gallatin, town of	Columbia	Oct. 25, 1974	Pike, town of	Wyoming	Sept. 13, 1974
Chama, village of	Rio Arriba	Aug. 16, 1974	Genesee, village of	Livingston	Nov. 15, 1974	Pinekey, town of	Lewis	Sept. 6, 1974
Chamarron, village of	Culiacan	May 17, 1974	Genoa, town of	Cayuga	June 28, 1974	Pittsford, town of	Otago	Oct. 25, 1974
Los Alamos County	do.	Oct. 25, 1974	Gerry, town of	Chautauqua	Nov. 8, 1974	Plainfield, town of	do.	Nov. 8, 1974
Magdalena, village of	Socorro	Aug. 2, 1974	Glen Park, village of	Jefferson	Mar. 29, 1974	Poland, town of	Chautauqua	Oct. 18, 1974
San Juan County	do.	Sept. 13, 1974	Greig, town of	Lewis	June 28, 1974	Polk, town of	do.	Do.
Tatum, town of	Laa	June 21, 1974	Grove, town of	Allegany	Do.	Polk, town of	do.	Do.
Total 6:			Harrisburg, town of	Lewis	Aug. 30, 1974	Polk, town of	do.	Do.
New York:			Harrisville, village of	do.	Nov. 15, 1974	Polk, town of	do.	Do.
Adams, town of	Jefferson	May 31, 1974	Hartwick, town of	Otago	Oct. 25, 1974	Polk, town of	do.	Do.
Alabama, town of	Genesee	May 3, 1974	Haverstraw, village of	Rockland	Apr. 12, 1974	Polk, town of	do.	Do.
Albion, town of	Orleans	Oct. 25, 1974	Head of the Harbor, village of	Suffolk	Nov. 15, 1974	Polk, town of	do.	Do.
Albion, village of	do.	May 24, 1974	High Market, town of	Lewis	Sept. 13, 1974	Polk, town of	do.	Do.
Altmar, village of	Oswego	Nov. 15, 1974	Hodale, town of	Rensselaer	Nov. 1, 1974	Polk, town of	do.	Do.
Amboy, town of	do.	Do.	Hope, town of	Hamilton	Nov. 22, 1974	Polk, town of	do.	Do.
Amenia, town of	Dutchess	Oct. 18, 1974	Hopkinton, town of	St. Lawrence	Nov. 15, 1974	Polk, town of	do.	Do.
Andes, village of	Delaware	Aug. 9, 1974	Humphrey, town of	Cattaraugus	Aug. 30, 1974	Polk, town of	do.	Do.
Arkwright, town of	Chautauqua	Oct. 18, 1974	Hunter, village of	Greene	Aug. 16, 1974	Polk, town of	do.	Do.
Ashland, town of	Greene	Nov. 1, 1974	Independence, town of	Allegany	Sept. 6, 1974	Polk, town of	do.	Do.
Ava, town of	Onida	June 28, 1974	Ira, town of	Cayuga	July 26, 1974	Polk, town of	do.	Do.
Baldwin, town of	Chemung	May 31, 1974	Ischus, town of	Cattaraugus	May 31, 1974	Polk, town of	do.	Do.
Balkin, town of	Saratoga	Aug. 2, 1974	Italy, town of	Yates	June 28, 1974	Polk, town of	do.	Do.
Berkman, town of	Dutchess	Oct. 18, 1974	Jasper, town of	Steuben	Nov. 1, 1974	Polk, town of	do.	Do.
Berkman, town of	Clinton	Aug. 30, 1974				Polk, town of	do.	Do.
Belfast, town of	Allegany	Oct. 18, 1974				Polk, town of	do.	Do.

Community name	County name	Identification date
Sennett, town of	do	June 14, 1974
Sharon, town of	Schoharie	Nov. 8, 1974
Shelby, town of	Orleans	Do
Smithfield, town of	Madison	Oct. 25, 1974
Stuyvesant, village of	Chemung	Nov. 22, 1974
South Dayton, village of	Cattaraugus	May 31, 1974
South Valley, town of	do	Sept. 6, 1974
Sparta, town of	Livingston	Nov. 8, 1974
Spencer, village of	Tioga	Nov. 15, 1974
St. Armand, town of	Essex	Oct. 25, 1974
St. Johnsville, town of	Montgomery	Feb. 15, 1974
Sturford, town of	Dutchess	Oct. 18, 1974
Sterling, town of	Cayuga	July 26, 1974
Steuben, town of	Oneida	June 28, 1974
Stockton, town of	Chautauque	Nov. 1, 1974
Stratford, town of	Fulton	Nov. 15, 1974
Theresa, village of	Jefferson	May 10, 1974
Thurston, town of	Yates	Oct. 25, 1974
Torrey, town of	Oneida	May 31, 1974
Triangen, village of	Oneida	Aug. 30, 1974
Triangle, town of	Broomfield	Apr. 5, 1974
Tully, town of	Onondaga	Oct. 18, 1974
Tuscarora, town of	Steuben	Oct. 25, 1974
Tyre, town of	Seneca	Oct. 18, 1974
Valatie, village of	Columbia	Nov. 15, 1974
Valley Falls, village of	Rensselaer	Nov. 22, 1974
Varick, town of	Seneca	Oct. 18, 1974
Verona, town of	Oneida	Sept. 13, 1974
Veteran, town of	Chemung	Oct. 25, 1974
Victory, town of	Cayuga	July 26, 1974
Victory, village of	Saratoga	Apr. 5, 1974
Villanova, town of	Chautauque	Oct. 18, 1974
Volney, town of	Oswego	Nov. 1, 1974
Waddington, village of	St. Lawrence	Nov. 15, 1974
Washington, town of	Dutchess	Nov. 1, 1974
Waterloo, town of	Seneca	July 19, 1974
Waterville, village of	Oneida	June 14, 1974
Watson, town of	Lewis	Nov. 1, 1974
Waverly, town of	Franklin	Oct. 25, 1974
Western, town of	Oneida	Aug. 2, 1974
Westford, town of	Oswego	Oct. 25, 1974
White Creek, town of	Washington	Oct. 18, 1974
Williamstown, town of	Oswego	Nov. 1, 1974
Willboro, town of	Essex	Nov. 8, 1974
Wilton, town of	Saratoga	June 14, 1974
Wolfcott, town of	Wayne	June 28, 1974
Woodhull, town of	Steuben	July 26, 1974
Worcester, town of	Oswego	Nov. 1, 1974
Wright, town of	Schoharie	Nov. 8, 1974
Wyoming, village of	Wyoming	May 17, 1974
Total 261.		
North Carolina:		
China Grove, town of	Gaston	Nov. 29, 1974
Indian Trail, city of	Martin	Do
Lincolnton, city of	Union	Jan. 9, 1974
Macedonia, town of	Lincoln	Sept. 6, 1974
McAdenville, city of	Edgecombe	Jan. 9, 1974
Panther, town of	Gaston	June 21, 1974
Robbins, town of	Beaufort	Sept. 6, 1974
Robbinsville, town of	Moore	Nov. 22, 1974
Ronda, town of	Graham	June 14, 1974
Sparta, city of	Wilkes	Sept. 6, 1974
Speed, town of	Albemarle	Feb. 13, 1974
Valdese, town of	Edgecombe	Jan. 9, 1974
Vanceboro, town of	Burke	Mar. 1, 1974
Weaver, town of	Craven	Do
Weaver, town of	Buncombe	Nov. 29, 1974
Total 16.		
North Dakota:		
Bathgate, city of	Pembina	Nov. 22, 1974
Craty, city of	Ramsey	Nov. 15, 1974
Gilby, city of	Grand Forks	Nov. 22, 1974
Great Bend, city of	Richland	Do
Hampden, city of	Ramsey	Nov. 29, 1974
Hatton, city of	Trall	May 10, 1974
Hornace, city of	Cass	Nov. 29, 1974
Lakota, city of	Nelson	May 3, 1974
Leeds, city of	Benson	Apr. 5, 1974
Lehr, city of	Logan	Nov. 22, 1974
Maddock, city of	Benson	Mar. 8, 1974
Marmarth, city of	Slope	Nov. 29, 1974
Max, city of	McLean	Nov. 22, 1974
Maxbass, city of	Bottineau	Do
Montpelier, city of	Stutsman	Nov. 15, 1974
New Rockford, city of	Eddy	Nov. 23, 1973
Parshall, city of	Mountain	Nov. 29, 1974
Rock Lake, city of	Towner	Nov. 22, 1974
Rugby, city of	Pierce	Mar. 22, 1974
Souris, city of	Bottineau	Nov. 29, 1974
Streeter, city of	Stutsman	Nov. 22, 1974
Turtle Lake, city of	McLean	Mar. 22, 1974
Tuttle, city of	Kidder	Jan. 29, 1974
Washburn, city of	McLean	Mar. 22, 1974
Willow City, city of	Bottineau	Nov. 15, 1974
Wilton, city of	McLean and Burkeigh	May 24, 1974
Total 26.		

Community name	County name	Identification date
Ohio:		
Addyston, village of	Erie	Jan. 31, 1974
Alexandria, village of	Washington	Nov. 9, 1973
Amsterdam, village of	Wayne	Jan. 3, 1974
Antwerp, village of	Hamilton	Mar. 1, 1974
Apple Creek, village of	Licking	May 31, 1974
Arlington Heights, village of	Jefferson	Apr. 12, 1974
Baltimore, village of	Paulding	Mar. 29, 1974
Barnesville, village of	Wayne	Do
Belmont, village of	Hamilton	Feb. 1, 1974
Berlin Heights, village of	Hancock	May 17, 1974
Bethesda, village of	Fairfield	June 21, 1974
Bethesda, village of	Belmont	June 7, 1974
Bethesda, village of	Clermont	Nov. 30, 1973
Bethesda, village of	Erie	Apr. 5, 1974
Bethesda, village of	Seneca	Apr. 12, 1974
Bethesda, village of	Clinton	Apr. 5, 1974
Broadview Heights, city of	Cuyahoga	June 28, 1974
Burgoon, village of	Sandusky	Aug. 2, 1974
Butler, village of	Richland	May 10, 1974
Camden, village of	Preble	Do
Castalia, village of	Erie	Mar. 29, 1974
Chamney, village of	Athens	June 21, 1974
Cheviot, city of	Hamilton	June 7, 1974
Christiansburg, village of	Champaign	Aug. 9, 1974
Clarksville, village of	Ross	Nov. 15, 1974
Coal Grove, village of	Lawrence	June 14, 1974
Coalton, village of	Jackson	Feb. 1, 1974
Columbus Grove, village of	Putnam	Feb. 8, 1974
Creston, village of	Wayne	Feb. 1, 1974
Crooksville, village of	Perry	Do
Cuyahoga Heights, village of	Cuyahoga	Mar. 29, 1974
Dellroy, village of	Carroll	Aug. 9, 1974
Donnelsville, village of	Clark	Feb. 1, 1974
Dupont, village of	Putnam	Aug. 9, 1974
East Rochester, village of	Columbiana	Sept. 13, 1974
Elida, village of	Allen	Mar. 29, 1974
Evendale, village of	Hamilton	Mar. 1, 1974
Fairlawn, city of	Summit	Mar. 29, 1974
Fort Jennings, village of	Putnam	May 31, 1974
Fort Recovery, village of	Mercer	June 7, 1974
Frazesburg, village of	Muskingum	Aug. 30, 1974
Gilboa, village of	Putnam	Aug. 9, 1974
Glendon, village of	Perry	Aug. 23, 1974
Green Springs, village of	Sandusky	Mar. 1, 1974
Greenfield, village of	Highland	Do
Hamlet, village of	Henry	Apr. 12, 1974
Harford, village of	Licking	Sept. 13, 1974
Ironside, village of	Jefferson	May 31, 1974
Jackson Center, village of	Shelby	Do
Jacksonville, village of	Athens	May 17, 1974
Jenera, village of	Hancock	Aug. 9, 1974
Kalida, village of	Putnam	Mar. 1, 1974
Leesburg, village of	Highland	Apr. 5, 1974
Leesville, village of	Carroll	Sept. 20, 1974
Lisbon, village of	Columbiana	Apr. 12, 1974
Lockland, city of	Hamilton	Feb. 15, 1974
London, city of	Madison	May 10, 1974
Lore City, village of	Guernsey	Aug. 30, 1974
Lucas, village of	Highland	Apr. 5, 1974
Lynchburg, village of	Highland	Mar. 29, 1974
Magnolia, village of	Carroll	May 3, 1974
Marion, village of	Washington	Feb. 8, 1974
McComb, village of	Hancock	May 10, 1974
McGuffey, village of	Hardin	Do
Milan, village of	Erie	Apr. 12, 1974
Millville, village of	Butler	June 7, 1974
Montezuma, village of	Mercer	Aug. 9, 1974
Montpelier, village of	Williams	May 31, 1974
Mount Blanchard, village of	Hancock	Aug. 9, 1974
Mount Cory, village of	do	Sept. 20, 1974
Mount Healthy, city of	Hamilton	June 7, 1974
Newburgh Heights, village of	Cuyahoga	Mar. 15, 1974
North Bend, village of	Hamilton	Do
North Fairfield, village of	Huron	Do
Oak Harbor, village of	Ottawa	Mar. 1, 1974
Oakwood, village of	Paulding	May 17, 1974
Obetz, village of	Franklin	Feb. 15, 1974
Osgood, village of	Darke	Aug. 30, 1974
Ostrander, village of	Delaware	Sept. 20, 1974
Payne, village of	Paulding	May 3, 1974
Pickerington, village of	Fairfield	June 28, 1974
Pleasant City, village of	Guernsey	Aug. 23, 1974
Plymouth, village of	Huron	May 3, 1974
Racine, village of	Meigs	Apr. 5, 1974
Rarden, village of	Scioto	Aug. 23, 1974
Richmond Heights, city of	Cuyahoga	Mar. 22, 1974
Riverside, village of	Montgomery	Feb. 15, 1974
Rogers, village of	Columbiana	Mar. 22, 1974
Salem, city of	do	May 3, 1974
Shawnee Hills, village of	Delaware	Feb. 8, 1974
Sherodsville, village of	Carroll	Aug. 9, 1974
Shreve, village of	Wayne	Mar. 29, 1974
South Mount Vernon, village of	Knox	June 21, 1974
South Salem, village of	Ross	Aug. 23, 1974
St. Paris, village of	Champaign	June 7, 1974
Sugar Creek, village of	Tuscarawas	May 31, 1974

Community name	County name	Identification date
Terrace Park, village of	Hamilton	Feb. 8, 1974
Tuscarawas, village of	Tuscarawas	Apr. 5, 1974
Upper Sandusky, city of	Wayne	Jan. 9, 1974
Van Buren, village of	Hancock	Mar. 22, 1974
Vaughnsville, town of	Putnam	Nov. 15, 1974
Vernon, village of	Preble	Oct. 18, 1974
Waller Hill, village of	Lake	Dec. 17, 1973
Wakarusa, village of	Huron	Nov. 9, 1973
Washingtonville, village of	Columbiana	Do
Waverly, city of	Pike	June 21, 1974
Wellston, city of	Jackson	Feb. 15, 1974
Williamsburg, village of	Chermon	Mar. 29, 1974
Windham, village of	Portage	Mar. 15, 1974
Woodville, village of	Sandusky	Do
Zanesville, village of	Logan	Oct. 18, 1974
Total 111.		
Oklahoma:		
Addington, town of	Jefferson	Oct. 18, 1974
Blanchard, town of	Grady	Sept. 13, 1974
Boley, town of	McMinn	Apr. 12, 1974
Boswell, town of	Okfuskee	Apr. 12, 1974
Bristow, city of	Choctaw	Mar. 15, 1974
Byng, town of	Creek	June 28, 1974
Canton, town of	Pontotoc	Aug. 30, 1974
Catoosa, town of	Baldwin	June 28, 1974
Chesley, city of	Rogers	Sept. 6, 1974
Cheyenne, town of	do	Dec. 28, 1973
Dacoma, town of	Roger Mills	June 28, 1974
Davidson, town of	Woods	Nov. 8, 1974
Dewar, town of	Thlman	July 26, 1974
Fort Supply, town of	Okmulgee	June 28, 1974
Freedom, town of	Woodward	May 24, 1974
Ganz, town of	Woods	Nov. 8, 1974
Gene Autry, town of	Sequoyah	Nov. 22, 1974
Greenfield, town of	Carter	Nov. 8, 1974
Halleyville, city of	Baldwin	Aug. 30, 1974
Haskell, city of	Pittsburg	July 26, 1974
Hobart, city of	Okfuskee	Aug. 2, 1974
Honolulu, city of	Okfuskee	Aug. 2, 1974
Hydra, town of	Caddo and Blaine	July 26, 1974
Inola, town of	Rogers	May 10, 1974
Jay, town of	Delaware	June 28, 1974
Kinta, city of	Haskell	Nov. 8, 1974
Konawa, city of	Seminole	Apr. 5, 1974
Krebs, city of	Pittsburg	Dec. 28, 1973
Lone Wolf, town of	Kiowa	May 3, 1974
Lookaba, town of	Caddo	Oct. 25, 1974
Marlow, city of	Stephens	Dec. 28, 1973
Meno, town of	Major	Nov. 15, 1974
Mountain view, town of	Kiowa	Nov. 1, 1974
Okay, town of	Wagoner	Aug. 16, 1974
Okeene, town of	Blaine	June 28, 1974
Peoria, town of	Ottawa	Nov. 22, 1974
Pittsburg, town of	Pittsburg	Nov. 8, 1974
Portum, town of	Muskogee	June 28, 1974
Poteau, city of	Leflore	Nov. 1, 1974
Purell, city of	McMinn	Sept. 6, 1974
Ramona, town of	Washington	July 19, 1974
Roff, city of	Pontotoc	Mar. 22, 1974
Rosevelt, town of	Kiowa	Nov. 1, 1974
Saskaw, town of	Seminole	Nov. 8, 1974
Shattuck, town of	Ellis	May 24, 1974
Stillwell, city of	Adair	Nov. 22, 1974
Stonewall, town of	Pontotoc	June 28, 1974
Taft, town of	Muskogee	Do
Thomas, city of	Carter	Apr. 5, 1974
Tishomingo, city of	Johnston	Jan. 16, 1974
Tonkawa, city of	Kay	Nov. 23, 1973
Wagoner, city of	Wagoner	June 28, 1974
Wetumka, city of	Okfuskee	June 14, 1974
Westville, town of	Adair	Oct. 18, 1974
Wyandotte, town of	Ottawa	June 28, 1974
Total 56.		
Oregon:		
Adams, city of	Union	Aug. 30, 1974
Detroit, city of	Marion	Nov. 1, 1974
Elkton, city of	Douglas	Sept. 13, 1974
Halsey, city of	Linn	Nov. 22, 1974
Ione, city of	Morrow	Do
Irrigon, city of	do	Nov. 29, 1974
St. Paul, city of	Marion	Nov. 22, 1974
Total 7.		
Pennsylvania:		
Albany, township of	Berks	Oct. 18, 1974
Allepo, township of	Allegheny	May 10, 1974
Allen, township of	Northampton	Sept. 6, 1974
Allison, township of	Clinton	Nov. 13, 1974
Apaloon, township of	Susquehanna	Nov. 29, 1974
Arona, borough of	Westmoreland	Aug. 9, 1974
Ashville, borough of	Columbia	Nov. 15, 1974
Athens, borough of	Bradford	May 24, 1974
Barrett, township of	Monroe	Nov. 15, 1974
Beaver, township of	Columbia	Nov. 1, 1974
Do	Snyder	Do
Bell, township of	Westmoreland	Sept. 13, 1974
Bellevue, borough of	Allegheny	Dec. 28, 1973
Ben Avon, borough of	do	Do
Beruville, borough of	Berks	Sept. 13, 1974

Community name	County name	Identification date	Community name	County name	Identification date	Community name	County name	Identification date
Big Run, borough of	Jefferson	July 19, 1974	Franklin, township of	Chester	Nov. 29, 1974	Plum Creek, township of	Armstrong	Sept. 6, 1974
Biagh, township of	Potter	Nov. 29, 1974	Do	Bradford	Oct. 25, 1974	Plumville, borough of	Indiana	Aug. 9, 1974
Black Lick, township of	Indiana	Nov. 15, 1974	French Creek, township of	Venango	Nov. 22, 1974	Polk, township of	Monroe	Nov. 22, 1974
Blaine, township of	Washington	Oct. 18, 1974	Glusgow, borough of	Beaver	Aug. 16, 1974	Porter, township of	Clarion	Sept. 6, 1974
Blairsville, borough of	Indiana	July 25, 1974	Greensboro, borough of	Greene	Nov. 8, 1974	Raccoon, township of	Beaver	Aug. 2, 1974
Blooming Grove, township of	Pike	Nov. 8, 1974	Gruhan, township of	Clinton	Do	Riches Landing, borough of	Greene	Nov. 8, 1974
Boggs, township of	Clearfield	Nov. 15, 1974	Hamilton, township of	Monroe	Nov. 22, 1974	Robinson, township of	Allegheny	Sept. 20, 1974
Bolivar, borough of	Westmoreland	June 14, 1974	Hanover, township of	Beaver	Sept. 6, 1974	Roseto, borough of	Northampton	Nov. 15, 1974
Bowling, borough of	Somerset	July 26, 1974	Harford, township of	Susquehanna	Sept. 20, 1974	Ross, township of	Monroe	Nov. 23, 1974
Bradys Bend, township of	Armstrong	Nov. 29, 1974	Hereford, township of	Berks	Nov. 15, 1974	Rush, township of	Susquehanna	Sept. 20, 1974
Branch, township of	Schuylkill	Nov. 15, 1974	Highland, township of	Chester	Nov. 22, 1974	Salem, township of	Westmoreland	Do
Brecknock, township of	Berks	Sept. 13, 1974	Horton, township of	Elk	Sept. 13, 1974	Saltlick, township of	Fayette	Nov. 15, 1974
Briston, borough of	Clearfield	Sept. 20, 1974	Houtsdale, borough of	Clearfield	May 17, 1974	Sandy Creek, township of	Mercer	Sept. 20, 1974
Burgess, township of	Washington	Jan. 23, 1974	Howard, township of	Centre	Nov. 22, 1974	Scalp Level, borough of	Cambria	June 28, 1974
Burlington, township of	Bradford	Sept. 13, 1974	Hyde Park, borough of	Westmoreland	Nov. 1, 1974	Scott, township of	Wayne	Nov. 22, 1974
Burnside, borough of	Clearfield	Nov. 15, 1974	Independence, township of	Beaver	Aug. 30, 1974	Sewickley Heights, borough of	Allegheny	17, 1974
Burrell, township of	Armstrong	Sept. 20, 1974	Irvona, borough of	Clearfield	Apr. 12, 1974	Shanksville, borough of	Somerset	Jan. 15, 1974
Do	Indiana	Sept. 13, 1974	Jay, township of	Elk	Nov. 15, 1974	Sheffield, township of	Warren	Nov. 22, 1974
Bushkill, township of	Northampton	Nov. 8, 1974	Jefferson, township of	Butler	Nov. 1, 1974	Shinglehouse, borough of	Potter	June 28, 1974
Callery, borough of	Butler	Aug. 9, 1974	Karns City, borough of	do	Nov. 8, 1974	Shippensburg, township of	Cumberland	Sept. 6, 1974
Cambridge, township of	Crawford	Sept. 6, 1974	Keating, township of	Potter	Nov. 22, 1974	Shipping Port, borough of	Beaver	Feb. 1, 1974
Canton, township of	Bradford	Oct. 18, 1974	Kiskimintus, township of	Armstrong	Sept. 20, 1974	Shippensburg, borough of	Huntingdon	Nov. 15, 1974
Cascade, township of	Lycoming	Do	Kline, township of	Schuylkill	Nov. 8, 1974	Silgo, borough of	Clarion	Nov. 8, 1974
Cass, township of	Schuylkill	Nov. 29, 1974	Knox, township of	Clearfield	Nov. 29, 1974	Smithton, borough of	Westmoreland	May 31, 1974
Casselman, borough of	Somerset	Nov. 8, 1974	Lake, township of	Luzerne	Nov. 22, 1974	Snow Shoe, township of	Centre	Sept. 13, 1974
Castle Shannon, borough of	Allegheny	June 28, 1974	Lancaster, township of	Butler	Sept. 6, 1974	South Bend, township of	Armstrong	Sept. 20, 1974
Center, township of	Butler	Sept. 13, 1974	Lathrop, township of	Susquehanna	Nov. 29, 1974	South Bethlehem, borough of	do	June 28, 1974
Do	Greene	Oct. 25, 1974	Lemon, township of	Wyoming	Do	South Coatesville, borough of	Chester	May 31, 1974
Centerport, borough of	Berks	Nov. 22, 1974	Lewisberry, borough of	York	Aug. 2, 1974	South Connelville, borough of	Fayette	Nov. 8, 1974
Centre, township of	do	Nov. 1, 1974	Liberty, township of	Susquehanna	Nov. 29, 1974	South Greenburg, borough of	Westmoreland	June 14, 1974
Chapman, borough of	Northampton	Nov. 15, 1974	Ligonier, borough of	Washington	Apr. 13, 1974	South Huntingdon, township of	do	Aug. 8, 1974
Charlestown, township of	Chester	Oct. 18, 1974	Lilly, borough of	Cambria	Nov. 1, 1974	South Phillipsburg, borough of	Centre	Do
Chartiers, township of	Washington	Nov. 1, 1974	Little Meadows, borough of	Susquehanna	Do	Southwest, township of	Warren	Nov. 22, 1974
Chest, township of	Clearfield	Nov. 15, 1974	Loganton, borough of	Clinton	Nov. 8, 1974	Spring, township of	Crawford	May 31, 1974
Chestnut Hill, township of	Monroe	Do	Longrun, township of	Berks	Nov. 1, 1974	Springfield, township of	Erie	Nov. 1, 1974
Clear, township of	Potter	Oct. 18, 1974	Lower Nazareth, township of	Northampton	Nov. 15, 1974	Spruce Hill, township of	Junata	Nov. 22, 1974
Clason, township of	Clarion	Nov. 29, 1974	Loyalhanna, township of	Westmoreland	Sept. 13, 1974	St. Clair, township of	Westmoreland	Sept. 20, 1974
Clarksburg, borough of	Greene	Nov. 15, 1974	Lurgan, township of	Franklin	Nov. 1, 1974	Starucca, borough of	Wayne	Sept. 5, 1974
Clinton, township of	Wayne	Nov. 22, 1974	Lynn, township of	Lehigh	Nov. 29, 1974	Stevens, township of	Bradford	Nov. 1, 1974
Do	Wyoming	Nov. 29, 1974	Madison, township of	Armstrong	Nov. 22, 1974	Summerhill, township of	Cambria	Nov. 29, 1974
Conemaugh, township of	Cambria	Nov. 22, 1974	Mahaffey, borough of	Clearfield	Aug. 30, 1974	Susquehanna Depot, borough of	do	June 28, 1974
Conewago, township of	Adams	Do	Manchester, township of	Wayne	Nov. 29, 1974	Susquehanna, township of	Cambria	Nov. 15, 1974
Cook, township of	Westmoreland	Sept. 20, 1974	Marion, township of	Butler	June 28, 1974	Terry, township of	Bradford	Oct. 18, 1974
Cowanstown, township of	Armstrong	Sept. 13, 1974	Maxatawny, township of	Berks	Nov. 22, 1974	Tulpehocken, township of	Berks	Nov. 8, 1974
Croyle, township of	Cambria	Nov. 22, 1974	McSherrystown, borough of	Adams	Do	Tuscarora, township of	Bradford	Oct. 18, 1974
Cumberland, township of	Greene	Aug. 30, 1974	Menno, township of	Mifflin	Do	Union, township of	Crawford	Aug. 30, 1974
Dean, township of	Cambria	Nov. 8, 1974	Meyersdale, borough of	Somerset	Nov. 15, 1974	Unionville, borough of	Centre	Aug. 9, 1974
Decatur, township of	Clearfield	Sept. 20, 1974	Middle Taylor, township of	Cambria	Nov. 22, 1974	Upper Bern, township of	Berks	Sept. 20, 1974
Do	Mifflin	Nov. 15, 1974	Miller, township of	Huntingdon	Nov. 29, 1974	Upper Mifflin, township of	Cumberland	Nov. 15, 1974
Deerfoot, borough of	Washington	Nov. 1, 1974	Millerstown, borough of	Perry	Jan. 16, 1974	Upper Nazareth, township of	Northampton	Dec. 27, 1971
Deerfield, township of	Tioga	Aug. 30, 1974	Monroe, township of	Wyoming	Aug. 30, 1974	Union, borough of	Venango	Aug. 16, 1974
Do	Warren	Nov. 15, 1974	Morgan, township of	Greene	Nov. 1, 1974	Valley, township of	Armstrong	Nov. 29, 1974
Delaware Water Gap, borough of	Monroe	June 21, 1974	Morris, township of	Huntingdon	Nov. 22, 1974	Venango, township of	Crawford	Aug. 30, 1974
Delmont, borough of	Westmoreland	Nov. 22, 1974	Munster, township of	Cambria	Do	Venango, township of	do	May 31, 1974
Delta, borough of	York	Do	Nazareth, borough of	Northampton	Jan. 9, 1974	Versailles, borough of	Allegheny	Nov. 8, 1974
District, township of	Berks	Nov. 15, 1974	New Alexandria, borough of	Westmoreland	June 28, 1974	Wallacetown, borough of	Clearfield	Nov. 8, 1974
Donegal, township of	Westmoreland	June 21, 1974	Do	Somerset	Nov. 8, 1974	Warwick, township of	Chester	Sept. 13, 1974
Dundley, borough of	Huntingdon	Nov. 8, 1974	New Berlin, borough of	Union	Feb. 22, 1974	Washington, township of	Armstrong	Nov. 15, 1974
Duncan, township of	Tioga	Nov. 1, 1974	Newburg, borough of	Clearfield	Nov. 29, 1974	Do	Berks	Nov. 22, 1974
East Brandywine, township of	Chester	Oct. 18, 1974	Newlin, township of	Chester	Nov. 1, 1974	Do	Butler	Sept. 13, 1974
East Butler, borough of	Butler	July 26, 1974	North Belle Vernon, borough of	Westmoreland	Nov. 29, 1974	Do	Cambria	Nov. 22, 1974
East Conemaugh, borough of	Cambria	Nov. 15, 1974	North Branch, township of	Wyoming	Do	Do	Greene	Nov. 1, 1974
East Coventry, township of	Chester	Oct. 18, 1974	North Buffalo, township of	Armstrong	Apr. 5, 1974	Do	Westmoreland	Sept. 6, 1974
East Finley, township of	Washington	Nov. 29, 1974	North Fayette, township of	Allegheny	Sept. 20, 1974	Wayne, township of	Schuylkill	Nov. 29, 1974
East Huntingdon, township of	Westmoreland	Sept. 20, 1974	North Heidelberg, township of	Berks	Sept. 13, 1974	West Bethlehem, township of	Washington	Nov. 9, 1974
East Lackawanna, township of	Mercer	Sept. 6, 1974	North Moreland, township of	Wyoming	Nov. 15, 1974	West Buffalo, township of	Union	Nov. 1, 1974
East Nottingham, township of	Chester	Sept. 13, 1974	Oregon, township of	Wayne	Nov. 8, 1974	West Cain, township of	Chester	Sept. 6, 1974
East Rochester, borough of	Beaver	Feb. 1, 1974	Oswego Mills, borough of	Clearfield	Mar. 29, 1974	West Carroll, township of	Cambria	Nov. 22, 1974
Do	do	Apr. 5, 1974	Oswayo, township of	Potter	Nov. 22, 1974	West Leechburg, borough of	Westmoreland	June 21, 1974
Economy, borough of	Lancaster	Aug. 30, 1974	Otto, township of	McKean	Nov. 15, 1974	West Nottingham, township of	Chester	Nov. 22, 1974
Eden, township of	Cambria	Aug. 9, 1974	Overton, township of	Bradford	Aug. 30, 1974	West Penn, township of	Schuylkill	Nov. 15, 1974
Ehrenfeld, borough of	Allegheny	Jan. 9, 1974	Parker City, city of	Armstrong	June 14, 1974	West Perry, township of	Snyder	Nov. 1, 1974
Elkland, township of	Tioga	Nov. 22, 1974	Parker, township of	Butler	Sept. 20, 1974	West Rockhill, township of	Bucks	Sept. 13, 1974
Elmhurst, town of	Lackawanna	Oct. 18, 1974	Parks, township of	Armstrong	May 3, 1974	Do	do	Nov. 22, 1974
Fairchance, borough of	Fayette	July 26, 1974	Penn, township of	Clearfield	Nov. 29, 1974	White, township of	do	Do
Fairfield, township of	Crawford	May 31, 1974	Do	Lycoming	Nov. 1, 1974	Williamstown, borough of	Dauphin	June 28, 1974
Do	Westmoreland	Sept. 6, 1974	Perry, township of	Clarion	Nov. 15, 1974	Wilmore, borough of	Cambria	Aug. 9, 1974
Fairhope, township of	Somerset	Nov. 15, 1974	Petrolia, borough of	Butler	Nov. 22, 1974	Wilmot, township of	Bradford	Sept. 6, 1974
Fairview, borough of	Erie	July 26, 1974	Pike, township of	Bradford	Nov. 1, 1974	Wind Gap, borough of	Northampton	June 28, 1974
Farmview, township of	Mercer	Nov. 29, 1974	Do	Clearfield	Sept. 6, 1974	Winslow, township of	Jefferson	Sept. 20, 1974
Ferris, borough of	Cambria	Nov. 8, 1974	Pine, township of	Armstrong	Sept. 20, 1974	Wyandling, township of	Bradford	Do
Forest City, borough of	Susquehanna	Nov. 22, 1974	Do	Mercer	Nov. 15, 1974	York Haven, borough of	York	Jan. 23, 1974
Forward, township of	Butler	Sept. 13, 1974	Pittsfield, township of	Warren	Nov. 8, 1974			
Fox, township of	Elk	Nov. 15, 1974	Pleasant Valley, township of	Potter	Nov. 29, 1974			
Friley, township of	Schuylkill	Nov. 8, 1974	Pleasantville, borough of	Bedford	Do			

Community name	County name	Identification date
Young, township of.....	Jefferson.....	Aug. 30, 1974
Total 269.		
Rhode Island:		
Gloucester, town of.....	Providence.....	Oct. 18, 1974
Total 1.		
South Carolina:		
Allendale.....	Nov. 29, 1974	
Bluffton, town of.....	Bamberg.....	Do.
Burnettown, town of.....	Alken.....	May 17, 1974
Conard, town of.....	Florence.....	Oct. 25, 1974
Cross Hill, town of.....	Laurens.....	Sept. 6, 1974
Dillon, town of.....	Dillon.....	May 17, 1974
Edgefield, town of.....	Edgefield.....	May 24, 1974
Ehrhardt, town of.....	Bamberg.....	May 31, 1974
Fairfax, town of.....	Allendale.....	Oct. 25, 1974
Gilbert, town of.....	Lexington.....	June 7, 1974
Holly Hill, town of.....	Orangeburg.....	Sept. 6, 1974
Hollywood, town of.....	Charleston.....	Sept. 6, 1974
Jackson, town of.....	Alken.....	May 17, 1974
Landrum, town of.....	Spartanburg.....	Nov. 8, 1974
McClellanville, town of.....	Charleston.....	Oct. 25, 1974
Norway, town of.....	Orangeburg.....	Nov. 8, 1974
Olanta, town of.....	Florence.....	May 24, 1974
Pamplico, town of.....	do.....	May 10, 1974
Paxville, town of.....	Clarendon.....	Aug. 9, 1974
Pellon, town of.....	Lexington.....	Do.
Pineridge, town of.....	do.....	June 21, 1974
Pinewood, town of.....	Sumter.....	Do.
Ridgeville, town of.....	Dorchester.....	May 31, 1974
Rowesville, town of.....	Orangeburg.....	Sept. 20, 1974
Salem, town of.....	Oconee.....	Nov. 8, 1974
Sellers, town of.....	Marion.....	June 7, 1974
Seneca, town of.....	Oconee.....	June 14, 1974
Smoke, town of.....	Colleton.....	Sept. 6, 1974
Sylvania, town of.....	Allendale.....	Oct. 25, 1974
Timmonsville, town of.....	Florence.....	May 24, 1974
Ulmerville, town of.....	Allendale.....	Aug. 16, 1974
Woodruff, town of.....	Spartanburg.....	Nov. 8, 1974
Total 33.		
South Dakota:		
Colome, town of.....	Tripp.....	May 10, 1974
Edgemont, town of.....	Fall River.....	Aug. 2, 1974
Frederick, town of.....	Brown.....	Nov. 22, 1974
Total 3.		
Tennessee:		
Capmbell.....	Nov. 29, 1974	
Putnam.....	Sept. 13, 1974	
Stewart.....	Do.	
Aburatown, city of.....	Cannon.....	Aug. 2, 1974
Bell Buckle, town of.....	Bedford.....	June 14, 1974
Bethel Springs, town of.....	McNairy.....	June 28, 1974
Bradford, town of.....	Gibson.....	June 21, 1974
Byrdstown, city of.....	Pickett.....	Do.
Chapel Hill, town of.....	Marshall.....	June 14, 1974
Englewood, town of.....	Rutherford.....	Aug. 23, 1974
Englewood, city of.....	McMinn.....	May 17, 1974
Finger, town of.....	McNairy.....	Sept. 6, 1974
Gilt Edge, city of.....	Tipton.....	Sept. 13, 1974
Greenbrier, city of.....	Robertson.....	June 21, 1974
Iron City, city of.....	Lawrence.....	June 14, 1974
Lewisburg, city of.....	Marshall.....	Mar. 1, 1974
Lynville, city of.....	Giles.....	June 14, 1974
Ramer, town of.....	McNairy.....	Nov. 29, 1974
Richard City, city of.....	Marion.....	Feb. 1, 1974
Ridgetop, city of.....	Robertson.....	June 7, 1974
Rossville, town of.....	Fayette.....	July 19, 1974
Rutherford, town of.....	Gibson.....	June 7, 1974
Salville, town of.....	Hardin.....	June 14, 1974
Signal Mountain, town of.....	Hamilton.....	Do.
Sturgisville, city of.....	Hawkins.....	May 17, 1974
Tellus Plains, city of.....	Moore.....	Mar. 8, 1974
Tracey City, city of.....	Grundy.....	May 10, 1974
Wartrace, town of.....	Bedford.....	June 14, 1974
Waynesboro, city of.....	Wayne.....	Do.
Wellington, city of.....	Collierville.....	June 21, 1974
Whitwell, city of.....	Madison.....	Feb. 15, 1974
Total 31.		
Texas:		
Alamo, city of.....	Hidalgo.....	Mar. 23, 1974
Alvarado, city of.....	Johnson.....	Aug. 9, 1974
Anna, city of.....	Collin.....	Do.
Antonia, city of.....	Hockley.....	Mar. 29, 1974
Arp, city of.....	Smith.....	Aug. 16, 1974
Baileys Prairie, town of.....	Brazoria.....	Nov. 8, 1974
Banders, city of.....	Banders.....	Apr. 12, 1974
Blum, city of.....	Mill.....	Nov. 1, 1974
Boyd, city of.....	Wise.....	Dec. 28, 1973
Brtar Oaks, city of.....	Johnson.....	Mar. 29, 1974
Cactus, city of.....	Moore.....	June 14, 1974
Caddo Mills, city of.....	Hunt.....	June 28, 1974
Celeste, city of.....	do.....	June 21, 1974
Center, city of.....	Shelby.....	Mar. 1, 1974
Chandler, city of.....	Henderson.....	June 28, 1974
Charksville, city of.....	Red River.....	Feb. 15, 1974
Cockrell Hill, city of.....	Dallas.....	Dec. 7, 1973
Colorado County.....	Oct. 25, 1974	
Combes, town of.....	Cameron.....	May 10, 1974
Cooper, city of.....	Delta.....	Jan. 9, 1973
Corrigan, city of.....	Polk.....	May 24, 1974
Crandall, city of.....	Kaufman.....	Mar. 8, 1974
Dalehart, city of.....	Dallas.....	Aug. 23, 1974
Early, city of.....	Brown.....	May 17, 1974

Community name	County name	Identification date
Edgewood, city of.....	Van Zandt.....	May 14, 1974
Ennis, city of.....	Ellis.....	June 28, 1974
Estelline, city of.....	Hall.....	Nov. 8, 1974
Floydada, city of.....	Floyd.....	May 8, 1974
Follett, city of.....	Lipscomb.....	June 28, 1974
Frankston, city of.....	Anderson.....	Aug. 16, 1974
Friona, city of.....	Farmer.....	Apr. 12, 1974
Glen Rose, city of.....	Somervell.....	Aug. 23, 1974
Grey Forest, city of.....	Bexar.....	Nov. 8, 1974
Gun Barrel City, city of.....	Henderson.....	Nov. 8, 1974
Gustine, town of.....	Comanche.....	Aug. 2, 1974
Hale Center, city of.....	Hale.....	May 10, 1974
Hallett, city of.....	Tarrant.....	Nov. 1, 1974
Hedley, city of.....	Donley.....	Nov. 8, 1974
Hewitt, city of.....	McLennan.....	Jan. 23, 1974
Iredell, town of.....	Bosque.....	Nov. 1, 1974
Kermil, city of.....	Winkler.....	May 24, 1974
Lacoste, city of.....	Medina.....	Jan. 9, 1974
Lindale, city of.....	Smith.....	Mar. 22, 1974
Llano, city of.....	Llano.....	Dec. 28, 1973
Malakoff, city of.....	Henderson.....	Oct. 25, 1974
Marion, city of.....	Guadalupe.....	Jan. 9, 1974
Mason, city of.....	Mason.....	May 10, 1974
Maypearl, city of.....	Ellis.....	Nov. 29, 1974
McLean, city of.....	Gray.....	May 17, 1974
Merton, city of.....	Irlon.....	July 26, 1974
Miami, city of.....	Reberts.....	May 24, 1974
Mineola, city of.....	Wood.....	May 8, 1974
Moulton, town of.....	Lavaca.....	Apr. 5, 1974
Newton, city of.....	Newton.....	June 7, 1974
Normangee, city of.....	Leon.....	Aug. 16, 1974
Oakwood, town of.....	Leon.....	May 24, 1974
Odessa, city of.....	Ector.....	June 28, 1974
Ozona, city of.....	Crockett.....	Dec. 7, 1973
Pampa, city of.....	Gray.....	May 10, 1974
Perryton, city of.....	Ochiltree.....	Sept. 13, 1974
Petersburg, city of.....	Hale.....	Apr. 12, 1974
Pittsburg, city of.....	Camp.....	Jan. 23, 1974
Prosper, town of.....	Collin.....	June 21, 1974
Pyote, city of.....	Ward.....	Aug. 16, 1974
Quinlan, city of.....	Hunt.....	Apr. 12, 1974
Ranger, city of.....	Eastland.....	May 17, 1974
Rankin, city of.....	Upton.....	May 10, 1974
Richland Springs, city of.....	San Saba.....	Nov. 8, 1974
Roaring Springs, city of.....	Moyle.....	Do.
Roby, city of.....	Fisher.....	May 17, 1974
Saginaw, city of.....	Tarrant.....	Mar. 8, 1974
San Perlita, city of.....	Willacy.....	Oct. 25, 1974
Santa Rosa, city of.....	Cameron.....	May 17, 1974
Splendora, city of.....	Montgomery.....	Aug. 30, 1974
Stinnett, city of.....	Hutchinson.....	May 31, 1974
Stockdale, city of.....	Wilson.....	Do.
Sundown, city of.....	Hockley.....	Apr. 12, 1974
Vernon, city of.....	Wilbarger.....	May 17, 1974
Wharton county.....	do.....	Aug. 2, 1974
Wills Point, city of.....	Van Zandt.....	May 17, 1974
Wink, city of.....	Winkler.....	June 28, 1974
Winona, city of.....	Smith.....	Nov. 1, 1974
Wolfe City, city of.....	Hunt.....	June 28, 1974
Yoakum, city of.....	Lavaca and De Witt.....	May 10, 1974
Zapata county.....	do.....	Aug. 2, 1974
Total 84.		
Utah:		
Beaver, city of.....	Beaver.....	June 11, 1974
Circleville, town of.....	Plute.....	Aug. 2, 1974
Enterprise, city of.....	Washington.....	Aug. 16, 1974
Francis, town of.....	Summit.....	July 25, 1974
Honeyville, town of.....	Box Elder.....	June 28, 1974
Huntsville, town of.....	Weber.....	June 21, 1974
Lewiston, city of.....	Cache.....	Aug. 16, 1974
Randolph, town of.....	Rich.....	Do.
Wellington, city of.....	Carson.....	July 26, 1974
Willard, city of.....	Box Elder.....	June 7, 1974
Total 10.		
Vermont:		
Athens, town of.....	Windham.....	Nov. 6, 1974
Barton, village of.....	Orleans.....	Nov. 8, 1974
Bloomfield, town of.....	Essex.....	Sept. 6, 1974
Bradford, village of.....	Orange.....	Oct. 25, 1974
Bridgewater, town of.....	Windsor.....	Aug. 16, 1974
Charleston, town of.....	Orleans.....	Aug. 9, 1974
Clarendon, town of.....	Rutland.....	May 31, 1974
Dover, town of.....	Windham.....	Aug. 2, 1974
Enosburg, town of.....	Franklin.....	Aug. 9, 1974
Essex Junction, village of.....	Chittenden.....	June 28, 1974
Fletcher, town of.....	Franklin.....	Nov. 8, 1974
Granville, town of.....	Addison.....	Jan. 24, 1974
Higginette, town of.....	Franklin.....	May 31, 1974
Huntington, town of.....	Chittenden.....	July 21, 1974
Hyde Park, village of.....	Lamoille.....	Aug. 30, 1974
Jay, town of.....	Orleans.....	Sept. 13, 1974
Lowell, town of.....	do.....	Sept. 20, 1974
Lunenburg, town of.....	Essex.....	June 28, 1974
Marshfield, village of.....	Washington.....	Sept. 20, 1974
Milton, village of.....	Chittenden.....	May 3, 1974
Morrisville, village of.....	Lamoille.....	Feb. 1, 1974
Newport, town of.....	Orleans.....	Nov. 1, 1974
North Troy, village of.....	do.....	Aug. 2, 1974
Readsboro, village of.....	Bennington.....	Aug. 9, 1974

Community name	County name	Identification date
Richford, town of.....	Franklin.....	Aug. 2, 1974
Searsburg, town of.....	Bennington.....	Nov. 13, 1974
Somerset, town of.....	Windham.....	Nov. 22, 1974
South Burlington, town of.....	Chittenden.....	Nov. 1, 1974
Townshend, village of.....	Windham.....	Nov. 29, 1974
Troy, town of.....	Orleans.....	July 26, 1974
Washington, town of.....	Orange.....	June 28, 1974
Wells River, village of.....	do.....	Aug. 9, 1974
Westfield, town of.....	Orleans.....	Sept. 6, 1974
Wheelock, town of.....	Caledonia.....	Nov. 13, 1974
Woodford, town of.....	Bennington.....	Do.
Total 23.		
Virginia:		
Bristol city of.....	Rappahannock.....	Nov. 29, 1974
Glen Lyn, town of.....	Olles.....	Nov. 15, 1974
Hallwood, town of.....	Accomack.....	Aug. 9, 1974
Haymarket, town of.....	Prince William.....	Do.
New Castle, town of.....	Craig.....	Do.
Roynkins, town of.....	Southampton.....	May 31, 1974
Total 7.		
Washington:		
Buckley, town of.....	Pierce.....	Aug. 6, 1974
Fairfield, town of.....	Spokane.....	Nov. 8, 1974
Friday Harbor, town of.....	San Juan.....	Nov. 29, 1974
Nooksack, city of.....	Whatcom.....	Nov. 22, 1974
Republic, town of.....	Ferry.....	June 7, 1974
Uniontown, town of.....	Whitman.....	Nov. 22, 1974
Waverly, town of.....	Spokane.....	Nov. 15, 1974
Zillah, city of.....	Yakima.....	Sept. 14, 1974
Total 8.		
West Virginia:		
Barbour.....	Nov. 15, 1974	
Brooke.....	Nov. 22, 1974	
Ohio.....	Nov. 29, 1974	
Pocahontas.....	Mar. 26, 1974	
Tyler.....	Nov. 29, 1974	
Layopits, town of.....	Gilmer.....	Aug. 8, 1974
Littleton, town of.....	Wetzel.....	Nov. 15, 1974
Mason town, town of.....	Preston.....	Do.
Mount Hope, town of.....	Fayette.....	Sept. 13, 1974
Reedsville, town of.....	Preston.....	Nov. 15, 1974
Smithers, town of.....	Fayette.....	Mar. 8, 1974
Smithfield, town of.....	Wetzel.....	Nov. 15, 1974
Total 12.		
Wisconsin:		
Almena, village of.....	Barron.....	Sept. 6, 1974
Barneveld, village of.....	Iowa.....	May 17, 1974
Bear Creek, village of.....	Outagamie.....	Nov. 22, 1974
Belgium, village of.....	Ozaukee.....	June 7, 1974
Bell Center, village of.....	Crawford.....	Jan. 9, 1974
Big Falls, village of.....	Waupaca.....	Aug. 30, 1974
Boas, village of.....	Richland.....	Aug. 23, 1974
Boscobel, city of.....	Grant.....	Dec. 17, 1973
Brownstown, village of.....	Greeley.....	Jan. 9, 1974
Cable, village of.....	Bayfield.....	Aug. 30, 1974
Cambridge, village of.....	Dane.....	Dec. 17, 1973
Cameron, village of.....	Barron.....	Dec. 28, 1973
Cascade, village of.....	Sheboygan.....	May 3, 1974
Catawba, village of.....	Price.....	Nov. 8, 1974
Cazenovia, village of.....	Richland.....	Aug. 23, 1974
Conrath, village of.....	Rusk.....	Aug. 30, 1974
Costburg, village of.....	Sheboygan.....	June 28, 1974
Desoto, village of.....	Crawford.....	Jan. 9, 1974
Downing, village of.....	Dunn.....	Nov. 8, 1974
Doylestown, village of.....	Columbia.....	Apr. 17, 1974
Eagle River, city of.....	Vilas.....	Dec. 28, 1973
East Troy, village of.....	Walworth.....	May 24, 1974
Eland, village of.....	Shawano.....	Aug. 23, 1974
Elderton, village of.....	Marathon.....	July 19, 1974
Fairchild, village of.....	Eau Claire.....	May 31, 1974
Fenwood, village of.....	Marathon.....	Aug. 2, 1974
Forestville, village of.....	Door.....	Nov. 20, 1973
Fortville, village of.....	Rock.....	May 31, 1974
Francis Creek, village of.....	Manitowish.....	May 17, 1974
Galesville, city of.....	Trempealeau.....	Nov. 30, 1973
Glen Flora, village of.....	Rusk.....	Nov. 8, 1974
Grant, village of.....	Clark.....	Aug. 30, 1974
Gratiot, village of.....	Lafayette.....	Jan. 16, 1974
Howard, village of.....	Brown.....	Dec. 28, 1973
Hustler, village of.....	Juneau.....	Aug. 23, 1974
Ingram, village of.....	Rusk.....	Sept. 6, 1974
Ironton, village of.....	Sauk.....	Aug. 16, 1974
Johnson Creek, village of.....	Jefferson.....	Jan. 9, 1974
Kenner, village of.....	Price.....	Nov. 8, 1974
Knapp, village of.....	Dunn.....	July 19, 1974
Lime Ridge, village of.....	Sauk.....	Aug. 23, 1974
Loganville, village of.....	do.....	Sept. 6, 1974
Lowell, village of.....	Dodge.....	May 17, 1974
Lublin, village of.....	Taylor.....	Sept. 20, 1974
Marquette, village of.....	Green Lake.....	Dec. 28, 1973
Mattson, village of.....	Shawano.....	Aug. 30, 1974
Melvin, village of.....	Monroe.....	Do.
Menomonie, city of.....	Dunn.....	June 28, 1974
Merrill, village of.....	Jackson.....	May 31, 1974
Minong, village of.....	Washburn.....	Aug. 30, 1974
Mount Hope, village of.....	Grant.....	Do.
Necedah, village of.....	Juneau.....	Jan. 9, 1974
New Auburn, city of.....	Chippewa.....	July 19, 1974
North Bay, village of.....	Racine.....	Sept. 6, 1974
Ogdensburg, village of.....	Waupaca.....	Aug. 23, 1974
Oliver, village of.....	Douglas.....	Aug. 30, 1974
Omro, village of.....	Winnebago.....	Sept. 15, 1974

Office of the Secretary

[Docket No. D-75-394]

SECRETARY OF THE INTERIOR

Delegation of Authority

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to Section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 FR 25939, dated July 11, 1974), I hereby delegate to the Secretary of the Interior, subject to the general policy guidance and coordination of the Administrator of the Federal Disaster Assistance Administration, certain of the authority, functions and powers granted by Section 202 of the Disaster Relief Act of 1974 (hereinafter, "the Act," 88 Stat. 143, 42 U.S.C. 5121 Note) with respect to disaster warnings for an earthquake, volcanic eruption, landslide, mudslide, or other geological catastrophe, and for those fires for which the Department of the Interior presently provides fire warning services in support of Federal and State agencies, to wit:

1. The authority contained in Section 202(b) of the Act (with the exception of the authority to direct appropriate Federal agencies to provide technical assistance to State and local governments to ensure that timely and effective disaster warning is provided;

2. The authority contained in Section 202(c) of the Act to utilize or to arrange for the use, where practicable, by Federal, State, and local agencies the facilities

of any Federal communications system (other than the civil defense communications system established and maintained pursuant to Section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c))) for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters;

3. The authority contained in Section 202(d) of the Act to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable (upon approval by the FDAA Administrator, where Disaster Relief Act funds are involved) or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters; and

4. The authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

(Disaster Relief Act of 1974, 42 U.S.C. 5121 Note; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d); Executive Order 11795, signed July 11, 1974, 39 FR 25939.)

Effective date: This delegation shall be effective November 13, 1975.

CARLA A. HILLS,
Secretary, U.S. Department of
Housing and Urban Development.

I consent:

KENT FRIZZELL,
Acting Secretary,
U.S. Department of the Interior.

[FR Doc. 75-30663 Filed 11-13-75; 8:45 am]

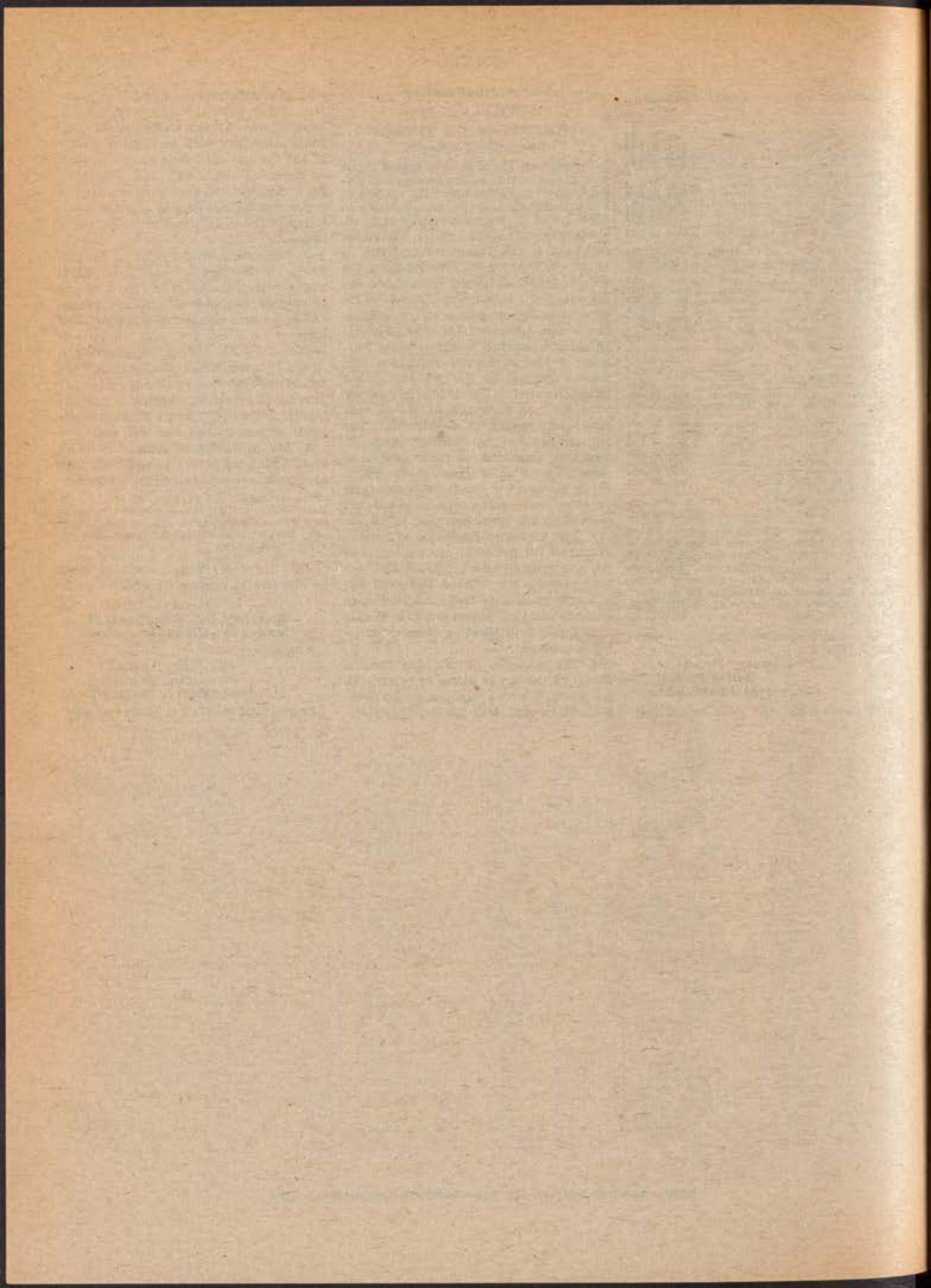
Community name	County name	Identification date
Ontario, village of.....	Vernon.....	Jan. 9, 1974
Pardoeville, village of.....	Columbia.....	Dec. 28, 1973
Pineon Falls, village of.....	Trempealeau.....	Sept. 6, 1974
Poplar, village of.....	Douglas.....	Dec. 28, 1973
Potosi, village of.....	Grant.....	Do.
Prairie Du Sac, village of.....	Sauk.....	Dec. 7, 1973
Pulaski, village of.....	Brown.....	May 24, 1974
Redgranite, village of.....	Waushara.....	May 17, 1974
Shullsburg, city of.....	Lafayette.....	May 17, 1974
South Wayne, village of.....	do.....	Dec. 7, 1973
St. Cloud, village of.....	Fond Du Lac.....	Dec. 28, 1973
Stanton, town of.....	St. Croix.....	Nov. 15, 1974
Star Prairie, village of.....	do.....	Dec. 28, 1973
Sturtevant, village of.....	Racine.....	May 24, 1974
Taylor, village of.....	Jackson.....	Dec. 7, 1973
Union Center, village of.....	Juneau.....	Nov. 15, 1974
Unity, city of.....	Marathon.....	Sept. 20, 1974
Vesper, village of.....	Wood.....	Aug. 2, 1974
Wheeler, village of.....	Dunn.....	Aug. 2, 1974
Wild Rose, village of.....	Waushara.....	May 31, 1974
Wilson, village of.....	St. Croix.....	Aug. 30, 1974
Woodman, village of.....	Grant.....	Jan. 16, 1974
Total 79.		
Wisconsin:		
Bagsy, town of.....	Carbon.....	Nov. 22, 1974
Cokeville, town of.....	Lincoln.....	Nov. 8, 1974
Dubois, town of.....	Frederick.....	Jan. 23, 1974
East Thermopolis, town of.....	Hot Springs.....	Nov. 8, 1974
Kayce, town of.....	Johnson.....	Nov. 22, 1974
Kennerly, town of.....	Lincoln.....	Mar. 29, 1974
Laramie, city of.....	Albany.....	Apr. 5, 1974
Manderson, town of.....	Big Horn.....	Sept. 13, 1974
Ranchester, town of.....	Sheridan.....	Sept. 6, 1974
Riverton, city of.....	Frederick.....	Mar. 29, 1974
Torrington, town of.....	Goshute.....	Mar. 15, 1974
Total 11.		
National total 1,983.		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 P.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's Delegation of Authority to the Federal Insurance Administrator, 34 P.R. 2680, February 24, 1974.)

Issued in Washington, D.C. on November 5, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 75-30287 Filed 11-13-75; 8:45 am]



federal register

THURSDAY, NOVEMBER 13, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education



EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION

Criteria For Selection of Applicants
for FY 1976

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION

Criteria for Selection of Applicants for Fiscal Year 1976

Pursuant to the authority contained in Section 142(c) of Part D of the Vocational Education Act of 1963, as amended (20 U.S.C. 1302(c)), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations by revising Appendix A to read as set forth below. The proposed revised Appendix will supersede all criteria previously published for the selection of applications under the program of support for Exemplary Projects in Vocational Education.

(a) *Program purpose.* (1) Section 142(c) of Part D of the Vocational Education Act of 1963, as amended (20 U.S.C. 1302(c)), provides for federally administered grants and contracts for Exemplary Projects in Vocational Education. The purposes of these exemplary projects are to: (i) Create bridges between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational education; (ii) Promote cooperation between public education and manpower agencies; (iii) Broaden occupational aspirations and opportunities for youths, with special emphasis given to youths who have academic, socio-economic, or other handicaps; and (iv) Provide for the participation in the program of students enrolled in private nonprofit schools.

(2) *Other program information.* (i) These projects are conducted under grants or contracts awarded by the Commissioner of Education in accordance with the provisions of Part D of the Act and with the applicable Federal regulations (45 CFR Part 103); (ii) Eligible applicants may include local educational agencies, State boards for vocational education, and public and private agencies, institutions, or organizations; and (iii) These exemplary projects represent bridging efforts between research and development and actual operations in school settings.

(b) *Regulations and criteria.* Regulations relating to the administration of the exemplary projects program under Part D of the Vocational Education Act of 1963 are contained in 45 CFR Part 103. (See particularly 45 CFR 103.21-26.) Specific criteria in 45 CFR 103.25 for the review of applications submitted to the Commissioner of Education under the program are superseded by this notice for fiscal year 1976. General regulations relating to general fiscal and administrative provisions for all Office of Education programs are contained in 45 CFR Part 100 and 100a. These general regulations contain general criteria for

the review of applications under Office of Education project type programs (45 CFR 100a.26), and are also applicable to the program under Part D of the Act.

(c) *Criteria.* Superseding the criteria for review of applications already published in the FEDERAL REGISTER, as described above, the criteria set forth in the proposed revised Appendix A to the regulations in 45 CFR Part 103 will be applicable in connection with the review of applications for new projects to be awarded in fiscal year 1976 under Part D.

(d) *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to: Division of Research and Demonstration, U.S. Office of Education, 7th & D Streets, S.W., Room 5042, Regional Office Building Three, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:00 p.m. All relevant material to be considered must be received on or before December 15, 1975.

(Catalog of Federal Domestic Assistance Program Number 13.502; Vocational Education—Innovation) (Exemplary Projects in Vocational Education).

Dated: September 25, 1975.

T. H. BELL,

U.S. Commissioner of Education.

Approved: November 3, 1975.

DAVID MATHEWS,

Secretary of Health, Education,
and Welfare.

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Appendix A is revised as follows:

APPENDIX A

EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION; CRITERIA FOR FISCAL YEAR 1976

(a) *Priority of awards.* In awarding grants from funds available for this program, the Commissioner will give priority to applications for planning grants and to applications for three-year demonstration projects which rank high on the basis of criteria published herein and which involve, in a single operational setting, one of the three program priority areas described below as well as the additional three program features which are required of all applicants. (A single operational setting may be defined as a school, a group of schools, a community and/or several communities in sufficiently close proximity to permit effective project management and supervision, and to insure that the activities being undertaken will achieve maximum impact and visibility within the defined geographic area.)

In awarding grants for Part D projects in fiscal year 1976, the U.S. Office of Education will utilize a two-step selection process. The first step will be the acceptance of applications for planning grants and the negotiation of grant awards of \$5,000 or less to the successful applicants. The planning grant period will culminate with the second step which is the receipt of full proposals both from the recipients of the planning grants and from other interested agencies and institutions who feel that their stage of development is past that of planning. From those submitting full proposals, applicants will be selected who will receive three-year

grant awards for program implementation and demonstration. Closing dates for the receipt of planning grant applications and for the receipt of full proposals will be announced in the FEDERAL REGISTER.

Those agencies and institutions which receive planning grant awards but ultimately elect not to submit a full proposal will submit a final report which documents the planning process undertaken and the conditions which either facilitated or impeded that process.

The U.S. Office of Education, where possible, will fund three planning projects of not more than three months duration in each of the eligible States. One planning project for each of the three priority areas will be selected per State, provided that the planning grant applications received are deemed adequate by the review panel and the U.S. Office of Education.

From the full implementation and demonstration proposals which are submitted, the U.S. Office of Education will fund at least one three-year project in each eligible State and Territory. The initial funds will be awarded only for the first year of project operation. Continuation funding for the second and third years will be based on evidence of satisfactory progress during the previous twelve months and will be subject to changes in legislation and appropriations by the Congress.

Program Priority Area 1. Demonstration of the National Institute of Education's (NIE's) Experience-Based Career Education Program. The National Institute of Education's Experience-Based Career Education Program is characterized by the following significant elements:

(1) It represents a comprehensive alternative to regular high school, offering courses which either fulfill or supplement all requirements for graduation;

(2) It is experientially oriented in that students are permitted to perform non-paid work tasks as well as to observe adults in their work environment. It entails the opportunity for exposure to more than one community site, and requires learning more than one type of work-related skill. The activities in the work place are organized to yield academic, career, and interpersonal skills as well as occupational skills; and

(3) It possesses an organizational structure made up of school and community representatives whose sole purpose is to render advisory, policy-making, or operational assistance to the program.

Experience-based programs designed for career exploration other than that developed by the National Institute of Education may be submitted for funding consideration under this priority area, provided that such programs are able to demonstrate equal evidence of effectiveness.

Program Priority Area 2. The further development and demonstration of the instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program in conjunction with an in-school cluster structure designed for occupational exploration and initial job preparation. The cluster structure selected should be characterized by:

(1) Delivery of skills and knowledges which are common to many occupations;

(2) Provision of an obvious ladder of jobs from the skilled through the professional levels;

(3) Provision of appropriate linkages, such as linkages for determining instructional content and for arranging placement, between the instructional program and the related units of business, industry, the professions, and government; and

(4) Provision for each person leaving the cluster program to have an entry-level job skill, thereby permitting its participants to exercise the option of either getting a job or pursuing further education.

Aspects of the National Institute of Education's Experience-Based Career Education Program which appear particularly promising for implementation in conjunction with an in-school cluster structure are, among others, the learning site analysis techniques, the student learning packages with behaviorally-stated objectives, and the employer recruitment and orientation process. Descriptive materials on these methods and techniques may be obtained from the Department of Health, Education, and Welfare/U.S. Office of Education Regional Offices listed in the Notice of Closing Date for Receipt of Applications published in this issue of the *FEDERAL REGISTER*.

Applicants may propose the use of instructional strategies, methods, and techniques developed with other experience-based programs such as those developed under Parts B, C, D, and G of the Vocational Education Act when such programs can demonstrate equal evidence of effectiveness.

Program Priority Area 3. The further development and demonstration of the instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program in expanded, improved, or newly developed cooperative vocational education and work experience programs, excluding Work Study Programs funded under Part H of the Vocational Education Act, Pub. L. 90-576.

Aspects of the Experience-Based Career Education Program which appear particularly promising for expanding and improving cooperative vocational education programs and work experience programs are, among others, the learning site analysis techniques, the student learning packages with behaviorally-stated objectives, and the employer recruitment and orientation process. Descriptive materials on these methods and techniques may be obtained from the Department of Health, Education, and Welfare/U.S. Office of Education Regional Offices listed in the Notice of Closing Date for Receipt of Applications published in this issue of the *FEDERAL REGISTER*.

Applicants may propose the use of instructional strategies, methods, and techniques developed within other experience-based programs such as those developed under Parts B, C, D, and G of the Vocational Education Act when such programs can demonstrate equal evidence of effectiveness.

(b) **Regional distribution.** While applicants under Part D, Section 142(c) will be asked to select from one of the above three priority areas, indicating on their application the priority to which the application has been addressed, the U.S. Office of Education will give priority to the funding of a minimum of one project in each of the ten Department of Health, Education, and Welfare/U.S. Office of Education Regions which is designed to demonstrate the National Institute of Education's Experience-Based Career Education Program (Program Priority Area 1).

(c) **Required program features.** In addition to selecting from the above three priority areas, applicants should include in the single operational setting defined for the project all of the following three program features:

(1) A systematic plan to eliminate existing sex bias and sex-role stereotyping and to avoid introducing these elements into the activities undertaken with respect to the demonstration project;

(2) A third-party, objective evaluation, the design of which should attempt to measure student outcome against the stated objectives of the project as well as gather such process and treatment information as will show reason why the project was or was not successful in achieving the desired outcomes for the designated population of student participants; and

(3) A strong emphasis on sex-fair guidance, counseling, placement, and follow-up services.

(d) **Continuation awards.** In addition to the above emphasis for new grant awards in fiscal year 1976, continuation costs may be provided for the second or third years of demonstration projects started in fiscal year 1974 and fiscal year 1975 under this program (CFDA No. 13.502) when it is deemed that such projects are making satisfactory progress toward achieving their objectives.

(20 U.S.C. 1301-1305)

(e) **Financial sources for projects.** Since comprehensive exemplary projects will require substantial financial resources, consideration should be given in the project design to the possible coordination with relevant programs supported from other sources.

(20 U.S.C. 1301, 1303(a))

(f) **Application review criteria—program priority areas.** The criteria which will be utilized in reviewing applications in fiscal year 1976 will be the same for initial planning projects and for three-year implementation and demonstration projects.

With respect to planning projects, applicants should submit a completed application form, a letter of not more than ten single-spaced pages, and other documentary evidence which indicates a capability to plan and, if successful in the final selection process, to implement an Exemplary Project in Vocational Education which will demonstrate one of the three major program priority areas as well as the additional three features (elimination of sex bias and sex-role stereotyping; evaluation; and sex-fair guidance, counseling, placement, and follow-up services) which are required of all applicants.

Applicants for a three-year implementation and demonstration project should submit a completed application form and a full narrative proposal.

Segments or a segment of the letter or other evidence presented in an application for a planning project or, in the case of a three-year project, the narrative proposal must address each criterion area outlined below depending on the priority area to which the application is addressed and the general criteria which are outlined for all applications. Each criterion area is weighted and includes the maximum score that can be given to a segment of a letter, a narrative proposal, or other evidence in relation to the criteria. Applications which score below 30 percent of the total maximum score possible will not receive further funding consideration in fiscal year 1976. These criteria supersede the criteria set forth in 45 CFR 100a.26 and 103.25 as to this program for fiscal year 1976. The criteria for the three major priority areas and maximum weights for each criterion area are as follows:

Program Priority Area 1: Demonstration of the National Institute of Education's Experience-Based Career Education Program. Applications submitted for consideration under this priority area will be evaluated on the extent to which:

Maximum Score 40 (1) A capability is demonstrated to provide the following curriculum and instructional aspects. Applicants should assure the existence of a capability and willingness to:

(i) Award credit in academic subjects (e.g., English, science, mathematics, and social sciences) for successful completion of experience-based career education projects in the community, and assure that this credit will contribute to the satisfaction of requirements for the standard diploma, certificate, or degree;

(ii) Base the educational program on experiential learning where students are actively involved in work throughout the community and have access to adults in their normal working environment;

(iii) Insure that each student has an individualized learning plan into which the student has had a significant input; and

(iv) Insure that within the overall learning plan, the experience is designed to integrate career decision-making skills, basic academic skills, job-related skills, and skills needed in other life roles (e.g., family, community, political).

Maximum Score 20 (2) The applicant evidences the ability to organize and manage an experience-based career education program. Applicants should show evidence of the capability to:

(i) Establish a learning center (as defined in descriptive materials to be furnished potential applicants upon request) for the program and maintain a full-time program manager with overall responsibility; and

(ii) Facilitate student transportation to and from community learning sites. Indicate the availability of public and/or private means of transportation.

Maximum Score 30 (3) Conditions of student participation are established. Applicants should:

(i) Discuss the population from which students will be selected. While it is preferred that the program seek a representative cross-section by selecting from the entire "pool" of students (of appropriate grade level) within the operational site, proposals directed at special populations will also be considered; and

(ii) Provide assurance that student participants will satisfy the following requirements as a prerequisite to enrollment in the program. Students under 18 will obtain written parental permission to participate in the program and permit program officials to collect and utilize resulting evaluation data. Students 18 years of age or older will give written consent for program officials to collect and utilize evaluation data.

Maximum Score 30 (4) The applicant has assured access to employer/community resources as outlined below. Applicants should:

(i) Discuss the extent to which schools and communities are likely to accept/support the experience-based career education effort by indicating the nature and extent of support from key community groups representing labor, management, teachers, supervisors, parents, etc.; by providing statements of official school policy and/or examples of existing off-campus educational programs for which academic credit is awarded; and by describing other current or previous programs involving cooperation between business, labor, community, and schools; and

(ii) Indicate capability and intent to orient and train employer and community resource people to insure their understanding of their roles with respect to the program's educational objectives.

(5) The applicant submitting an experience-based program other than that developed by the National Institute of Education for consideration for funding under this priority area has submitted supporting documentation which permits its comparison with the documentation of effectiveness submitted by the National Institute of Education. (When the evidence of effectiveness so submitted is, in the judgment of the review panel, inferior to that for the Experience-Based Career Education Program, the proposal for a planning project or for an implementation and demonstration project will be automatically disqualified.)

Program Priority Area 2: The further development and demonstration of the instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program in coordination with an in-school

cluster structure designed for occupational exploration and initial job preparation. Proposals developed for consideration under this priority area will be evaluated on the extent to which:

Maximum Score 30 (1) The selected cluster programs will be implemented in such a way as to insure the use of such instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program as the site analysis techniques, the employer orientation and recruitment techniques, and the individual student learning plans to insure a high level of involvement of educational, business, industrial, labor, and professional organizations and institutions both in the classroom and in the provision of career exploratory and career preparation opportunities in the community;

(2) The applicant proposing the use of instructional strategies, methods, and techniques other than those developed by the National Institute of Education in the Experience-Based Career Education Program has submitted supporting documentation which permits its comparison with the documentation of effectiveness submitted by the National Institute of Education. (When the evidence of effectiveness so submitted is, in the judgment of the review panel, inferior to that submitted by the National Institute of Education, the proposal for a planning project or for an implementation and demonstration project will be automatically disqualified.)

Maximum Score 10 (3) The applicant proposing the phasing-in of clusters over the life of the project has provided a projected schedule.

Maximum Score 40 (4) The applicant organization has selected a cluster structure for implementation which is characterized by:

(i) Delivery of skills and knowledges which are common to many occupations;

(ii) Provision of an obvious ladder of jobs from the skilled through the professional levels;

(iii) Provision of appropriate linkages, such as linkages for determining instructional content and for arranging placement, between the instructional program and the related units of business, industry, the professions, and government; and

(iv) Provision for each person leaving the cluster program to have an entry-level job skill, thereby permitting its participants to exercise the option of either getting a job or pursuing further education.

Maximum Score 10 (5) The applicant has described the ways in which the cluster program will be coordinated with the regular vocational offerings at the secondary and postsecondary levels.

Program Priority Area 3. The further development and demonstration of the instructional strategies, methods, and techniques of the National Institute of Education's Experience-Based Career Education Program in expanded, improved, or newly developed cooperative vocational education and work experience programs, excluding Work Study Programs funded under Part H of the Vocational Education Act, P.L. 90-576. Proposals developed for consideration under this priority area will be evaluated on the extent to which:

Maximum Score 30 (1) The applicant has made a commitment to the use of such instructional strategies, methods, and techniques of the Experience-Based Career Education Program as the site analysis techniques, the employer orientation and recruitment techniques, and the individual student learning plan;

(2) The applicant proposing the use of instructional strategies, methods, and techniques other than those developed by the

National Institute of Education in the Experience-Based Career Education Program has submitted supporting documentation which permits its comparison with the documentation of effectiveness submitted by the National Institute of Education. (When the evidence of effectiveness so submitted is, in the judgment of the review panel, inferior to that submitted by the National Institute of Education, the proposal for a planning project or for an implementation and demonstration project will be automatically disqualified.); and

Maximum Score 20 (3) The funds budgeted for the project will have a primary focus on the expansion of current offerings, although some funds may be used to improve existing programs, and assurance is provided that Federal funds, in this instance, will not be used to supplant current State and local efforts.

(20 U.S.C. 1301-1305)

(g) *Application review criteria—General criteria for all applications.*

Maximum Score 30 (1) *Elimination of sex bias and sex-role stereotyping.* With respect to the elimination and avoidance of sex bias and sex-role stereotyping within the demonstration project applications will be evaluated on the extent to which the applicant organization has committed itself, in the application, to:

(i) The selection, development, and/or alteration of all curriculum, instructional materials, and evaluation instruments for use in the demonstration projects to insure an absence of sex-role stereotyping;

(ii) An emphasis on the placement of young people in exploration and training opportunities without regard to traditional practices in vocational education and employment; and

(iii) The identification of women and men in non-traditional work roles who will work with younger women and men both in school and in the work place when the younger persons have an interest in a similar but non-traditional area or when they need encouragement to pursue some other non-traditional area for which they have developed an interest.

Maximum Score 35 (2) *Third-party, objective evaluation.* Applications will be evaluated on the extent to which they:

(i) Assure the development of measurable process objectives and assure the documentation and, where appropriate, the evaluation of the effectiveness of the processes undertaken in the planning and implementation of the demonstration project. Objectives should be developed for such aspects as in-service training for administrators, teachers, and counselors; development of curriculum and instructional materials; development of individual student learning plans; the elimination and avoidance of sex-role stereotyping; and the placement of young people in the work place either on a part-time basis or on a full-time basis;

(ii) Assure the development of a management plan which links the selected program priority area and other program features to the process objectives, to the human and financial resources to be applied, and finally to the specific student outcome objectives anticipated so that success or failure in achieving the desired student outcomes can be explained in terms of processes used or resources applied;

(iii) Assure the development and specification of behaviorally stated, measurable student outcome objectives and the documentation of the educational experiences of each student (or group of students) with respect to the achievement of those objectives

including the amount of time devoted to specifically named educational experiences;

(iv) Assure that parental approval will be secured for the participation of the young person in the total evaluation and for the collection of student data with respect to age, grade level, socioeconomic level, ethnic group membership, and sex which will permit analysis of the extent to which the educational and career needs of specific populations are being met when such analyses are deemed pertinent to the purposes of the project. In order to accomplish this, it is anticipated that such information, but not the name or other personal identification of an individual student, will be associated with the statement of desired outcomes and the documentation of educational experiences undertaken with respect to the achievement of the outcomes and with the measurement results;

(v) Assure that an adequate sample of young people will be included in the evaluation so that the results may be generalized and predicted for other comparable student populations given the same educational experiences;

(vi) Assure that the evaluation design will result in reasonable evidence that gains or improvements can be attributed to the educational and career experiences provided the young people through the project and not to some other experience encountered such as normal maturation, the regular educational process, or some other factor impacting on the student at the time. Among the devices that would be considered acceptable in this respect would be control groups, a comparison of the project population's gains with previous year's scores, a comparison of such gains with national norms, or a comparison of gains when young people had a high level of involvement with the project activities with the gains achieved when young people had a low level of involvement with the project activities; and

(vii) Assure that, where they exist in respect to a given student outcome, validated instruments will be used in measuring students' gains.

Maximum Score 10 (3) *Sex-fair guidance, counseling, placement, and follow-up services.* With respect to this requirement, applications will be evaluated on the extent to which:

(i) Applicants have committed themselves to the development of process objectives and measurable student outcome objectives for sex-fair guidance and counseling with respect to career decisionmaking; and

(ii) Applicants have committed themselves to accounting for the successful placement and the followup of each and every young person leaving the participating schools, whether by graduation or by dropping out. Coordination should be provided with, and the actual involvement sought, of U.S. Employment Service representatives and Comprehensive Employment and Training Act (CETA) personnel. Successful placement may be considered the enrollment and progress of the young person in a CETA program, in a secondary or postsecondary occupational program, in a four-year college, in a job for which training has been provided, or in some other situation expressed by the young person as a desired goal.

Maximum Score 20 (4) *Safeguards with respect to students' work related activities.* In the provision of career exploratory and career preparation opportunities in the community, the application will be evaluated on the extent to which the applicant organization has provided assurance that:

(i) Insurance will be provided to cover the safety and well-being of the young people while being transported as well as while

actively involved in work-related activities in the community;

(ii) Where an employment relationship is established, all project activities are designed and operated within the parameters of the Fair Labor Standards Act and the participating employers meet the provisions of the Occupational Safety and Health Act;

(iii) Where an employment relationship is not established (as in the case of non-paid work-related activities), all project activities are designed and operated in full recognition of the intent of the child labor provisions of the Fair Labor Standards Act, including the avoidance of hazardous occupations, limits on the hours of participation, and any other provisions designed to promote the safety and well-being of the young people, and the community learning sites meet the provisions of the Occupational Safety and Health Act with respect to the working sites and the working conditions to which young people will be exposed; and

(iv) In providing assurance of the above conditions the application for a planning project contains documentation that the application has been submitted to the Area Director of the Wage and Hour Division of the U.S. Department of Labor for review or that the application for an implementation and demonstration project contains documentation of the application's review and approval by the appropriate Area Director of the Wage and Hour Division of the U.S. Department of Labor.

Maximum Score 20 (5) Program or project purpose. The application will be evaluated on the extent to which it relates the proposed program or project to the following broad purposes of the Part D portion of the Vocational Education Amendments of 1968, P.L. 90-576.

(i) The proposed program or project's potential for reducing the level of youth unemployment;

(ii) Its potential contribution to creating bridges between school and earning a living for young people, to promoting cooperation between public education and manpower agencies, and to broadening occupational aspirations and opportunities for young people;

(iii) Its emphasis on services for youths who have academic, socioeconomic, or other handicaps; and

(iv) Its relevance to priority areas in vocational education as reflected in the Vocational Education Amendments of 1968, P.L. 90-576.

Maximum Score 5 (6) Need. The application should describe how the need for the

project was determined, such as what types of surveys and analyses were performed and what interaction took place with students, parents, community, business, industrial labor, and professional groups.

Maximum Score 10 (7) Plan of operation. The application will be evaluated on the extent to which it provides a clear description of the strategies that will be used to meet the identified needs, including:

(i) Procedures for achieving the identified objectives which are appropriate, technically sound, detailed, and which appear practical for wide use in vocational education; and

(ii) An adequate management plan which shows critical completion dates, person hours to be devoted by project staff, and the other resources to be devoted to each of the project objectives.

Maximum Score 15 (8) Results. The application will be evaluated on the extent to which it:

(i) Identifies proposed results or end products anticipated, and how they will be disseminated;

(ii) Specifies the procedures that will be used for making materials, techniques, and other outputs resulting from the project available to all those concerned with the improvement of vocational education; and

(iii) Lists specific steps that will be taken by the applicant organization to ensure that successful aspects of the program or project will be incorporated into vocational education programs supported with other funds.

Maximum Score 15 (9) Personnel. The application will be evaluated on the extent to which it:

(i) The qualifications and experience of the personnel are appropriate for the proposed project, including both program considerations and management considerations;

(ii) The applicant has agreed to establish or utilize existing external policy advisory boards representative of business, industry, labor organizations, government, and the professions to provide wide-ranging policy advice during program planning and implementation, and has indicated the responsibilities of such a board and its relationship to school officials; and

(iii) The applicant is able to indicate the individual(s) who will be responsible for program planning, her/his time commitment, managerial and professional experience, and what continuing relationship this individual will have should the plan ultimately be selected as an implementation and demonstration project.

Maximum Score 5 (10) Facilities and equipment. The application will be evaluated

on the extent to which the applicant organization has committed itself to the provision of adequate facilities and equipment necessary for the success of the project.

Maximum Score 15 (11) Cost effectiveness. The application will be evaluated on the extent to which:

(i) The estimated cost appears reasonable in the light of anticipated results;

(ii) There is documented assurance of support from other cooperating agencies or institutions when this appears necessary to the success of the project; and

(iii) The proposed program or project is of sufficient scope to make a significant contribution to the improvement of vocational education.

(12) *In addition to the above selection criteria, no project may be funded under Section 142(c), Part D of P.L. 90-576 unless the following conditions are met:*

(i) The application includes suitable procedures to assure that Federal funds made available for the project will not be commingled with State or local funds;

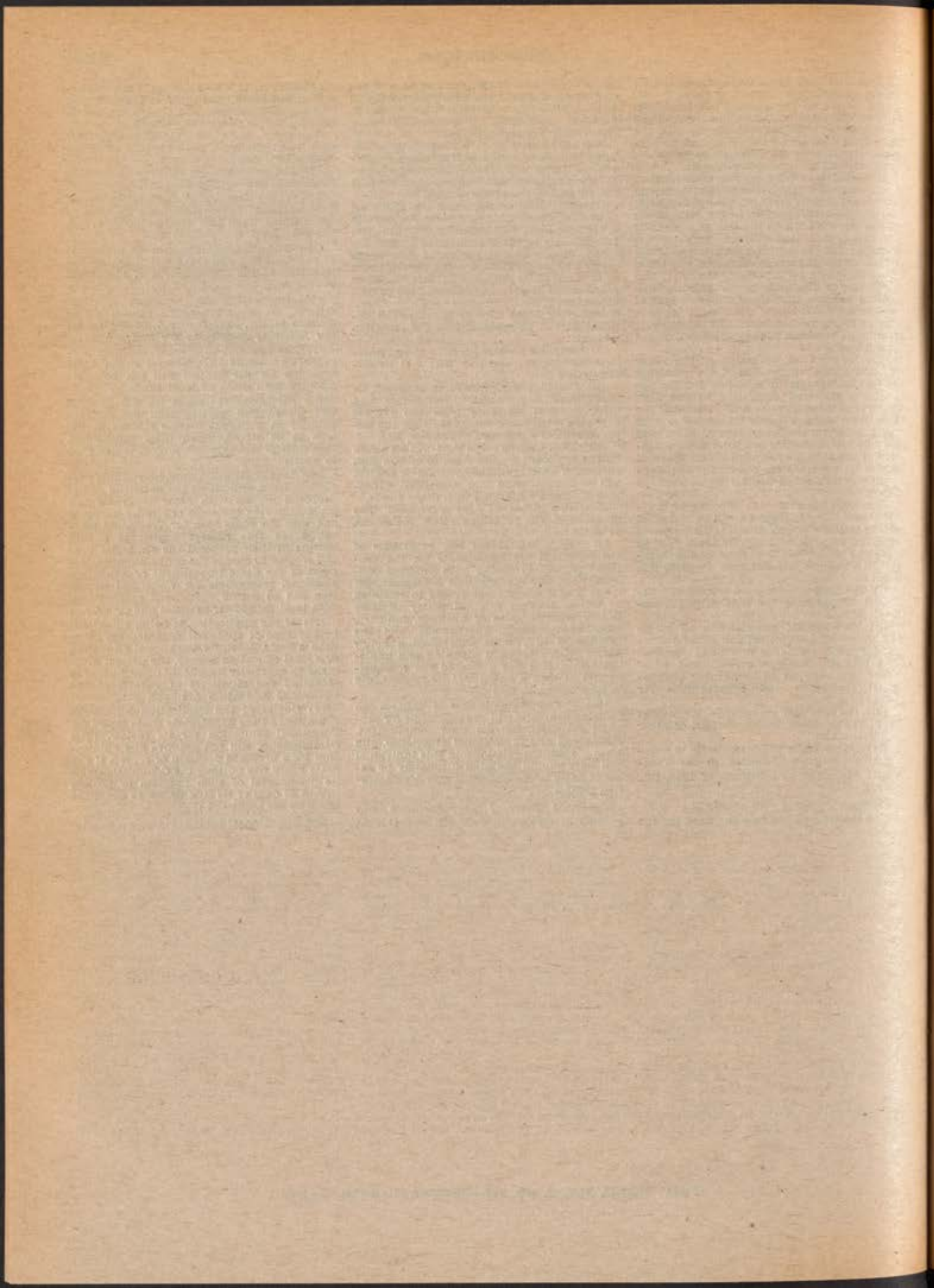
(ii) Provisions are made for the genuine and meaningful participation of students enrolled in nonprofit private schools in the area to be served, when their educational needs are of the type the project is designed to meet;

(iii) The application provides realistic procedures for coordinating the activities of the proposed project with other programs and projects having the same or similar purposes and with the State Plan for Vocational Education. In this respect applicants should outline in their proposal the strategies they will employ to ensure the continuing involvement of the State Department of Education personnel responsible for vocational education and to ensure continuing coordination with local manpower agencies and programs;

(iv) If the application is being submitted by any type of applicant organization other than a State Board for Vocational Education or a local education agency, the project must make an especially significant contribution to attaining the objectives of Part D of the Vocational Education Act; and

(v) Copies of the application have been submitted to the appropriate State Board for Vocational Education for its review. (The Commissioner will not approve any application for a proposed program or project if the State board has notified the Commissioner of its disapproval of such program or project within 60 days of its submission to the State board by the applicant.)

[FR Doc.75-30481 Filed 11-12-75;8:45 am]



federal register

THURSDAY, NOVEMBER 13, 1975



PART III:

ENVIRONMENTAL PROTECTION AGENCY



BEVERAGE CONTAINERS

Proposed Solid Waste Management
Guidelines

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 244]

[FRL 446-3]

SOLID WASTE MANAGEMENT

Guidelines for Beverage Containers

Background. The Solid Waste Disposal Act of 1965 (Pub. L. 89-272) was amended in October 1970 by the Resources Recovery Act (Pub. L. 91-512). Section 209 of the Amended Act requires the Administrator of the U.S. Environmental Protection Agency (EPA) to "recommend to appropriate agencies and publish in the FEDERAL REGISTER guidelines for solid waste recovery, collection, separation, and disposal systems . . ."

Further, Section 211 mandates that Federal agencies "shall insure compliance with the guidelines recommended under Section 209 and the purposes of (the Solid Waste Disposal Act) . . ."

On August 14, 1974, "Thermal Processing and Land Disposal of Solid Waste Guidelines" were published in the FEDERAL REGISTER (Vol. 39, No. 158, pp. 29328-29338) as the first set of guidelines that were promulgated in fulfillment of the requirement for guidelines on disposal systems.

The EPA now proposes the following guidelines as part of the Agency's efforts to fulfill the Administrator's obligation for guidelines in the area of separation and collection systems. Other elements of separation and collection systems are addressed in EPA's proposed *Source Separation for Materials Recovery Guidelines*, published in the FEDERAL REGISTER on September 17, 1975 (Vol. 40, No. 181, pp. 42986-42990), and EPA's proposed *Storage and Collection Guidelines*, published in the FEDERAL REGISTER on July 11, 1975 (Vol. 40, No. 134, pp. 29404-29408). The EPA recognizes that Section 209 expressly mandates that guidelines shall be revised from time to time and it intends to revise and supplement these guidelines in the future.

Section 211 of the Act and Executive Order 11752 make the "Requirements" section of the guidelines mandatory upon Federal agencies. They are recommended for adoption by State and local governments and private agencies.

Heads of Federal agencies are ultimately responsible for determining which facilities under their jurisdiction shall comply with the guidelines. EPA has required that failure to comply with the guidelines must be justified in a report to the Administrator. The specific requirements for this report can be found in the "Scope" section of the guideline.

Practices required by the guidelines are expected to be no more costly than existing solid waste management practices in the long term. Implementation of the guideline requirements may be economically impracticable under isolated circumstances. However, the legislative history indicates that even where guidelines implementation costs more,

budget restrictions do not constitute a sufficient excuse to prevent compliance with the guidelines and that Federal agencies have a responsibility to request sufficient appropriations from Congress necessary to manage solid waste properly as part of their normal operating expenses.

The legislative history concerning Section 211 of the Resource Recovery Act of 1970 indicates that the Congress intended that Federal agencies should take a leadership role in solid waste management, as indicated by the following quote from page 15 of the Senate Report No. 91-1034, Senate Committee on Public Works, 91st Congress, 2nd Session (1970),

Federal agencies are inclined to place important environmental quality control functions in a subordinate role to their mission. This is no longer appropriate or acceptable.

Federal agencies which generate volumes of waste have a correlative responsibility to request appropriations from Congress necessary to properly manage such waste as part of their normal operating expenses. The public will not tolerate the excuse that budget restrictions prevent compliance with waste management standards and guidelines; it is abundantly clear that the provisions of the environmental control laws do not permit the same excuse to be advanced by individuals or private organizations. Federal agencies must take the lead in overcoming the reluctance to invest funds necessary to control solid waste pollution.

The economic and inflationary impacts of the guidelines have been carefully evaluated. It has been determined that the effects will be minor and that the guidelines are not a "major action" requiring an inflation impact statement as prescribed by Executive Order 11821 and OMB Circular A-107.

INTRODUCTION

Intent. The guidelines for beverage containers are intended to achieve a reduction in beverage container solid waste and litter which will result in substantial savings in waste collection and disposal costs to the Federal Government. The guidelines are also intended to encourage utilization of beverage distribution systems which use energy and material resources more efficiently.

Effect of a deposit system. The guidelines are intended to reduce beverage container waste and litter on Federal facilities by encouraging reuse or recycle of the containers. This is accomplished through a deposit of at least five cents on each container, paid upon purchase by the consumer and refunded by the dealer when the empty container is returned. The dealer, in turn, pays the distributor a deposit upon purchase and receives a refund from the distributor upon return of the empty container.

The refund value of the empty containers acts as an incentive for their return, facilitating a central collection of the containers by the distributor. Once this is accomplished, refillable bottles can be reused by bottlers and brewers and nonrefillable containers can be recycled.

Beverage container systems that comply with the guidelines have dominated the market in the past and they are still functioning today in most areas of the

country. Compliance with these guidelines by Federal agencies can, in general, be handled within the framework of the present refillable system. Therefore, the guidelines do not require the establishment of new techniques for the return and reuse of containers. Rather, they involve utilization of a reliable system familiar to the majority of Americans.

A bibliography of studies on the environmental, economic and resource impacts of deposit systems and returnable containers is provided at the end of the guidelines.

Discussion of refillable vs. nonrefillable containers. The guidelines state that all beverage containers sold or offered for sale shall be sold in returnable containers. A returnable container is defined to include any beverage container for which a deposit has been paid and for which a refund of equal amount is payable. Both refillable and nonrefillable containers may be returnable. However, it is recommended that Federal facilities comply with the guidelines by utilizing refillable containers, because a system for their return is presently in operation and because such a system is the most satisfactory means of achieving the objectives of the guidelines.

Rationale for a five cent minimum deposit. A minimum deposit of five cents has been chosen for two reasons. First, five cents is deemed a large enough incentive to induce the return of most containers for reuse or recycling. Secondly, five cents is the most widely used deposit amount in present deposit systems, and the guidelines have been written to be compatible with these systems. It is recommended that Federal facilities accept higher deposit levels in localities in which such higher levels are ordinarily used. The guidelines do allow Federal facilities to place a lower deposit value on containers if the local area has an established return system in operation with a minimum deposit level of less than five cents.

Vending machine exceptions. The guidelines do not require that consumers be charged a deposit for beverages sold through unattended vending machines, provided that the containers have a refund value. The guidelines provide the flexibility to adopt this system where needed. In cases where many containers are permanently removed from the vicinity of the vending machine, a deposit may be charged so that the dealer does not bear the cost of lost containers. A determination of whether or not a deposit is to be charged is left up to the individual Agencies and to negotiation with dealers and/or distributors.

RESPONSE REQUESTED

The EPA is soliciting comment and advice via this notification in the FEDERAL REGISTER. In particular, the EPA invites comments from Federal and non-Federal agencies.

In addition, the EPA invites public comments, reviews, and critiques of the guidelines. Interested parties may submit written comments, preferably in triplicate, to the Deputy Assistant Admin-

istrator for Solid Waste Management Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before January 12, 1978 will be considered.

Receipt of comments will be acknowledged by the Deputy Assistant Administrator for Solid Waste Management Programs. All comments will be available for public inspection at the EPA Public Information Reference Unit (EPA Library), 401 M Street, S.W., Washington, D.C. during normal business hours.

This notice of proposed guidelines is issued under the Authority of Section 209(a) of the Solid Waste Disposal Act of 1965 (Pub. L. 89-272), as amended by the Resource Recovery Act of 1970 (Pub. L. 91-512). It is proposed to add a new part 244 to 40 CFR Chapter I as follows:

Date: November 10, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 244—BEVERAGE CONTAINER GUIDELINES

Subpart A—General Provisions

- 244.100 Scope.
- 244.101 Definitions.

Subpart B—Requirements and Recommended Procedures

- 244.200 Beverage Containers.
- 244.200-1 Requirements.

Appendix—Recommended Bibliography.

Subpart A—General Provisions

§ 244.100 Scope.

(a) The "Requirement" sections contained herein delineate minimum actions for Federal agencies for reducing beverage container waste. Pursuant to Section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752, the "Requirement" sections of these guidelines are mandatory for Federal agencies.

(b) Determination of how the requirements of the guidelines will be met rests with the head of the responsible agency.

(c) The Environmental Protection Agency will render technical assistance and other guidance to Federal agencies when requested to do so pursuant to Section 3(d) 1 of Executive Order 11752.

(d) Within one year after the final promulgation of these guidelines, agencies shall make a final determination as to what actions shall be taken to comply with the requirements of these guidelines and shall, within two months of such determination, submit to the Administrator a schedule of such actions.

(e) Federal agencies that make the determination not to comply with requirements contained herein, for whatever reason, shall make available to the Administrator the analysis and rationale used in making that determination. The Administrator will publish notice of availability of this report in the *FEDERAL REGISTER*. Conditions that would render compliance economically impracticable are considered to be valid reasons for not using returnable beverage containers.

(1) The following points are to be covered in this analysis:

(a) A description of ongoing actions that will be continued and actions taken or proposed that will not be in compliance should identify all agency facilities with these guidelines. This state-of-categories of facilities that will be affected by actions not in compliance with the guidelines including a brief description of how these facilities will be affected.

(b) A description of the alternative actions considered with emphasis on those alternatives which, if taken, would be in compliance with these guidelines.

(c) An analysis in support of the action chosen by the agency including technical data, market studies, and policy considerations utilized in arriving at a determination not to comply.

In covering the points above, agencies should make every effort to present the information succinctly in a form easily understood but in sufficient detail so as to give the Administrator an understanding of the factors influencing the decision not to comply with the guidelines.

(2) The non-compliance report shall be submitted to the Administrator as soon as possible after a final agency determination has been made to take action not in compliance with these guidelines, but in no case later than thirty days after this determination. The Administrator will indicate to the agency his concurrence/nonconcurrence with the agency's noncompliance decision, including his reasons, within sixty days of receipt of this report.

(3) Implementation of actions not in compliance with these guidelines shall be deferred, where feasible, in order to give the Administrator an opportunity to receive, analyze and seek clarification of the above required report.

(4) It is recommended that, where the non-compliance report concerns an action for which an Environmental Impact Statement is required by the National Environmental Policy Act, draft and final versions of this report be circulated simultaneously with the EIS.

§ 244.101 Definitions.

As used in these Guidelines:

(a) "Beverage" means carbonated natural or mineral waters, soda water and similar carbonated soft drinks, and beer or other carbonated malt drinks, in liquid form and intended for human consumption.

(b) "Beverage container" means an airtight metal, glass, paper or plastic bottle, jar, can or carton containing a beverage under pressure of carbonation. Cups and other open receptacles are specifically excluded from this definition.

(c) "Beverage vending machine" means a coin operated machine for selling individual beverages in beverage containers.

(d) "Dealer" means every person who engages in the sale of beverages in beverage containers to a consumer.

(e) "Distributor" means any person who engages in the sale of beverages in beverage containers to a dealer, including any manufacturer who engages in such sale.

(f) "Federal facility" means any building, installation, structure, land, or public work owned by or leased to the Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers and other mobile facilities, and United States Government installations located on foreign soil or on land outside the jurisdiction of the United States Government are not considered "Federal facilities" for the purpose of these guidelines.

(g) "Returnable beverage container" means a beverage container for which a deposit is paid upon purchase and for which a refund of equal value is payable, by any dealer, upon return of said beverage container by the consumer and by the distributor upon return of said beverage container by the dealer. The deposit level shall be at least five (5) cents unless the local area has an established return system in operation with a lower minimum deposit level. In those specific areas Federal facilities may adopt a minimum deposit equal to the local deposit level. For unattended vending machines, the definition of a returnable beverage container is as defined above, except that payment of a deposit upon purchase by the consumer is not necessary for the container to be considered returnable.

Subpart B—Requirements and Recommended Procedure

§ 244.200 Beverage containers.

§ 244.200-1 Requirements.

(a) All beverages in beverage containers sold or offered for sale shall be sold in returnable beverage containers. This shall include beverages dispensed in vending machines, if said vending machines are acquired after promulgation of the guidelines or if a new or renewed contract for vending machine services is signed.

(b) A dealer shall not refuse to accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of the beverage container provided the container is labeled in accordance with § 244.200-1(f).

(c) A dealer is not required to accept or pay the refund value on returnable containers other than those of the kind, size and brand that he sells or offers for sale.

(d) A dealer shall procure beverages in beverage containers only from distributors who will not refuse to accept from the dealer any returnable beverage containers of the kind, size and brand sold by the distributor, or refuse to pay to the dealer the refund value of the beverage container.

(e) For returnable container vending machine sales, dealers shall provide a means whereby the returnable containers of any kind, size and brand sold or offered for sale by him may be returned. If the deposit refund cannot be offered at the site of the vending machine, the dealer shall provide a means whereby the returnable containers may be conveniently stacked. For unattended vending machines, deposit shall not be re-

quired to be included in the price of the product provided that the container has a refund value.

(f) Every returnable beverage container sold or offered for sale by a dealer shall clearly indicate, by embossing or by a stamp, or by a label securely affixed to the beverage container, that the container is returnable. For vending machines, dealers shall similarly provide, with a label securely affixed to each machine, a statement that the containers vended are returnable and the amount of the deposit. For unattended vending machines, a statement shall be affixed to the machine stating whether the deposit is included in the retail price.

(g) Agencies that make the determination not to comply with these guidelines must conduct the required analysis every three years and report the decision resulting from this analysis to the Administrator in accordance with § 244.100 (d) or (e), as appropriate.

APPENDIX—RECOMMENDED BIBLIOGRAPHY

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19. Ross, M. H. Employment effects of a ban on nonreturnable beverage containers in Michigan. Kalamazoo, Michigan, Kalamazoo Nature Center for Environmental Education, April, 1974.

20. Stern, C., et al. Impacts of beverage container legislation on Connecticut and a review of the experience in Oregon, Vermont and Washington State. Storrs, University of Connecticut, Department of Agricultural Economics, March 20, 1975.

21. Train, R. E. Win the war on waste. Presented at 3d National Congress on Waste Management Technology and Resource Recovery, San Francisco, November 14, 1974.

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[FR Doc. 75-30610 Filed 11-12-75; 8:45 am]

federal register

THURSDAY, NOVEMBER 13, 1975



PART IV:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

PRIVACY ACT OF 1974

Final Notice of Systems of Records

On August 27, 1975, in accordance with Section 3 of the Privacy Act of 1974, a notice of systems of records maintained by the Department of Transportation was published in the Federal Register (40 FR 38803). An addendum notice of systems of records was published in the Federal Register on September 24, 1975 (40 FR 44075). Minor corrections and modifications to systems notices contained in the aforementioned publications are included in this final notice. These corrections and modifications do not change the general character or purpose of any previously described system. Comments were solicited on the systems notices published on August 27, 1975 and September 24, 1975, with deadlines for submission of September 18, 1975, and October 24, 1975, respectively. No comments have been received and the previously described notices are adopted as originally published or amended.

Twenty-three notices which were inadvertently omitted from the previous publications and a new general routine use are herewith published. The notices may be found under the identifiers: CG 587, 591; FAA 822, 828, 829, 830; FHWA 221; NHTSA 458, 459, 460, 461, 462, 463; OST 051, 052, 053, 054, 055, 056; SLS 155, 156, 157, 158. The new general routine use appears as paragraph 6 of the Prefatory Statement of General Routine Uses. Any person may submit written comments on these twenty-three systems to the Privacy Act Working Group (STOP 330), Room 10317, U. S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. All comments must be received on or before December 15, 1975.

Effective date. This notice shall be effective on November 13, 1975.

William T. Coleman, Jr.,
Secretary of Transportation.

Retention and disposal: Retention and disposal: Maintained during period of employment, then shredded and burned.

System manager(s) and address: Director, Office of Comprehensive Planning

Saint Lawrence Seaway Development Corporation
Room 836F, Building 10-A
800 Independence Avenue
Washington, D. C. 20590

Notification procedure: The individual may inquire, in writing, to the Director of Comprehensive Planning, to inquire whether this system of records applies to him.

Record access procedures: An individual may gain access to his records by written request to:

Saint Lawrence Seaway Development Corporation
Director of Administration
P. O. Box 520
Massena, New York 13662

Contesting record procedures: Contest of these records will be directed to the Director of Administration and if not resolved at that level, may be appealed to the Administrator

Record source categories: Information obtained from employees, personnel records, copies of personnel actions, and educational institutions.

DOT/TSC 703

System name: Occupational Safety & Health Reporting System DOT/TSC

System location:

Department of Transportation
Transportation Systems Center
Management Services Division
Code 810
Kendall Square
Cambridge, MA 02142

Categories of individuals covered by the system: TSC employees, in-house contractor personnel and visitors who have occupational illnesses, injuries or are involved in Government property accidents.

Categories of records in the system: Federal Occupational Injuries & Illnesses Survey form; etc.; DOT Accident/Injury Reports, DOT forms 3902.1 through 8; Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The general purposes of these records are intended for internal management and control, and also for accident prevention. The routine uses of the Department of Labor forms are for (1) submission to doctors and medical institutions rendering services to individuals and (2) to the Office of Employees Compensation, Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms and other paper records.

Retrievability: Indexed by individual's name.

Safeguards: Records are maintained in locked file cabinets and folders are stamped 'For Official Accident Prevention Use Only.'

Retention and disposal: Records are retained for five (5) years and then destroyed by shredding.

System manager(s) and address:

Department of Transportation
Transportation Systems Center
Chief, Management Services Division/Code 810
Kendall Square
Cambridge, MA 02142

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the System Manager. An individual may gain access to his records by written request.

Contesting record procedures: Contest of this data will be made to the System Manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing through the Assistant Secretary for Administration to the Secretary of Transportation.

Department of Transportation
Office of the Secretary
400 Seventh Street, S.W.
Washington, D.C. 20590

Record source categories: Documents provided by the individual concerned and immediate supervisor.

DOT/TSC 708

System name: Combined Federal Campaign Information DOT/TSC

System location:

Department of Transportation
Transportation Systems Center
Office of Public Affairs/Code 130
Kendall Square
Cambridge, MA 02142

Categories of individuals covered by the system: All TSC Employees

Categories of records in the system: A record of how much, if anything, each employee has contributed.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The general purpose of this system is to gather and disseminate statistics and information on the donations to the Combined Federal Campaign.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Form filled out by keyman.

Retrievability: Indexed by employee's name.

Safeguards: Records are maintained in locked file cabinet.

Retention and disposal: Records are maintained for five years and then destroyed by shredding.

System manager(s) and address:

Public Affairs Officer
Department of Transportation
Kendall Square
Cambridge, MA 02142

Notification procedure: Information may be obtained from the System Manager

Record access procedures: Requests from individuals should be addressed to the System Manager

Contesting record procedures: An individual may gain access to his records by written request. Contest of this data will be made to the System Manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing through the Assistant Secretary for Administration to the Secretary of Transportation.

Department of Transportation
Office of the Secretary
400 Seventh Street, SW
Washington, D.C. 20590

Record source categories: Combined Federal Campaign forms filled out by employees.

DOT/TSC 711

System name: Blood Donor Information File DOT/TSC

System location: Department of Transportation

Transportation Systems Center
Office of Public Affairs/Code 130
Kendall Square
Cambridge, MA 02142

Categories of individuals covered by the system: All TSC employees and on-site contractor personnel

Categories of records in the system: Blood Donors Phone Book (name, organization and telephone number of donor)

Blood Donors Schedule

Requests for Blood Form (from hospital for employee or dependent)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The general purposes of these records is for the donation of blood by TSC employees and on-site contractor personnel to ensure coverage for themselves, spouses, dependent children, parents and grandparents of both employee and spouse, and all other people living in the employee's household for whom the member has responsibility. The routine

use of this system of records is to respond to requests for blood from employees and their dependents by furnishing information to the Red Cross to ensure the availability of blood.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper record

Retrievability: Indexed by employee's name

Safeguards: Records maintained in locked file cabinet

Retention and disposal: Blood Donors Phone Book and Blood Donors Schedule maintained for one year and then destroyed. Request for Blood Form maintained until individual terminates employment with TSC, records are then destroyed.

System manager(s) and address: Public Affairs Officer/Code 130

Department of Transportation
Transportation Systems Center
Kendall Square
Cambridge, MA 02142

Notification procedure: Information may be obtained from the Systems Manager.

Record access procedures: Requests from individuals should be addressed to the Systems Manager.

Contesting record procedures: An individual may gain access to his data by written request. Contest of this data will be made to the System Manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing through the Assistant Secretary for Administration to the Secretary of Transportation.

Department of Transportation
Office of the Secretary
400 Seventh Street, S.W.
Washington, DC 20590

Record source categories: Blood Donors Phone Book and Blood Donors Schedule are filled out by solicitors.

Request for Blood Form completed by employee or dependent requesting blood. /*

[FR Doc.75-30613 Filed 11-12-75;8:42 am]

Commission on Federal Paperwork

Privacy Act of 1974

Notice of Systems of Records

Notice is hereby given that the Commission on Federal Paperwork, in accordance with 5 U.S.C. 552a and Sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579), proposes to adopt the notice of systems of records set forth below. The Commission invites public comment on all parts of the notice.

This notice was drafted and the files to be noticed were selected with major reliance on the "Guidelines and Responsibilities" for the implementation of the Act published by the Office of Management and Budget (40 FR 28949, July 9, 1975) and "Guidance for the Inventory of Systems of Records Covered by the Privacy Act of 1974" published by the General Services Administration Privacy Board, April 21, 1975.

Those interested parties wishing to submit written data, views, or argument on the routine uses of these systems of records should submit those comments to the General Counsel, Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

The Commission proposes to adopt the following notice of systems of records:

Date: November 6, 1975.

Hassell B. Bell,

Director, Commission on Federal Paperwork.

CFP-1

System name: General Personnel Files—CFP

System location: Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

Categories of individuals covered by the system: Past and present employees of the Commission; Commissioners of the Commission; experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Informal personnel information, including: social security number, home address, home phone number, age, biographical data, resumes, letters of reference, and other documents.

Authority for maintenance of the system: An Act to create a Commission on Federal Paperwork, Sec. 6, Pub. L. 93-556, 88 Stat. 1789.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders

Retrievability: Retrieved manually, by name of individual

Safeguards: Records are stored in locking metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Records retained indefinitely

System manager(s) and address: Administrative Officer, Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer, at above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; supervisors; official personnel records.

CFP-2

System name: General Financial Records—CFP

System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for the Commission under agreement.)

Categories of individuals covered by the system: Commission employees; Commissioners; experts and consultants who have been employed on an intermittent or temporary basis.

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 need for the record in performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also An Act to establish a Commission on Federal Paperwork, Sec. 3, 6, Pub. L. 93-556, 88 Stat. 1789, (44 U.S.C. 3501).

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 General Accounting Office for audits; to the Internal Revenue Service for investigations and to private attorneys, pursuant to 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 Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer at the above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The subject individual; the Commission.

Systems exempted from certain provisions of the act: None.

CFP-3

System name: Payroll Records—CFP

System location: General Services Administration, Region 3 Office; copies held by the Commission. (GSA holds records for the Commission under agreement.)

Categories of individuals covered by the system: Past and present Commission employees, Commissioners, experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for reductions; tax forms; W-2 forms and overtime; leave data; retirement records. Records are used by the Commission and GSA employees to maintain adequate payroll information for Commission 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; also An Act to establish a Commission on Federal Paperwork, Sec. 3, 6, Pub. L. 93-556, 88 Stat. 1789, (44 U.S.C. 3501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records are also released to the General Accounting Office 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 the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Commission on Federal Paperwork, 1111 20th St., N.W., Suite 200, Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer, at above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; the Commission.

Systems exempted from certain provisions of the act: None

Appendix—CFP

1) 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 issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2) 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.

3) 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.

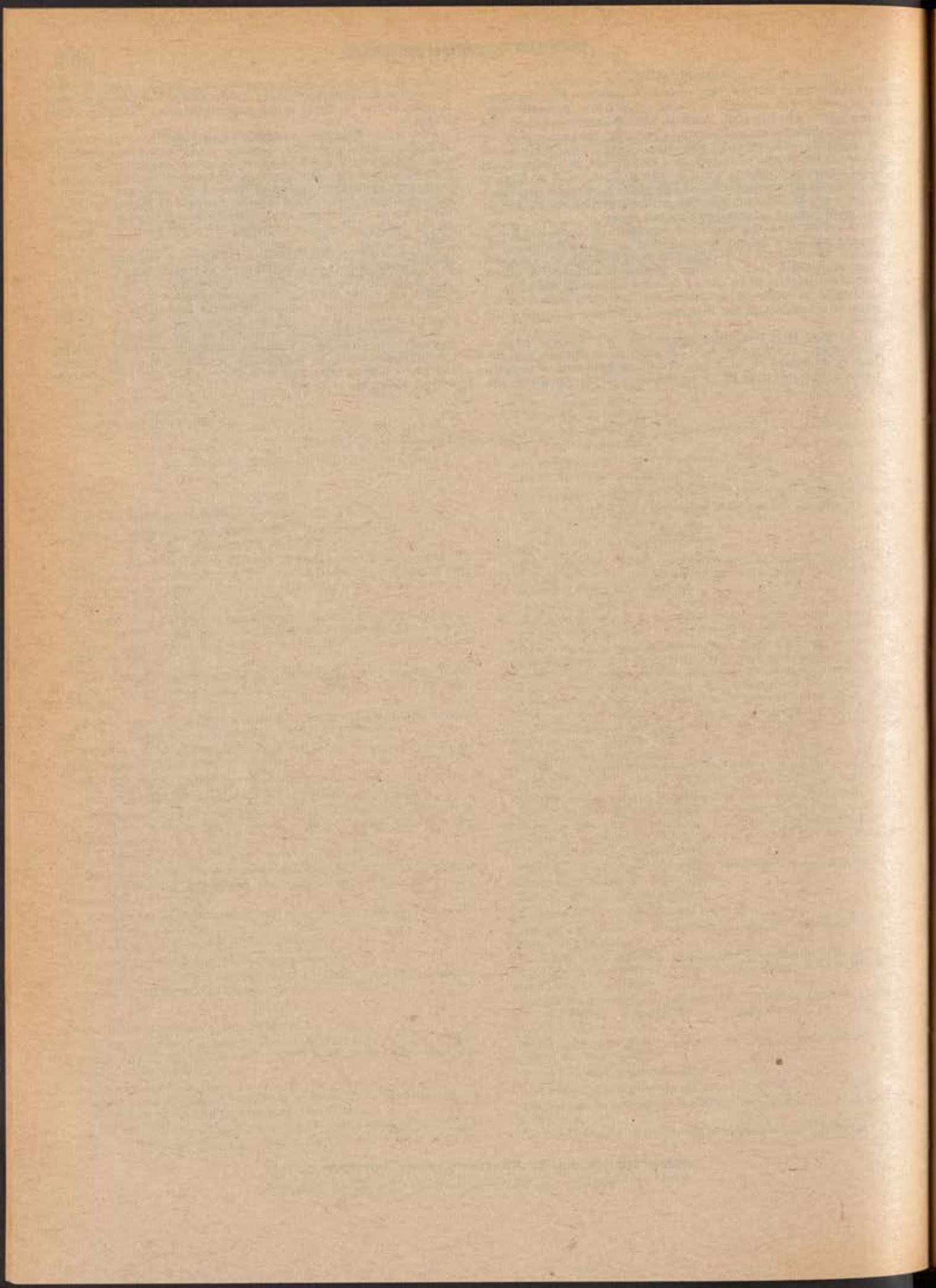
4) A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

5) A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

6) A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

7) A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record.

[FR Doc. 75-30452 Filed 11-11-75; 8:45 am]



federal register

THURSDAY, NOVEMBER 13, 1975



PART V:

OFFICE OF MANAGEMENT AND BUDGET

■

RESCISSIONS AND DEFERRALS

Cumulative Report: November 1975

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

Cumulative Report; November 1975

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (P.L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of November 1, 1975, of the rescissions and deferrals contained in the first six special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, and October 3 and 20, 1975.

RESCISSIONS (ATTACHMENT A)

During the month of October, three rescission proposals were resolved. On October 13, 1975, P.L. 94-111 rescinded \$47.5 million from the Helium Fund. As required by the Act, funds for the Forest roads and trails and Child development and Head start programs were made available for obligation because the Congress did not complete rescission action within the prescribed 45 day period which ended in October.

DEFERRALS (ATTACHMENT B)

As of November 1, 1975, \$3,098.4 million in 1976 budget authority was being deferred from obligation and another \$75.9 million in 1976 obligations was being deferred from expenditure.

The 64 deferrals transmitted in the six 1976 special messages are tabulated in Attachment B. Over 60 percent of the dollar amount deferred on November 1 was for three items in the Department of Defense. About 10 percent of the total

deferred was for Agriculture Department programs. Another approximately 12 percent of the total was for Interior Department deferrals. The remainder of the deferrals are for 10 other agencies.

INFORMATION FROM SPECIAL MESSAGES

The six special messages containing information on each of the rescissions and deferrals covered by the cumulative report are continued in the Federal Registers of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V)
 Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II)
 Monday, September 15, 1975 (Vol. 40, No. 179, Part V)
 Monday, September 29, 1975 (Vol. 40, No. 189, Part V)
 Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII)
 Thursday, October 23, 1975 (Vol. 40, No. 206, Part III)

JAMES T. LYNN,
Director.

STATUS OF RESCISSIONS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

As of November 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
<u>Department of Agriculture</u>							
Forest Service							
Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75
<u>Department of Health, Education and Welfare</u>							
Assistant Secretary for Human Development							
Child Development and Head Start	R76-5	[7,000]	07-25-75			7,000	10-24-75
<u>Department of the Interior</u>							
Bureau of Mines							
Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 1/		
<u>Department of Transportation</u>							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	2/	2/		
Access Highways to Public Recreation Areas on Lakes	R76-2	25,000	07-01-75	3/	3/		
<u>Department of the Treasury</u>							
Office of the Secretary:							
Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75
<u>Other Independent Agencies</u>							
Community Services Administration							
Economic Opportunity Program							
Research and Demonstration	R76-7	[2,500] 2/	07-25-75				

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Community and Economic Develop- ment	R76-8	(7,500) 1/	07-25-75	25,000		41,388	
TOTAL				27,500			

- 1/ P.L. 94-111.
 2/ See House Report No. 94-496. Deferral of the \$90 million was reported to the Congress on September 24, 1975, in D76-55.
 3/ See H.R. 8365. Both the House and the Senate versions of the 1976 appropriations bill rescind the \$25 million in R76-2 and make new appropriations of \$10 million.
 4/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975.

STATUS OF DEFERRALS

FISCAL YEAR 1976

(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Senate	Adjustments	Amount Deferred as of 11-01-75
Foreign Agricultural Service									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75					2,232
Agricultural Stabilization and Conservation Service									
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667	0
	D76-28A	[31,667]		09-10-75 10-03-75				-31,667	
	D76-28B		63,333	10-03-75 10-21-75				-63,333 2/	0
Water Bank Act Program	D76-29	[536]		07-25-75 10-03-75				-536	
	D76-29A		1,072	10-03-75 10-21-75				-1,072 2/	0
Forestry Incentives Program	D76-30	[3,750]		07-25-75 10-03-75				-3,750	
	D76-30A		7,500	10-03-75 10-21-75				-7,500 2/	0
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75 10-03-75				-37,500	
	D76-31A		75,000	10-03-75 10-21-75				-75,000 2/	0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 11-01-75
				OWB/Agency	House Senate	
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]	07-25-75 10-03-75			-1,250
	D76-32A		2,500			-2,500 2/
	D76-33	[2,050]	07-25-75 10-03-75			-2,050
	D76-33A		3,300	10-03-75 10-21-75		-3,300 2/
Mutual and Self-help Housing Grants	D76-34	[1,625]	07-25-75 10-03-75			-1,625
	D76-34A		1,625	10-03-75 10-21-75		-1,625 2/
Self-help Housing Land Development Fund	D76-35	[400]	07-25-75 10-03-75			-400
	D76-35A		800	10-03-75 10-21-75		-800 2/
Forest Service Forest Roads and Trails	D76-36		280,000	07-25-75		280,000
	D76-37		27,113	07-25-75		27,113
	D76-38		95	07-25-75		95
	TOTAL		110,445	462,570		

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office and being deferred (\$10 million). Funds were released on July 16, 1975.

2/ Enactment of P.L. 94-122 (October 21, 1975) ended deferral of funds provided by the continuing resolution.

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 11-01-75
				OMB/Agency	House Senate	
National Oceanic and Atmospheric Administration						
Fisheries Loan Fund	D76-2	7,252	07-01-75			7,252
Promote and Develop Fishery Products	D76-3	1,355	07-01-75			1,355
TOTAL		8,607				8,607

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Action	OMB/Agency	Releases Resulting From Subsequent Actions Taken by House Senate	Adjustments	Amount Deferred as of 11-01-75
Shipbuilding and Conversion, Navy	D76-a	1,793,590	07-01-75				1,793,590
Military Construction, All Services	D76-5	233,630	07-01-75 06-27-75 07-29-75 08-25-75 09-04-75 10-06-75 10-15-75 10-24-75	-1,582 -1,752 -15,046 -5,515 -34,524 -16,415	+245	159,041	
TOTAL		2,027,220		-74,834	+245	1,952,631	

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STATUS OF DEFERRALS

FISCAL YEAR 1976

(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 11-01-75
					OMB/Agency	House Senate	
Wildlife Conservation							
Military Reservations	D76-6	432		07-01-75 09-13-75 09-28-75			388
						-13 1/2 -31 1/2	388
TOTAL		432				-44	388

1/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.

2/ Reflects a decrease in anticipated receipts for the year.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Senate	Adjustments	Amount Deferred as of 11-01-75
Health Services Administration								
Health Services	D76-57	1,082	10-20-75					1,082
Indian Health Facilities	D76-39	1,000	07-25-75					1,000
National Institutes of Health								
National Cancer Institute	D76-58	7,000	10-20-75					7,000
National Heart and Lung Institute	D76-59	2,700	10-20-75					2,700
National Institutes of Dental Research	D76-60	518	10-20-75					518
National Institute of Neurological and Communicative Disorders and Stroke	D76-61	682	10-20-75					682
National Institutes of General Medical Sciences	D76-62	2,318	10-20-75					2,318
National Institute of Child Health and Human Development	D76-63	1,234	10-20-75					1,234
Buildings and Facilities	D76-7	2,164	07-01-75 09-22-75				-2,164	0
Office of the Director	D76-64	572	10-20-75					572

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Date of Current Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency House	Adjustments	Amount Deferred as of 11-01-75
Alcohol, Drug Abuse and Mental Health Administration						
Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]	07-25-75 10-03-75		-3,409 1/	0
	D76-40A	[2,426]	10-03-75 10-20-75		-2,426 1/	0
	D76-40B		2,753 10-20-75			2,753
Health Resources Administration	D76-41		22,000 07-25-75 07-25-75	-22,000		0
Assistant Secretary for Health						
Scientific Activities Overseas (Special Foreign Currency)	D76-8		3,652 07-01-75			3,652
Office of Education						
Elementary and Secondary Education	D76-51		8,000 09-10-75			8,000
	D76-52		2,968 09-10-75			2,968
School Assistance in Federally Affected Areas	D76-42		68,350 07-25-75 09-10-75		-68,350 2/	0
Higher Education	D76-9		49,040 07-01-75			49,040
Higher Education	D76-43		9,500 07-25-75 09-10-75		-9,500 2/	0
Library Resources	D76-44		10,437 07-25-75 09-10-75		-10,437 2/	0
Social and Rehabilitative Service						
Public Assistance	D76-45	[1,000]	07-25-75 10-03-75		-1,000	0
Child Welfare Services	D76-45A		2,000 10-03-75			2,000

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency House Senate	Adjustments	Amount Deferred as of 11-01-75
Social Security Administration						
Limitation on Construction	D76-54	14,910	09-24-75			14,910
Special Institutions						
Howard University	D76-10	8,174	07-01-75			8,174
Assistant Secretary for Human Development						
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]	07-01-75 07-25-75		-7,307 1/2	0
	D76-11A	8,307	07-25-75 07-15-75	-3,665		4,642
TOTAL		14,142	229,361	-27,829	-102,429	113,245

1/ Subsequently incorporated in a supplementary report.
 2/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency House Senate	Amount Deferred as of 11-01-75
<u>Bureau of Land Management</u>					
Public Lands Development Roads and Trails	D76-12	25,847	07-01-75		25,847
<u>Bureau of Reclamation</u>					
Construction and Rehabilitation	D76-13	[1,030]	07-01-75 07-25-75		0
	D76-13A	1,030	07-25-75		1,030
Upper Colorado River Storage Project	D76-14	1,150	07-01-75		1,150
<u>Bureau of Outdoor Recreation</u>					
Land and Water Conservation Fund	D76-15	30,000	07-01-75		30,000
<u>Fish and Wildlife Service</u>					
Federal Aid in Fish Restoration and Management	D76-16	6,330	07-01-75		6,330
Federal Aid in Wildlife Restoration	D76-17	21,470	07-01-75		21,470
<u>National Park Service</u>					
Road Construction	D76-18	238,092	07-01-75		238,092
<u>Geological Survey</u>					
Payment from Proceeds, Sale of Water	D76-19	29	07-01-75		29
<u>Bureau of Mines</u>					
Drainage of Anthracite Mines	D76-46	3,375	07-25-75		3,375
<u>Bureau of Indian Affairs</u>					
Road Construction	D76-20	68,470	07-01-75		68,470
TOTAL		1,030 395,793			395,793

1/ Subsequently incorporated in a supplementary report.

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 11-01-75
Coast Guard									
Acquisition, Construction and Improvements	D76-21	707		07-01-75					707
Federal Aviation Administration									
Civil Supersonic Aircraft Development Termination	D76-22	7,686		07-01-75					7,686
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23	75,824		07-01-75					75,824
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55	90,000		09-24-75					90,000
TOTAL		174,217							174,217

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 11-01-75
Office of the Secretary State and Local Govern- ment Fiscal Assistance Trust Fund	D76-24	93,420		07-01-75					
				07-31-75					
				08-11-75					
				10-01-75					
				11-01-75					
State and Local Govern- ment Fiscal Assistance Trust Fund	D76-25	[38,391] 1/2/		07-01-75					
				09-10-75					
				09-10-75					
				10-20-75					
Loans to the District of Columbia for Capital Outlay	D76-25A	[57,587] 1/		09-10-75					
				10-20-75					
				10-20-75					
TOTAL	D76-53	95,978 0	132,790 BA	09-10-75					
					95,978 0	129,340 BA			
					75,856 0	75,856 0			

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

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STATUS OF DEFERRALS

FISCAL YEAR 1976

(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 11-01-75
				OME/Agency	House Senate	
Abatement and Control	D76-47	4,000	07-25-75 07-23-75	-4,000		0
TOTAL		4,000		-4,000		0

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STATUS OF DEFERRALS

FISCAL YEAR 1976

(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by		Amount Deferred as of 11-01-75
				OME/Agency	House Senate	
Rare Silver Dollar Program	D76-48	1,790	07-25-75			1,790
TOTAL		1,790				1,790

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMS/Agency House Senate	Amount Deferred as of 11-01-75
Community Services Administration					
Economic Opportunity Program					
Emergency Energy Conservation Services	D76-49	16,500	07-25-75 10-03-75	-16,500 1/	0
Community and Economic Development	D76-50	14,500	07-25-75 07-28-75	-14,500	0
Foreign Claims Settlement Commission					
Payment of Vietnam Prisoner of War Claims	D76-26	11,081	07-01-75		11,081
American Revolution Bicentennial Administration	D76-27	1,000	07-01-75		1,000
National Commission on Productivity and Work Quality	D76-56	1,500	09-24-75 10-01-75	-600	900
TOTAL		44,581		-15,100	12,981
TOTAL, ALL DEFERRALS		125,617 BA 3,483,361 BA 95,978 O 75,856 O		-125,213	3,098,432 BA 75,856 O

1/ Impoundment resolution, S. Res. 267, passed the Senate October 3, 1975, rejecting this deferral.

[FR Doc. 75-30758 Filed 11-11-75; 2:40 pm]

Attention CFR Users

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 41—Public Contracts and Property Management
(Chapter 18)

NOTE: No amendments to this volume were promulgated in the Federal Register during the period July 1, 1974 to June 30, 1975.

The CFR volume issued July 1, 1974, should be retained. (Price: \$7.60)

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

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