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

rules and regulations

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Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

Organization and Procedural Changes

Correction

In FR Doc. 75-8104 appearing at page 14085 of the issue for Friday, March 28, 1975, in the first column on page 14086 the paragraphs numbered (1) through (4) which precede paragraph (a) of § 70.11 should be removed and made part of footnote 10 to that section, the footnote to read as follows:

[10] The Administration facilities identified in section 202 are:

(1) Demonstration Liquid Metal Fast Breeder reactors when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(2) Other demonstration nuclear reactors, except those in existence on January 19, 1975, when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(3) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from licensed activities.

(4) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration, which are not used for, or are part of, research and development activities.

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—OIL IMPORT REGULATIONS

Amendments To Conform Oil Import Regulations to Presidential Proclamation

On March 4, 1975, the President issued Proclamation No. 4355 (40 FR 10437, March 6, 1975) amending Proclamation No. 3279, as amended, which establishes the Mandatory Oil Import Program. The purpose of the new Proclamation is to make certain adjustments in the Program, retroactive to February 1, 1975, as are necessary to and consistent with the national security, taking into account the economic welfare of the United States and Puerto Rico, and the special hardships faced by refiners located in United States territories and foreign trade zones. On March 13, 1975, the Federal Energy Administration (FEA), which administers the Mandatory Oil Import Program, issued a notice proposing amendments to Part 213 of its regulations in order to conform the Oil Import Regulations to the amended Proclamation (40 FR 12287, March 18, 1975). This notice also contained proposed amendments to Part 212 (Mandatory Petroleum Price Regulations) relating to the pricing of residual fuel oil and the disproportionate allocation of costs to domestically refined gasoline, as well as further proposed amendments to Part 213 relating to the imposition of relatively higher fees for imported gasoline than for other imported products. However, on March 24, 1975, FEA issued a further notice extending the comment period and rescheduling the hearing for those proposed amendments unrelated to the implementation of Proclamation No. 4355 (40 FR 13524, March 27, 1975). In view of the extension provided with respect to Part 212 and the corresponding amendment to Part 213, FEA hereby amends only its oil import regulations in Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, in order to conform to Proclamation No. 4355 and to implement the modifications in the Oil Import Program as of February 1, 1975. Further amendment of these regulations may result if, after the extended period for comment and the rescheduled hearing, FEA adopts its proposal relating to the imposition of a higher fee on imported gasoline.

Under the amended Proclamation, increases in supplemental import license fees scheduled to take effect in March and April, pursuant to Proclamation No. 4341 amending Proclamation No. 3279 (40 FR 3965) have been deferred for two months. Increases to $2.00 per barrel on March 1 and $3.00 per barrel on April 1, will take effect on May 1 and June 1, respectively. The supplemental fee of $1.00 per barrel, and the increases in fees originally imposed pursuant to Proclamation No. 4210 (38 FR 9645), which became effective on February 1 pursuant to Proclamation No. 4341, will remain in place. With respect to the reductions in the supplemental fee, which the Administrator of FEA was authorized to make on most petroleum products except crude oil, a corresponding deferral was made, thus leaving the product fee at $0.00 for March and April.

Proclamation No. 4341 provided that the net amount of tariffs paid may be credited, on a monthly basis, against the amount of fees paid. However, in view of the fact that the amount of tariffs paid by importers with fee-exempt allocations is likely to exceed the amount paid in fees, until the two-month suspension expires, Proclamation 4355 provides for a six-month period during which excess tariff payments may be used to reduce fees subsequently paid.

Proclamation 4355 also authorizes the Administrator to determine at what point crude oil, unfinished oils, and finished products shipped into United States territories and foreign trade zones shall become subject to import license fees and supplemental fees. The purpose of this provision is to remedy the hardships that could result to refiners located in territories and foreign trade zones on account of shipments into such locations not becoming subject to license fees at the same time as imports into United States customs territory.

Finally, the Proclamation also provides that the fees and supplemental fees imposed with respect to imports into Puerto Rico, or imports into Districts I–V which are shipped to Puerto Rico, with or without further processing, shall be reduced by the amount of any excise tax or other levy imposed by the Government of Puerto Rico on such imports as are not shipped to Districts I–V. The Proclamation further provides that any such levy shall accord affected importers the same reductions and refunds as are authorized with respect to payment of fees and supplemental fees. The purpose of this provision is to permit the government of Puerto Rico to collect and retain, with respect to imports into Puerto Rico, the equivalent of a fair and reasonable proportion of the import fees provided by Proclamation No. 3279, as amended. This is necessary since Puerto Rico would not benefit from the tax relief and other measures which will benefit other citizens.

In its March 13 notice, FEA proposed to amend § 213.35 of its regulations dealing with allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products in order to implement the foregoing changes to the Mandatory Oil Import Program. Several comments were received, and additional oral presentations were made at the hearing. As a result of the opinions expressed, and of further examination of the proposal by FEA staff, FEA has changed certain portions of the proposed amendments to more nearly accomplish the purposes of the Proclamation.

In accordance with Proclamation No. 4355, FEA proposed that § 213.35(d)(1)(i) be amended to provide that imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into United States customs territory on or after February 1, 1975, shall be subject to a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after May 1, 1975, and to $3.00 on imports entered on or after June 1, 1975. Imports other than

(1) ethane, propane, butanes, and asphalt, (2) crude oil, as defined for purposes of the Old Oil Allocation Program, which is imported for refining, and (3) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, would not be subject to a supplemental license fee for imports entered during the months of February, March, and April 1975. No adverse comments were received on this proposal, and it has been adopted as proposed. However, since no final decision has yet been made on the proposed disproportionate allocation of costs to domestically refined gasoline, as well as on the corresponding increase in fees on imported gasoline, supplemental fees for May and June are still set at the same levels as those previously scheduled to take effect in March and April respectively, that is, $0.60/bbl. for imports entered in May and $1.20 for imports entered in the month of June and thereafter.

In this connection, FEA also proposed to amend § 213.35(d)(1)(i) to substitute the term "entered" for references to "entered for consumption or withdrawn from warehouse for consumption." The purpose of this proposal was to conform the language of the regulations more closely to that in Proclamation No. 3279, as amended, which is less restrictive, and provides for the payment of supplemental license fees "entered into the Customs territory of the United States." FEA received several comments supporting this proposed amendment, but evincing uncertainty, in light of a statement made in the preamble to the proposal, as to when the supplemental fee would become effective. FRA had stated, at 40 FR 12389, that

> Use of the former language has led to confusion concerning the date on which such fees were payable, since it implied that completion of formal customs procedures was necessary, and since different ports took longer or shorter times to complete such procedures. *However, FEA assesses the fee as of the time merchandise is released from customs custody, regardless of whether it was released by formal entry or for immediate delivery prior to such entry.* (emph. supp.)

Comments pointed out that the cited language suggests applicability of the supplemental fee at the time when merchandise is "released from customs custody" rather than when it physically enters the customs territory, and that this was more restrictive than the Proclamation. In adopting the amendment as proposed, FEA wishes to make the clarification that physical entry is not required by the Proclamation. For purposes of assessing the supplemental fee, the date of entry is deemed to be the date on which an acceptable entry for consumption (CF 7501) is filed, the date on which an acceptable withdrawal from warehouse from consumption is filed (CF 7505), or the date of release from customs custody for immediately delivery, whichever occurs first.

Under amended § 213.35, payment of supplemental fees for licenses issued upon prepayment by the applicant would be at the rate applicable June 1, 1975 ($3.00 per barrel for crude oil, $1.20 per barrel for products) provided that imports entered into United States customs territory against such licenses during the period February 1, 1975, through May 31, 1975, would be subject to the refund of the difference between the amount of fee applicable at the time the imports are entered and the amount previously paid.

In the case of overpayments made on the basis of the $2.00 fee, which took effect on March 1, but was suspended by Proclamation No. 4355, the Director will issue refunds as soon as practicable.

FEA also proposed to amend § 213.35, in accordance with Proclamation No. 4355, so that where the net duty paid during a month exceeds the fee and supplemental fee imposed, the excess duty may be used to reduce such fees payable during the subsequent six months. Some importers commented that the six month period was not long enough in cases where imports are made against fee-exempt licenses, and recommended that the Proclamation be amended to provide for prompt refunds from the entire fund of fees collected. However, such a scheme would be unworkable without an appropriation from Congress, and FEA has therefore adopted the amendment as proposed.

In addition, FEA proposed that in accordance with Proclamation No. 4355, § 213.35 be amended to provide that fees and supplemental fees imposed with respect to imports into Puerto Rico, and imports into Districts I–V which are shipped into Puerto Rico with or without further processing, be reduced by the amount of any excise tax or other levy imposed by the Government of Puerto Rico on such imports as are not shipped to Districts I–V. The Government has since imposed a tax, effective February 1, 1975. As proposed, the amendments provided that importers holding licenses issued by prepayment would receive applicable refunds, and that importers pursuant to bond would be required to pay a reduced amount of fees. FEA received no adverse comments with respect to this proposal, and is adopting it with certain amplification of the treatment of shipments to Districts I–V from Puerto Rico, and with the addition of a provision dealing with the sale in Puerto Rico of petroleum imported into Puerto Rico.

Finally, FEA proposed that § 213.35 be amended to authorize refiners located in American Samoa, Guam, the Virgin Islands or a foreign trade zone to elect a procedure for determining at what point crude oil and unfinished oils shipped into those locations would become subject to the supplemental fee. As proposed, the amendment provided that such refiners could choose to have fees assessed on the date that unlading of the feedstocks commenced, or at the time that finished products or unfinished oils derived from the feedstocks are imported into United States customs territory. In the latter case, the applicable fees were those in effect at the time of importation. Elections under this provision had to be made no later than fifteen (15) days after publication in the FEDERAL REGISTER of amended § 213.35. Elections once made were irrevocable, and failure to elect would result in assessment of the fee at the time that finished products or unfinished oils were imported into U.S. customs territory.

FEA received numerous comments on this proposal, and as a consequence it has been substantially revised. It was pointed out that domestic refiners are able to maintain crude stocks in bond for drawing down as needed. This enables them to defer fee on crude imports until their inventory is released from bond, ready for processing into products that will, if sold within an average 45 days from the release, provide the money with which to pay the fee. Foreign trade zone and territorial refiners could only have elected to incur the fee when unlading of the feedstocks commenced, irrespective of when such stocks would actually be processed. Thus unlike refiners within the customs territory, a refinery in a foreign trade zone would have to carry the cost of the fees on crude during the time between unlading and processing.

In order to give refiners located in United States territories or foreign trade zones more equitable treatment, FEA has changed the option in question to provide that supplemental fees can, if this option is chosen, be assessed on crude oil or unfinished oil as feedstocks run to stills in the refiner's refinery during each month, less any shipments from the refinery for consumption outside United States customs territory.

Furthermore, some concern was expressed with respect to the irrevocability of the election. Should these regulations change in the future, that provision will be taken into consideration so as to avoid any hardship.

In consideration of the foregoing, Part 213, Chapter II of Title 10 of the Code of Federal Regulations, is hereby amended, effective February 1, 1975.

Issued in Washington, D.C., April 3, 1975.

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

Section 213.35 is amended by adding a new paragraph (a)(9); (d)(1) and (4) of; by revising (e)(2)(i), by deleting the word "and" from (e)(2)(iv), by changing the period to a semicolon in (e)(2)(v) and adding the word "and" after the semicolon, and by adding a new new (e)(2)(vi); and by adding a new paragraph (f) to read as follows:

§ 213.35 Allocation and fee paid licenses for imports of crude oil, unfinished oils, and finished products.

(a) * * *

(9) For purposes of the supplemental fees payable pursuant to paragraph (d) of this section, refiners located in American Samoa, Guam, the Virgin Islands or a foreign trade zone shall elect within fifteen (15) days after publication of

this amended § 213.35 to be treated in accordance with either (a)(9)(i) or (ii) of this section. Elections once made may not be changed. Failure to file timely notice of an election will result in treatment in accordance with (a)(9)(ii) of this section.

(i) For refiners electing to be treated under this clause (i), supplemental fees shall be assessed on crude oil or unfinished oil as feedstocks run to stills in the refiner's refinery during each calendar month, less any shipments from the refinery for consumption outside United States customs territory. In those cases where sales are made to the Department of Defense F.O.B. the Virgin Islands or a foreign trade zone, such sales may be deducted from runs to still in determining the liability of the refiner. The Department of Defense is liable for payment of supplemental fees if the material purchased is imported into United States customs territory. No later than ten (10) days after the close of each month, the refiner shall certify to the Director runs to stills of crude oil or unfinished oils and shipments from the refinery for consumption outside United States customs territory during the preceding month. Payment of the supplemental fee shall be made by the refiner by the last day of the month following the month the feedstocks are run to stills. Effective May 1, 1975 and each month thereafter, each refiner must file a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the applicable fee multiplied by the total number of barrels processed by the refiner in the last month but one preceding the month for which the bond is posted.

(ii) For refiners electing to be treated under this clause (ii), the supplemental fee shall be assessed on finished products or unfinished oils derived from crude oil or unfinished oils at the time that such finished products or unfinished oils are entered into U.S. customs territory. The applicable supplemental fee shall be the supplemental fee on the feedstock from which such finished products or unfinished oils are derived in accordance with paragraph (d)(1)(i) of this section.

* * * * *

(d)(1)(i) Except as provided in paragraphs (d)(1)(ii) and (iii) of this section, and except with respect to finished products or unfinished oils as to which a supplemental fee is chargeable on the feedstock from which such finished products or unfinished oils were derived in accordance with (a)(9)(i) of this section, imports of crude oil, natural gas products, unfinished oils and all other finished products (except ethane, propane, butanes, and asphalt) entered into United States customs territory on or after February 1, 1975, shall be subject to a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after May 1, 1975, and to $3.00 on imports entered on or after June 1, 1975, in accordance with § 3(a)(1)(iii) of Proclamation No. 3279, as amended.

(ii) Imports other than (A) ethane, propane, butanes, and asphalt, (B) crude oil as defined for purposes of the Old Oil Allocation Program set forth in § 211.67 of this chapter, which is imported for refining, and (C) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, shall be subject to a supplemental fee as follows:

(I) for imports entered into the United States customs territory during the months of February, March, and April, 1975, $0.00/bbl.;

(II) for imports entered into the United States customs territory during the month of May, 1975, $0.60/bbl.;

(III) for imports entered into the United States customs territory during the month of June, 1975, and thereafter, $1.20/bbl.

* * * * *

(4) Payments made pursuant to paragraph (d)(1)(i) of this section for licenses issued upon prepayment shall be at the rate of $3.00 per barrel. Payments made pursuant to paragraph (d)(1)(ii) of this section for licenses issued upon prepayment shall be at the rate of $1.20 per barrel. Imports entered into United States customs territory against such licenses during the period February 1, 1975 through May 30, 1975 shall be subject to refund of the difference between the amount of fee applicable at the time the imports are entered and the amount previously paid.

(e) * * *

(2) * * *

(i) For payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of duties found payable upon liquidation, by the United States Customs Service, less any applicable duty drawback, *provided that*, said importer certifies the amount of drawback received during that period. Where the duty drawback exceeds the duty paid during that period, the net difference shall be applied to subsequent periods, *provided that* when the duty less drawbacks exceeds the fee imposed, any excess duty may be used to reduce fees payable during the subsequent six months;

* * * * *

(vi) For payments to the importer of record in accordance with paragraph (f) of this section.

(f)(1) On a monthly basis beginning with the month of February, 1975, the Director shall, in accordance with this paragraph (f), with respect to crude oil, unfinished oils, and finished products imported into Puerto Rico (or imported into Districts I–V and shipped to Puerto Rico with or without further processing) and not shipped to Districts I–V, as crude oil, unfinished oils, or finished products, make reductions in and refunds from fees and supplemental fees by the amount of any excise tax or other levy imposed subsequent to January 31, 1975 and collected by the Government of Puerto Rico on such materials, provided that refunds from or reductions in such excise tax or other levy are authorized in the same manner as are authorized with respect to payments prescribed by paragraphs (c) and (d) of this section.

(2) For the purpose of obtaining refunds or reductions under this paragraph, the importer of record shall furnish the Director for the particular month the following documents: (i) copies of customs entry documents 7501 or 7505, as appropriate, where crude oil, unfinished oils, or finished products were imported into Puerto Rico;

(ii) copies of any bills of lading or other documents filed with the Commonwealth of Puerto Rico relating to shipments of crude oil, unfinished oils, or finished products from Districts I–V to Puerto Rico and from Puerto Rico to Districts I–V; and

(iii) copies of any receipts, for payment to Puerto Rico of a tax or other levy in effect after January 31, 1975 on crude oil, unfinished oils, or finished products not shipped to Districts I–V.

(3) In the case of licenses issued pursuant to a bond, or fee-exempt license, the importer shall pay to the Director, with respect to the following to the extent applicable:

(i) Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Puerto Rico and not shipped into Districts I–V, less the tax or other levy per barrel (up to the amount of the applicable fee and supplemental fees net of any reductions pursuant to paragraph (a)(1) of section 3 of Proclamation No. 3279, as amended) on those volumes paid to Puerto Rico; and

(ii) Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Districts I–V and shipped to Puerto Rico, with or without further processing, less the tax or other levy per barrel on those volumes paid to Puerto Rico; and

(iii) Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Puerto Rico and shipped to Districts I–V, with or without further processing.

(4) In the case of licenses issued pursuant to a valid fee-paid license the importer shall pay to the Director, not later than the last day of the month following the month in which imports were made into Puerto Rico (or into Districts I–V and shipped to Puerto Rico) and shipments from Puerto Rico were made into Districts I–V, the supplemental fee for the month in question in accordance with the provisions of paragraph (f)(3) of this section.

(5) Upon receipt of the documents specified in subparagraph (2) of this paragraph, the Director shall, with respect to licenses issued by prepayment of the fees and supplemental fee prescribed

in paragraphs (c) and (d) of this section, refund to the importer of record such fees on the following crude oil, unfinished oils and finished products: (i) imports into Puerto Rico, plus

(ii) imports into Districts I–V which are shipped to Puerto Rico, less

(iii) shipments to Districts I–V from Puerto Rico.

(6) Crude oil, unfinished oil, and finished products shipped to Puerto Rico from Districts I–V, shall be deemed to be crude oil imported into Districts I–V or to have been processed from such imported crude oil to the extent that the refiner shipping such products has imported into Districts I–V crude oil in equivalent or greater volumes.

(7) The fee and supplemental fee payable pursuant to paragraphs (f) (3) and (4) of this section for the month in question shall be that attributable to the feedstock which was processed or further processed in Puerto Rico. In the event that material which could have been derived from different feedstocks having different fees and supplemental fees is shipped into Districts I–V from Puerto Rico, the material will be deemed, to the extent possible, to have been derived from the feedstock having the lowest fee. Any excess will be deemed to have been derived from the feedstock having the next lowest fee. To the extent that material is shipped from Puerto Rico into Districts I–V in excess of the amount that could have been derived from crude oil or unfinished oils, such shipments will be considered to be transshipments of that material without further processing, and the fee and supplemental fee applicable to that material shall apply.

(8) In the event that an importer of material into Puerto Rico sells crude oil, unfinished oils, or finished products to another person in Puerto Rico, the importer shall ascertain whether the material sold will be shipped into Districts I–V. Where such material will be shipped into Districts I–V, the importer of the materials into Puerto Rico shall be liable for the fees imposed pursuant to paragraphs (f) (3) and (4) of this section on the materials introduced into Puerto Rico and shipped into Districts I–V.

[FR Doc.75-9283 Filed 4-7-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-WA-38]

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

Alteration of Terminal Control Area

On January 6, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 1059) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the St. Louis Terminal Control Area (TCA) by redefining certain lateral boundaries and floor altitudes in the vicinity of Webster Groves, Mo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received in response to the NPRM was from the Air Transport Association (ATA) in which they concurred with the proposal.

In the description of Area C the notice gave only the magnetic bearing of the Maryland Heights VORTAC. Consequently, the Area C description in the rule gives the true bearing.

In consideration of the foregoing, § 71.401(b) (40 FR 640) of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, by amending the description of Areas B and C of the St. Louis, Mo., Group II Terminal Control Area to read as follows:

Area B. That airspace extending upward from 2,000 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the St. Louis International Airport ASR Antenna excluding Area A previously described and the area within and underlying Area C hereinafter described.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR Antenna, and that area which lies south of the Maryland Heights 102° radial which is contained within the 10-mile radius of the St. Louis International Airport ASR Antenna, excluding Areas A and B previously described, and the area within and underlying Area E hereinafter described.

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

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

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9157 Filed 4-8-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8981]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sir Carpet, Inc. and Bennett Weiner

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.75 Free goods or services; § 13.135 Nature of product or service; § 13.155 Prices: § 13.155–5 Additional charges unmentioned; § 13.155–10 Bait; § 13.155–40 Exaggerated as regular and customary; § 133.155–93 Special or test offers; § 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers. Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 Contracting for sale any evidence of indebtedness prior to specified time. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533–20 Disclosures; § 13.533–40 Furnishing information to media; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation; § 13.533–45(m) Records, sales; § 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—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; § 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1625 Free goods or services; § 13.1685 Nature; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts; § 13.1743 Size or weight; § 13.1747 Special or limited offers.—Prices: § 13.1778 Additional costs unmentioned; § 13.1779 Bait; § 13.1805 Exaggerated as regular and customary; § 13.1825 Usual as reduced or to be increased.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 Identity; § 13.1870 Nature; § 13.1882 Prices: § 13.1882–10 Additional costs unmentioned; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; § 13.1905–50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 Free goods; § 13.2013 Offers deceptively made and evaded; § 13.2063 Scientific or other relevant facts; § 13.2090 Undertakings in general. Subpart—Securing orders by deception: § 13.2170 Securing orders by deception. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(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 Sir Carpet, Inc., a Corporation, and Bennett Weiner, Individually and as an Officer of Said Corporation

Order requiring a Takoma Park, Md., carpet retailer and installer, among other things to cease using bait and switch tactics and other deceptive sales practices.

The Order Placing Matter on Docket for Review and Final Order, reads as follows: [1]

An initial decision by the administrative law judge having been issued in this matter on November 13, 1974, containing a provision that would require respondents' contracts to include a statement

[1] Copies of the Complaint, Initial Decision, and Order Placing Matter on Docket for Review and Final Order, filed with the original document.

that they are subject to a cease and desist order of the Federal Trade Commission "for having engaged in bait and switch tactics" and that the consumer can examine a copy of the complaint and order on request:

And the Commission having determined that this initial decision should be placed on its own docket for review *sua sponte* pursuant to § 3.53 of its rules of practice and modified in accordance with its decision in *Wilbanks Carpet Specialists, Inc.*, Docket 8933 (September 24, 1974) [39 F.R. 42347], and *Tri-State Carpets, Inc.*, Docket 8945 (October 15, 1974) [40 F.R. 44121];

Now therefore it is ordered, That the initial decision in this matter be, and it hereby is, placed on the Commission's docket for review; and

It is further ordered, That the said initial decision be, and it hereby is, modified by deleting the portion of the initial decision under the caption "The Black Border Provision" and by striking from paragraph 16 of the order the following sentence: "Also, since we are subject to a cease and desist order of the Federal Trade Commission in Docket No. 8981 for having engaged in bait and switch tactics, you may examine or have a copy of the complaint and order by asking the salesman serving you to provide it;" and

It is further ordered, That, as so modified, the initial decision and order be, and they hereby are, adopted as the decision and order of the Commission.

The order to cease and desist set forth in the initial decision, as modified above, is as follows:

ORDER

It is ordered, That respondents Sir Carpet, Inc., a corporation, its successors and assigns, and its officers, and Bennett Weiner, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, distribution and installation of carpeting and floor coverings, or any other article of merchandise, in 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, directly or indirectly, orally or in writing, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying for a period of three years following the date of publication of any advertisement, adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. the cost of publishing each advertisement including the preparation and dissemination thereof;

b. the volume of sales made of the advertised product or service at the advertised price; and

c. a computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Representing, directly or indirectly, orally or in writing, that any price amount is respondents' regular price for any article of merchandise or service unless said amount is the price at which such merchandise or service has been sold or offered for sale by respondents for a reasonably substantial period of time in the recent, regular course of their business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison or a "free" or similar offer might be based.

7. Representing, directly or indirectly, orally or in writing, that a purchaser of respondents' merchandise or services will receive a "free" vacuum cleaner or any other "free" merchandise, service, prize or award unless all conditions, obligations, or other prerequisites to the receipt and retention of such merchandise, services, gifts, prizes or awards are clearly and conspicuously disclosed at the outset in close conjunction with the word "free" wherever it first appears in each advertisement or offer.

8. Representing, directly or indirectly, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of advertised merchandise or services, when, in fact, the cost of such merchandise or service is regularly included in the selling price of the advertised merchandise or service.

9. Representing, directly or indirectly, orally or in writing, that a "free" offer is being made in connection with the introduction of new merchandise or services offered for sale at a specified price unless the respondents expect, in good faith, to discontinue the offer after a limited time and commence selling such merchandise or service, separately, at the same price at which it was sold with a "free" offer.

10. Representing, directly or indirectly, orally or in writing that merchandise or service is being offered "free" with the sale of merchandise or service which is usually sold at a price arrived at through bargaining, rather than at a regular price, or where there may be a regular price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.

11. Representing, directly or indirectly, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period. At least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three such "free" offers shall be made in the same area in any twelve (12) month period. In such period, respondents' sale in that area of the product or service in the amount, size or quality promoted with the "free" offer shall not exceed 50 percent of the total volume of its sales of the product or service, in the same amount, size or quality, in the area.

12. Representing, directly or indirectly, orally or in writing, that a product or service is being offered as a "gift", "without charge", "bonus", or by other words or terms which tend to convey the impression to the consuming public that the article of merchandise or service is free, when the use of the term "free" in relation thereto is prohibited by the provisions of this Order.

13. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the square yard price for additional quantities of such carpet with padding and installation needed.

14. Advertising any carpeting or floor covering using a unit of measurement not usually and customarily employed in the retail advertising of carpet or which tends to exaggerate the size or quantity of carpeting or floor covering being offered at the advertised price.

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

16. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

17. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten

point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[Enter date of transaction]

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to _____, at

[Name of seller]

_____,

[Address of seller's place of business]

not later than midnight of _____.

(Date)

I hereby cancel this transaction.

_____

(Date)

_____

(Buyer's signature)

18. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

19. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this Order including specifically his right to cancel the sale in accordance with the provisions of this Order.

20. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

21. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

22. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

23. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

24. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

Provided, however, that nothing contained in this Order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this Order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting of floor coverings and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this Order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this Order.

It is further ordered, That respondents deliver a copy of this Order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale of any product, consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said Order from each such person.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That the respondent Bennett Weiner, promptly notify the Commission of the discontinuance of his present business or employment and of his affiliations 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 said respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Order Placing Matter on Docket for Review and Final Order was issued by the Commission February 6, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-9256 Filed 4-8-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority

The Securities and Exchange Commission has announced that the Commission's Chief Economist of the Office of Economic Research and in his absence the Assistant Chief Economist have been delegated the authority to certify routine statistical reporting forms to the General Accounting Office as required by the Federal Reports Act, 44 U.S.C. 3512.

Pursuant to the authority set forth in Pub. L. 87-592, 76 Stat. 394-95, 15 U.S.C. 78d-1, 78d-2, the Securities and Exchange Commission hereby adopts § 200.30-12 under Part 200 of Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

§ 200.30-12 Delegation of authority to Chief Economist of Office of Economic Research.

Pursuant to the provisions of Pub. L. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following function to the Chief Economist of the Office of Economic Research and in his absence the Assistant Chief Economist, to be performed by them or under their direction by such person or persons as may be designated from time to time by the Chairman of the Commission: To certify routine statistical reporting forms for submission to the

General Accounting Office as required by the Federal Reports Act.

(Secs. 1, 2, 76 Stat. 394, 395, 15 U.S.C. 78d-1, 78d-2)

The Commission finds that the foregoing action related solely to rules and regulations of agency organization, procedure and practice, and therefore the notice and procedures under 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing action becomes effective on February 4, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

FEBRUARY 4, 1975.

[FR Doc.75-9233 Filed 4-8-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

Adoption of International Clinical Research Standards; Acceptance of Foreign Data

In the FEDERAL REGISTER of September 6, 1973 (38 FR 24220), the Commissioner of Food and Drugs proposed conditions under which results of clinical investigations on drugs generated outside the United States would be acceptable in support of a "Notice of Claimed Investigational Exemption for a New Drug" (IND) or a new drug application (NDA). Interested persons were provided 90 days to submit comments on the proposal. Comments were received from foreign and domestic pharmaceutical industry associations, pharmaceutical manufacturers, a State public health department, a consumers' group, an independent research organization, two physicians, and an attorney. The overwhelming majority of the comments favored the basic principles set forth in the proposal for acceptance of foreign clinical data. In addition, a number of the comments contained specific requests and suggestions for revisions and clarifications.

The regulations pertaining to new drugs for investigational use (21 CFR Part 312) apply to IND's for new drugs that are biological products subject to section 351 of the Public Health Service Act as well as to new drugs subject to section 505 of the Federal Food, Drug, and Cosmetic Act. The proposal did not specifically state that such data could also be used in support of a license application for a biological product. To remove any possible misunderstanding, the final order has been changed to indicate that such is the case.

The comments and the Commissioner's response are summarized as follows:

1. One comment suggested that, in the interest of full disclosure, sponsors and applicants should be encouraged, or even required, to submit to the Food and Drug Administration detailed results of foreign clinical trials even when such data do not satisfy the preconditions established by the Food and Drug Administration and thus cannot be utilized as substitutes for domestic clinical trials. Further, these studies should then be given the weight, if any, to which they are entitled as supplementary information.

The new drug regulations under §§ 312.1 and 314.1 (21 CFR 312.1 and 314.1, formerly 21 CFR 130.3 and 130.4, recodified in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680)), currently require that a "Notice of Claimed Investigational Exemption for a New Drug" (IND) or a new drug application (NDA) contain all known preclinical and clinical data, including any data derived from studies performed outside of the United States. These studies will be given consideration in accordance with the guidelines established.

2. Several comments concerned the case reports to be provided by the investigators and the availability of detailed case records in the investigators' offices and in the hospital. One respondent was concerned that individual patient case reports for non-U.S. studies would not be submitted to the Food and Drug Administration in IND's and NDA's. This, he felt, would deprive Food and Drug Administration medical reviewers of information needed on which to base a recommendation regarding safety and efficacy of the drugs under consideration. It was also contended that the Food and Drug Administration would never be in a position to refuse foreign data if requests for detailed case records were not filled.

The Commissioner believes that this concern was generated by a misinterpretation of a speech given by a Food and Drug Administration official. The speech indicated that one of the reasons for the lack of weight generally given by the Food and Drug Administration to non-U.S. clinical studies is the absence of detailed information such as is provided by firms performing studies in the United States. The proposal of September 1973 stated, among other requirements, that clinical data generated outside of the United States would be acceptable if detailed information is provided.

The Commissioner recognizes, however, that the language in the proposal may not have been entirely clear to persons not involved on a day-to-day basis with IND's, NDA's, and biological product license applications. Therefore, the final order has been expanded to clarify this point. Where the Food and Drug Administration requests verifying records and they are not supplied, the foreign data will not be accepted as primary evidence of safety and effectiveness.

3. Although several responses from foreign pharmaceutical organizations supported the concept and practice of the maintenance of detailed case records by investigators, one U.S. affiliate of a multinational pharmaceutical company stated that many capable, prestigious investigators abroad are not temperamentally attuned to filling out the more elaborate case report forms often devised in the United States to accommodate electronic data processing. The firm asked whether sponsors and applicants would be permitted to transcribe the data from the investigator's case report provided the investigator signed the completed form.

The Commissioner has no objection to this arrangement, and the final order so indicates.

4. In reference to the proposed new section (now § 312.20(b)(1)(iii) under the recent recodification), one comment stated that in most European countries hospital records are regarded as confidential documents, and neither the original nor photocopies are permitted to leave the premises. He asked, therefore, whether information derived from the records, rather than the records themselves, would suffice.

The Commissioner concludes that data derived from hospital records are acceptable except in rare cases where the Food and Drug Administration might deem it necessary to obtain copies of the actual records for detailed review.

5. A comment from a manufacturer related to the provision that the investigator's facilities must be appropriate for the complexity of the studies performed. He asked if a description of the facilities signed by the investigator would be sufficient to establish that these facilities are adequate.

The Commissioner finds that a written description is not required, just as it is not required for U.S. studies. The order in § 312.20(b)(1)(ii) states that the IND sponsor, the NDA applicant or biological product license applicant will verify that the investigator's facilities are adequate. This is the practice in the United States. The policy of the regulations, as emphasized by the proposal, is that where facilities for performing clinical research outside of the United States are similar to those that exist in the United States, the data generated from these studies will be acceptable to the Food and Drug Administration.

6. One comment expressed concern as to how the Food and Drug Administration would verify the qualifications of investigators to perform the clinical studies entrusted to them.

The proposal stated that investigators must be experts qualified by scientific training and experience to evaluate the safety and efficacy of drugs, that such experts are recognized by their peers for the quality of their investigation and the soundness of their conclusions, and that they are usually affiliated with a recognized medical school or independent institution. Moreover, IND sponsors, NDA applicants, and biological product license applicants must verify that the investigators are recognized for their expertise and must submit copies of the investigators' qualifications. This verification will be more easily supported in those countries that are known to have well-developed drug regulatory agencies with high standards for investigators and close monitoring of investigations.

7. Two comments expressed concern that preclinical standards for animal studies are not as stringent abroad as in the United States. As a result, patients abroad will be exposed to investigational drugs that lack the kinds of animal studies required in the United States, and the results of such clinical studies will be submitted to the Food and Drug Administration for approval without the necessary animal studies.

Toxicologic experts differ among themselves as to the requirements needed to achieve a stated objective, as experts do in all fields of science. The preclinical studies performed in other countries must be performed under the requirements of the country in which they are undertaken. The extent to which foreign clinical studies are acceptable in this country depends upon the extent of available information about the drug, both clinical and preclinical. The implication that studies in the United States will be conducted without the usual preclinical studies is incorrect. Where preclinical studies are judged to be inadequate by the Food and Drug Administration and fail to justify starting clinical investigations in this country at whatever phase proposed, the necessary additional preclinical studies will be required before clinical trials can commence.

8. A comment from one manufacturer asked for clarification of a statement in the proposal's preamble that, where a significant new drug is studied both abroad and in the United States and adequate data appear to be available for approval of the drug, international manufacturers are expected to submit the data for review by the Food and Drug Administration at the same time the data are submitted for review in the foreign country. The comment pointed out that U.S. subsidiaries of foreign firms that are independent from control of the foreign parent cannot dictate to the parent company when data should be submitted to the Food and Drug Administration. He suggested, therefore, that the Food and Drug Administration's "demand" be limited to research in which the U.S. subsidiary participates by way of partial or full sponsorship.

As stated in the preamble of the proposal, the primary purposes of the proposed regulation are to promote the public safety by eliminating unnecessary duplication of human research and to expedite the availability to the American public of important new drugs being studied abroad. Firms which develop significant new drugs abroad eventually submit an NDA in order to market them in the United States. Delays in submission of data for an NDA are not in the public interest. The Commissioner does not have the authority to "compel" or "demand" submission of an NDA, but the intent was to emphasize that, for significant new drugs, the Commissioner believes that U.S. pharmaceutical firms have a moral obligation to provide the United States with the accumulated data and submit an NDA in a timely manner so as not to deprive the American people of the benefits that can accrue from such drugs.

9. A number of respondents were concerned with the broad issues of ethical standards, patient consent, and peer review. With regard to ethical standards, two comments were concerned that since, under the proposed regulation, the Declaration of Helsinki would be utilized as the basic doctrine of ethics and investigators would be required to state how their research conformed to its principles, the United States was, quite properly, not attempting to impose its own particular standards on the rest of the world, but was, in fact, attempting to impose the standards of the Declaration of Helsinki. The comments recommended that the regulation state that non-U.S.-generated clinical data will be acceptable if derived from studies conducted under the ethical standards of the Declaration of Helsinki or under accepted local standards. The Commissioner devoted considerable thought and discussion to this particular issue prior to the proposal.

After reconsideration, the Commissioner reaffirms his conclusion at that time, that the Declaration of Helsinki has become a generally recognized acceptable standard for the performance of ethical research. It has been endorsed by many professional societies worldwide, and its principles have been adopted by many investigators throughout the world. The fact that governments have not officially endorsed the Declaration itself is irrelevant inasmuch as the principles embodied in the Declaration of Helsinki are already widely recognized as basic standards for performance of ethical research.

The Commissioner agrees with the comment that non-U.S.-generated clinical data will be acceptable if conducted under accepted local standards as long as the local standards offer greater protection to the individual than do the standards of the Declaration of Helsinki. The final order has been amended accordingly. He cannot accept as primary evidence of the safety and efficacy of a new drug data derived under circumstances meeting a lesser standard. The Commissioner recognizes the need for, and will continually review, the requirements and principles governing research in human subjects and will propose changes as they are appropriate.

10. With respect to committee review, it was noted that the requirement of institutional review goes beyond the principles for clinical research set forth in the Declaration of Helsinki. Comment was made that many recognized institutions do not have review committees and it is unlikely that they would form such committees merely to satisfy United States requirements. One comment stated that, if established, such committees would be likely to perform their duties in a perfunctory manner. As a solution to the problem of the absence of any existing committees in some areas, two respondents suggested that, where such review committees do not exist, the Food and Drug Administration accept the data generated from the investigations, provided that they meet all other requirements. Two other respondents suggested that pharmaceutical manufacturers be permitted to set up their own committees of independent experts with members chosen by professional societies. Another comment suggested the committees be selected by local branches of appropriate medical societies.

The Commissioner has reconsidered the issue of peer review in great detail, and has concluded that he should not require institutional review in all cases. The regulations of the Food and Drug Administration require clinical studies on institutionalized subjects conducted within the United States to be reviewed and approved by an institutional review committee. The purposes of such review are both scientific and ethical: It should assure that the study is well designed to obtain valid results, that the potential benefits to the subject or the importance of the knowledge to be gained outweigh the risks involved, that the rights and welfare of the subjects will be adequately protected throughout the study, and that informed consent will be obtained by methods that are adequate and appropriate. Moreover, a local institutional review committee is best able to make these determinations, because it possesses a more intimate knowledge of the investigator, the facilities, the subject population, and the community standards of ethics and morality. For these reasons, the Commissioner reaffirms his belief, and Agency policy, that institutional review is desirable in all cases.

The Commissioner recognizes, however, that the practice of institutional review is not universally followed. Much important clinical research is conducted throughout the world, legally and ethically in the countries where the research is occurring, without such institutional review. An absolute requirement of peer review by the United States will not by itself create effective institutional review overnight in these countries; it would, however, compel the Food and Drug Administration to reject data generated in this research and ignore the results obtained. This can only produce one of the two results, i.e., either the research will not be repeated, in which case the United States will be deprived of the benefit of such research, or it will be repeated, in which case new ethical and medical problems arise, including the acceptability of conducting research when the results are already known. This dilemma suggests that an absolute requirement of institutional review would, at least in the near future, be unenforceable and contrary to the interests of the public.

Therefore, the Commissioner has modified § 312.20(b)(1)(vi) to provide an optional arrangement: either institutional review or evidence that the study conformed with the laws, regulations, and scientific and ethical standards of clinical research of the country in which the research was conducted. Conformity with

local standards shall include a description of these local standards as well as a description as to how they were met in this study. For example, if a country requires that animal toxicity studies be conducted and made available to the investigator before the commencement of human research, this requirement shall be stated and then evidence shall be submitted showing that such animal studies were in fact done and the results considered by the investigator.

In modifying these requirements, the Commissioner stresses that the Food and Drug Administration in no way will condone the exploitation of institutionalized subjects in other nations. If experience under this order indicates such exploitation (in contrast with the ethical and appropriately safeguarded involvement of such individuals where, for example, the research directly relates to the cause of their institutionalization), the Agency will revise these regulations accordingly.

The Commissioner believes that involvement of manufacturers in the formation and financing of review committees could lead to lack of objectivity in selection of committee members and possibly in evaluations of individual protocols. It would be preferable, as one comment suggested, that such committees be formed by local branches of medical societies. For guidance in the organization and operation of review committees, the Commissioner recommends the procedures contained in the Department of Health, Education, and Welfare regulations published in the FEDERAL REGISTER of March 13, 1975 (40 FR 11854), under 45 CFR Part 46 "Protection of Human Subjects." The Food and Drug Administration final order has been revised to include a reference to Part 46 of Title 45 of the Code of Federal Regulations. Where the Department regulations require a review committee to have broad representation, however, the Food and Drug Administration order only recommends such broad representation wherever practical.

The Commissioner understands the concern that review committees, formed for satisfying Food and Drug Administration standards, may perform in a perfunctory manner. He believes, however, that as individuals gain experience in peer review of research protocols, they will become more aware of the problems in, and the need for, protecting human subjects, and their deliberations will indeed result in better protection for the subjects. The Food and Drug Administration will evaluate the performance of review committees as studies are submitted in support of IND's, NDA's and biologic product licenses. The Food and Drug Administration will also explore with foreign regulatory agencies the possibility of obtaining information on the performance of institutional review committees in other countries. Future modifications of this order may be made in light of those evaluations and information, or as part of the general revision of investigational drug regulations.

11. One comment suggested that, for clinical research conducted in the United Kingdom, the requirement of committee review be deemed satisfied by action of the Committee on Safety of Medicines, which must give permission prior to the performance of early clinical trials in man.

The Commissioner has the greatest respect for the expertise of the members of the Committee on Safety of Medicines. Review by this Committee is, however, similar to the review of investigational drug studies by the Food and Drug Administration, which the Food and Drug Administration itself does not regard as sufficient alone for patient protection. As noted earlier, local institutional review involves persons who have more intimate knowledge of the investigator, the investigational facilities, the subject population and the community standards of ethics and morality. Thus, the Commissioner believes that either a local review committee or a showing of the study conformed to ethical and scientific standards in the United Kingdom is required. The fact that a study has been approved by a prestigious body such as the Committee on Safety of Medicines may of course be given as additional information, and would be pertinent to the showing of conformity with the laws, regulations, and medical and ethical standards of the United Kingdom.

12. Several comments stated that in the United States, committee review is required only for studies conducted on institutionalized subjects or patients and that the Food and Drug Administration, in requiring review for all clinical studies conducted outside the United States, is in fact imposing more stringent requirements.

The proposal was not intended to imply that review was required for studies performed outside of an institution, unless the investigator was affiliated with an institution which accepted responsibility for review of the study. The final order has been modified to clarify when evidence of institutional review is required.

13. A comment was received requesting clarification as to whether a committee review is required for phase I studies (21 CFR 312.1(a), Form FD-1571 item 10.a) in noninstitutionalized volunteers, since such studies are frequently performed abroad in clinical pharmacology units on the premises of a pharmaceutical firm.

Since these units are not considered institutions, committee review is not required, although such review is always desirable whether or not required. Some United States firms have established internal review committees for this purpose.

The Commissioner, in response to this and other similar comments, has clarified in the final order that committee review is not a requirement for studies involving noninstitutionalized subjects.

14. One comment referred to Article III 3c. of the Declaration of Helsinki, which states that, for nontherapeutic clinical research, consent of the subject ordinarily should be obtained in writing. The respondent was concerned because the usual practice in Europe is to obtain consent for such studies orally rather than in writing.

The Commissioner agrees with the Declaration that, for nontherapeutic research, consent ordinarily should be obtained in writing. The Declaration leaves it to the discretion of the investigator whether consent for therapeutic research will be obtained orally or in writing. The primary purpose of consent provisions, of course, is that consent be truly informed. The Commissioner reiterates that for nontherapeutic research, where the subject does not receive any direct salutary gain, consent ordinarily should be obtained in writing.

15. One comment inquired whether bioavailability studies conducted abroad on certified antibiotics pursuant to the provisions of the proposal would be acceptable commencing 60 days after publication of the final order.

The Commissioner finds that antibiotic bioavailability studies conducted abroad and complying with this section will be acceptable in the United States. However, details of the protocol and the reference standard need to be submitted to and preferably discussed with the Food and Drug Administration prior to performing the study due to the complexities of establishing bioavailability.

16. A comment from a State public health department expressed concern that there is no mechanism by which a foreign investigator can receive an investigational new drug from the United States unless there is a domestic sponsor for an IND.

This comment reflects a misunderstanding of the requirements for exporting an investigational drug. Foreign investigators or foreign manufacturers may receive investigational drugs shipped from the United States on completing and filing the appropriate "Notice of Claimed Investigational Exemption for a New Drug." There is no requirement for a United States sponsor or agent. In lieu of filing an IND, an alternative procedure is provided under § 312.1, in the proviso appearing at the end of paragraph (a)(2) of that section.

17. A comment objected to the acceptance of foreign studies for the purposes stated in the proposal and suggested there were more effective and less dangerous ways of eliminating unnecessary research. The respondent suggested the following ways to accomplish the purpose: (a) to make public all data from new drug experiments, (b) to require that thorough animal tests be conducted before exposing a drug to humans, (c) to deny permission for the testing of duplicative and unnecessary drugs in humans, and to determine through specialists what diseases need new therapeutic entities and testing priorities. The comment further stated that while European data of high quality and total verifiability should be used for Food and Drug Administration decisions, there is, in fact, little way to determine which tests are of bona fide high quality, and the Food and Drug Administration is obligating itself to accept virtually all European data submitted to it.

The proposed alternatives are not helpful to the Food and Drug Administration in resolving the need for defining acceptable conditions under which foreign studies may be utilized in the United States to support the safety and efficacy of a drug. Regarding suggestion (a), to the extent that the law permits, the Food and Drug Administration has set forth conditions for release of data in new drug application and biological product license application files in its regulations published in the FEDERAL REGISTER of December 24, 1974 (39 FR 46602), to implement the Freedom of Information Act. In reply to suggestion (b), Food and Drug Administration requirements for animal testing of drugs prior to their introduction for clinical trial have been compatible with scientific standards over the years. They are continually scrutinized. The Health Research Group, which filed this comment, has also submitted to the Food and Drug Administration a petition proposing changes in preclinical tests. The availability of this petition for comment was the subject of a notice published in the FEDERAL REGISTER on April 17, 1974 (39 FR 13797). Concerning suggestion (c), the Food and Drug Administration has no authority to prohibit testing of drugs so long as they are tested in accordance with the Federal Food, Drug, and Cosmetic Act and the regulations thereunder. Furthermore, the Food and Drug Administration does not have the authority, nor does it desire such, to establish priorities in the nation's efforts to eradicate disease and relieve discomforts of mankind. Significant changes in directions of national goals should be made via the legislative process, with opportunity for participation of all segments of society.

The Commissioner, having carefully considered all the comments, concludes that it is in the public interest to adopt the proposed regulation with revisions necessary to clarify certain provisions of the final order.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 505, 507, 701, 52 Stat. 1040–1042, 1052–1053, 1055–1056, as amended, 59 Stat. 463 as amended; 21 U.S.C. 321, 355, 357, 371) and to the provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 312 is amended by adding a new Subpart C, to consist at this time of § 312.20, to read as follows:

Subpart C—International Research

§ 312.20 Clinical data generated outside the United States and not subject to a "Notice of Claimed Investigational Exemption for a New Drug."

(a) The Food and Drug Administration's access to data produced by drug studies performed outside of the United States and not covered by a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been limited largely to review of published literature. The Commissioner of Food and Drugs has concluded that it is in the interest of the public health, whenever possible, to have access to and to consider detailed information resulting from those studies performed abroad which are well-conceived, well-controlled, performed by qualified experts, and conducted in accordance with ethical principles acceptable to the world community.

(b) Such studies may be utilized to support clinical investigations in the United States and in support of the safety and effectiveness of a new drug in a new drug application (NDA) or biological product license application provided all the following conditions are met:

(1) For each investigator's studies, the IND sponsor, NDA applicant or biological product license applicant verifies that:

(i) The investigator is well qualified by scientific training and experience to conduct investigational studies of the subject drug and he is affiliated with a recognized medical school or with an independent institution recognized for its excellence or is otherwise appropriately qualified. Documentation of the investigator's qualifications shall be submitted.

(ii) The investigator has adequate facilities appropriate for the complexity of the studies performed.

(iii) The investigator maintains detailed case records and will complete the sponsor's case report forms or provide the sponsor with the data from his records so that the forms can be completed. He shall also make available to the sponsor any additional background data from such records, including hospital or other institutional records, should such background data be requested by the Food and Drug Administration.

(iv) The investigator has conducted the studies in conformance with the "Declaration of Helsinki" or the laws and regulations of the country in which the research is conducted, whichever represents the greater protection of the individual. If the standards of the country are used, differences from those of the "Declaration of Helsinki," which reads as follows, shall be stated in detail.

DECLARATION OF HELSINKI RECOMMENDATIONS GUIDING DOCTORS IN CLINICAL RESEARCH

I. BASIC PRINCIPLES

1. Clinical research must conform to the moral and scientific principles that justify medical research and should be based on laboratory and animal experiments or other scientifically established facts.

2. Clinical research should be conducted only by scientifically qualified persons and under the supervision of a qualified medical man.

3. Clinical research cannot legitimately be carried out unless the importance of the objective is in proportion to the inherent risk to the subject.

4. Every clinical research project should be preceded by careful assessment of inherent risks in comparison to foreseeable benefits to the subject or to others.

5. Special caution should be exercised by the doctor in performing clinical research in which the personality of the subject is liable to be altered by drugs or experimental procedure.

II. CLINICAL RESEARCH COMBINED WITH PROFESSIONAL CARE

1. In the treatment of the sick person, the doctor must be free to use a new therapeutic measure, if in his judgment it offers hope of saving life, reestablishing health, or alleviating suffering. If at all possible, consistent with patient psychology, the doctor should obtain the patient's freely given consent after the patient has been given a full explanation. In case of legal incapacity, consent should also be procured from the legal guardian; in case of physical incapacity the permission of the legal guardian replaces that of the patient.

2. The doctor can combine clinical research with professional care, the objective being the acquisition of new medical knowledge, only to the extent that clinical research is justified by its therapeutic value for the patient.

III. NONTHERAPEUTIC CLINICAL RESEARCH

1. In the purely scientific application of clinical research carried out on a human being, it is the duty of the doctor to remain the protector of the life and health of that person on whom clinical research is being carried out.

2. The nature, the purpose and the risk of clinical research must be explained to the subject by the doctor.

3a. Clinical research on a human being cannot be undertaken without his free consent after he has been informed; if he is legally incompetent, the consent of the legal guardian should be procured.

3b. The subject of clinical research should be in such a mental, physical and legal state as to be able to exercise fully his power of choice.

3c. Consent should, as a rule, be obtained in writing. However, the responsibility for clinical research always remains with the research worker; it never falls on the subject even after consent is obtained.

4a. The investigator must respect the right of each individual to safeguard his personal integrity, especially if the subject is in a dependent relationship to the investigator.

4b. At any time during the course of clinical research the subject or his guardian should be free to withdraw permission for research to be continued. The investigator or the investigating team should discontinue the research if in his or their judgment, it may, if continued, be harmful to the individual.

(v) An explanation as to how the research conformed to the principles of the declaration is provided, e.g., for nontherapeutic clinical research it should be clear that the nature, purpose and risk of the research was explained to the subject and his consent was obtained.

(vi) If the investigator's study was conducted on institutionalized subjects, or was conducted on noninstitutionalized subjects through an institution which assumed responsibility for the study, either the study has been reviewed for scientific and ethical considerations and approved by a review committee prior to initiation of the study, or the study has been conducted in conformance with the laws, regulations, and scientific and ethical standards of clinical research of the country in which the research was conducted. A review committee, as used in this paragraph, means a committee composed of individuals who are scientists and, where practicable, individuals who

are otherwise qualified; in this regard, the addition of other health professionals or laymen to the committee is not required but is desirable. The investigator may not vote on any aspect of the review of his protocol by a review committee. Documentation of review and approval by a review committee shall be submitted and shall include the names and qualifications of the members of the committee. (Procedures for the organization and operation of institutional review committees are contained in the Department of Health, Education, and Welfare regulations on "Protection of Human Rights," 45 CFR Part 46.) Where review and approval by a review committee have not occurred prior to initiation of the study, the IND sponsor, NDA applicant or biological product license applicant shall describe how the study conformed to the laws, regulations and scientific and ethical standards of clinical research in the country in which the research was conducted (e.g., whether any review mechanism is required by law and whether the study met such review, whether the investigator and facilities meet the scientific standards in the country, whether the investigator was fully informed of the results of animal toxicity and prior human safety studies, and whether patient consent procedures were required and were followed).

(2) The IND sponsor, NDA applicant or biological product license applicant submits a detailed summary of the preclinical and clinical data and a description of the components, composition, and manufacturing procedures as described in Form FD-1571, items 1, 2, 3, 4, and 5 (§ 312.1(a)(2)), to give significance to the preclinical and clinical data submitted and to permit comparison with data obtained from other studies on the drug.

(c) Data from studies performed abroad and conducted in accordance with the requirements of this section may be utilized without duplication of the studies in the United States, as appropriate. For example, data from phase 1 studies may permit beginning phase 2 studies in the United States; data from phase 2 may permit initiation of later and more extensive phase 2 studies in the United States; phase 2 studies may on occasion be unnecessary in the United States, depending upon the magnitude and quality of the studies and the drug under investigation; data from phase 3 studies may be utilized to supplement phase 3 studies performed in the United States. (For definition of phases 1, 2, 3, see Form FD-1571, item 10 (§ 312.1(a)(2).) When studies from abroad have been performed prior to initiation of United States studies under an IND, the sponsor shall arrange a meeting with the appropriate division, Office of Scientific Evalution, Bureau of Drugs, or with the appropriate division, Bureau of Biologics, following the division's review of the data, to determine what additional studies will be required in the United States. If studies have been essentially completed in the United States and abroad and the data from the latter are to be incorporated as part of an NDA submission, or biological product license application, they should be included at the time of submission of the NDA, or biological product license application, if possible, but may be submitted as an amendment at any time.

(d) Studies conducted abroad commencing June 9, 1975 will not be accepted in support of new drug applications or biological product license applications unless they comply with this section or a waiver is granted by the Food and Drug Administration for good cause shown. Studies conducted abroad and already completed or commencing prior to June 9, 1975 will not be accepted in support of new drug applications or biological product license applications unless they comply with the requirements of paragraphs (b)(1)(i) through (v) and (2) of this section or a waiver is granted by the Food and Drug Administration for good cause shown.

Effective date; This order shall be effective May 9, 1975.

(Secs. 201, 505, 507, 701, 52 Stat. 1040–1042, 1052–1053, 1055–1056, as amended, 59 Stat. 463 as amended; 21 U.S.C. 321, 355, 357, 371. Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262.)

Dated: March 18, 1975.

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

[FR Doc. 75-9187 Filed 4-8-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

REIMBURSEMENT FOR RAILROAD WORK AND RAILROAD-HIGHWAY PROJECTS

Miscellaneous Amendments to Chapter

Federal-aid to highways directives of longstanding set forth policies and procedures relating to railroad-highway projects and reimbursement for railroad work. The directives have been revised for inclusion in the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose obligations on States which must be complied with to obtain Federal assistance, these portions are hereby published.

This regulation converts Policy and Procedures Memorandum (PPM) 21-10 and portions of PPM 30-3 to Part 646, Subpart B, Chapter I of Title 23 of the Code of Federal Regulations. This regulation also converts portions of PPM 30-3 to Part 140, Subpart I, Chapter I of Title 23 of the Code of Federal Regulations.

In addition to converting the subject PPM's, this regulation incorporates the related provisions of regulations previously issued in Part 1 of Title 23 of the Code of Federal Regulations, which regulations can now be revoked.

Since the matters affected relate to grants, benefits or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

This regulation will be effective on the date of issuance.

Issued on March 28, 1975.

J. R. COUPAL, Jr.,
Acting Deputy Administrator,
Federal Highway Administration.

Subchapter A—General Management and Administration

PART 1—GENERAL

Section 1.25 *Railway-highway crossing projects* is hereby revoked. The provisions of this section have been codified in Part 646, Subpart B of this title.

Subchapter B—Payment Procedures

PART 140—REIMBURSEMENT

Subpart I—Reimbursement for Railroad Work

Sec.

140.900 Purpose.
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140.910 Equipment.
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140.920 Lump sum payments.
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Appendix A—Rates for Labor Surcharges.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48.

Subpart I—Reimbursement for Railroad Work

§ 140.900 Purpose.

The purpose of this subpart is to prescribe policies and procedures on reimbursement to the States for railroad work done on projects undertaken pursuant to the provisions of 23 CFR, Part 646, Subpart B.

§ 140.902 Applicability.

This subpart, and all references hereinafter made to "projects," applies to Federal-aid projects involving railroad facilities, including projects for the elimination of hazards of railroad-highway crossings, and other projects which use railroad properties or which involve adjustments required by highway construction to either railroad facilities or facilities that are jointly owned or used by railroad and utility companies.

§ 140.904 Reimbursement basis.

(a) *General.* On projects involving the elimination of hazards of railroad-highway crossings, and on other projects where a railroad company is not obligated to move or to change its facilities at its own expense, reimbursement will be made for the costs incurred in making changes to railroad facilities, required in connection with a Federal-aid highway project, as hereinafter provided.

(b) *Eligibility.* To be eligible, the costs must be:

(1) For work which is included in an approved program,

(2) Incurred subsequent to the date of authorization by the Federal Highway Administration (FHWA),

(3) Incurred in accordance with the provisions of 23 CFR, Part 646, Subpart B, and

(4) Properly attributable to the project.

§ 140.906 Labor costs.

(a) *General.* (1) Salaries and wages, at actual or average rates, and related expenses paid by a company to individuals, for the time they are working on the project, are reimbursable when supported by adequate records. This shall include labor costs associated with preliminary engineering, construction engineering, right-of-way, and force account construction.

(2) Salaries and expenses paid to individuals who are normally part of the overhead organization of the company may be reimbursed for the time they are working directly on the project, such as for accounting and bill preparation, when supported by adequate records and when the work performed by such individuals is essential to the project and could not have been accomplished as economically by employees outside the overhead organization.

(3) Amounts paid to engineers, architects and others for services directly related to projects may be reimbursed.

(b) *Labor surcharges.* (1) Labor surcharges include workmen's compensation insurance, public liability and property damage insurance, and such fringe benefits as the company has established for the benefit of its employees. The cost of labor surcharges will be reimbursed either at actual cost to the company or at the rates established by agreement between FHWA and the Association of American Railroads (AAR). (See Appendix A for rates.)

(2) Where the company is a self insurer there may be reimbursement either at rates shown in Appendix A, or at experience rates properly developed from actual costs, not to exceed the rates of a regular insurance company for the class of employment covered.

§ 140.908 Materials and supplies.

(a) *Procurement.* Materials and supplies, if available, are to be furnished from company stock, except they may be obtained from other sources near the project site when available at less cost. Where not available from company stock, they may be purchased either under competitive bids or existing continuing contracts, under which the lowest available prices are developed. Minor quantities and proprietary products are excluded from these requirements. The company shall not be required to change its existing standards for materials used in permanent changes to its facilities.

(b) *Costs.* (1) Materials and supplies furnished from company stock shall be billed at current stock price of such new or used material at time of issue.

(2) Materials and supplies not furnished from company stock shall be billed at actual costs to the company delivered to the point of entry on the railroad company's line nearest the source of procurement.

(3) A reasonable cost of plant inspection and testing may be included in the costs of materials and supplies where such expense has been incurred. The computation of actual costs of materials and supplies shall include the deduction of all offered discounts, rebates and allowances.

(c) *Materials recovered.* (1) Materials recovered from temporary use and accepted for reuse by the company shall be credited to the project at prices charged to the job, less a consideration for loss in service life at 10 percent for rails, angle bars, tie plates and metal turnout materials and 15 percent for all other materials. Materials recovered from the permanent facility of the company that are accepted by the company for return to stock shall be credited to the project at current stock prices of such used material.

(2) Materials recovered and not accepted for reuse by the company, if determined to have a net sale value, shall be sold by the State or railroad following an opportunity for State inspection and appropriate solicitation for bids, to the highest bidder; or if the company practices a system of periodic disposal by sale, credit to the project shall be at the going prices supported by the records of the company. Where applicable, credit for materials recovered from the permanent facility in length or quantities in excess of that being placed should be reduced to reflect any increased cost of railroad operation resulting from the adjustment.

(d) *Removal costs.* Federal participation in the costs of removing, salvaging, transporting, and handling recovered materials will be limited to the value of materials recovered, except where FHWA approves additional measures for restoration of affected areas as required by the physical construction or by reason of safety or aesthetics.

(e) *Handling costs.* The actual and direct costs of handling and loading out of materials and supplies at and from company stores or material yards and of unloading and handling of recovered materials accepted by the company at its stores or material yards, are reimbursable. At the option of the company, 5 percent of the amounts billed for the materials and supplies which are issued from company stores and material yards will be reimbursable in lieu of actual costs.

(f) *Credit losses.* On projects where a company actually suffers loss by application of credits, the company shall have the opportunity of submitting a detailed statement of such loss as a basis for further adjustment.

§ 140.910 Equipment.

(a) *Company owned equipment.* Cost of company owned equipment may be reimbursed for the average or actual cost of operation, light and running repairs, and depreciation. At the option of the company, reimbursement for equipment cost may be made at the rates and under the conditions set forth in circulars issued by the General Managers Associations of Chicago and New York. Reimbursement for company owned vehicles may be made at average or actual costs or at rates of recorded use per mile established by agreement between FHWA and AAR. (See Appendix A.)

(b) *Other equipment.* Where company owned equipment is not available, reimbursement will be limited to the amount of rental paid (1) to the lowest qualified bidder, (2) under existing continuing contracts at reasonable cost, or (3) as an exception, by negotiation where (1) and (2) are impractical due to project location or schedule.

§ 140.912 Transportation.

(a) *Employees.* The company's cost of necessary employee transportation and subsistence directly attributable to the project, which is consistent with overall policy of the company, is reimbursable.

(b) *Materials, supplies and equipment.* The most economical movement of materials, supplies and equipment to the project and necessary return to storage, including the associated costs of loading and unloading equipment, is reimbursable. Transportation by a railroad company over its own lines in a revenue train is reimbursable at rates which do not exceed ten mills a ton-mile or the published tariff rate, whichever is the lesser. No charge will be made for transportation by work train other than the operating expenses of the work train. When it is more practicable or more economical to move equipment on its own wheels, reimbursement may be made at a rate of twenty cents a car-mile haul for heavy construction equipment such as pile drivers or locomotive cranes; and six cents a car-mile haul for other equipment.

§ 140.914 Credits for improvements.

(a) Credit shall be made to the project for additions or improvements which provide for higher quality or increased service capability of the operating facility and which are provided solely for the benefit of the company.

(b) Where buildings and other depreciable structures of a company which are integral to operation of rail traffic must be replaced, credit shall be made to the project as set forth in 23 CFR 646.216(c)(2).

(c) No credit is required for additions or improvements which are:

(1) Necessitated by the requirements of the highway project.

(2) Replacements which, although not identical, are of equivalent standard.

(3) Replacements of devices or materials no longer regularly manufactured and the next highest grade or size is used.

(4) Required by governmental and appropriate regulatory commission requirements.

§ 140.916 Protection.

The cost of essential protective services which, in the opinion of a railroad company, are required to ensure safety to railroad operations during certain periods of the construction of a project, is reimbursable provided an item for such services is incorporated in the State-railroad agreement or in a work order issued by the State and approved by FHWA.

§ 140.918 Maintenance and extended construction.

The cost of maintenance and extended construction is reimbursable to the extent provided for in 23 CFR 646.216(f)(4), and where included in the State-Railroad Agreement or otherwise approved by the State and FHWA.

§ 140.920 Lump sum payments.

Where approved by FHWA, pursuant to 23 CFR 646.216(d)(3), reimbursement may be made as a lump sum payment, in lieu of actual costs.

§ 140.922 Billings.

(a) The company shall provide one final and complete billing of all incurred costs, or of the agreed-to lump sum, at the earliest practicable date. The final billing to FHWA shall include a State certification that the work is complete, acceptable, and in accordance with the terms of the agreement.

(b) All company cost records and accounts relating to the project are subject to audit by representatives of the State and/or the Federal Government for a period of three years from the date final payment has been received by the company.

(c) A railroad company must advise the State promptly of any outstanding obligation of the State's contractor for services furnished by the company such as protective services.

APPENDIX A—RATES FOR LABOR SURCHARGES

I. Labor surcharges established by agreement between Federal Highway Administration and Association of American Railroads.

The cost of vacation pay or allowances earned by all classes of railroad employees is reimbursable at the rate of 6.75 percent, applied to total salaries and wages paid and claimed.

The cost of paid holidays of railroad employees is reimbursable at the rate of 2.80 percent, applied only to total salaries and wages paid and claimed for the non-operating group of railroad employees.

The cost of Workmen's Compensation Self-Insurance is reimbursable at the rate of 3 percent, applied to total salaries and wages paid and claimed, inclusive of vacation pay and allowance. The cost of Public Liability and Property Damages Self-Insurance is reimbursable at the rate of 1 percent, applied to total salaries and wages paid and claimed inclusive of vacation pay and allowances.

The cost of payroll taxes paid by a railroad for regular retirement benefits (including Medicare) and unemployment insurance is reimbursable at the full legal rate on compensation of employees up to stated monthly limits, including cost of vacation pay or allowances and holiday pay. As an alternative, at the election of the railroad, a rate of ¼ percent less than the full legal rate may be applied to total salaries and wages paid and claimed, including cost of vacation pay or allowances and holiday pay.

Following are the rates and limitations determined under applicable legislation, together with the alternate lesser rates:

Calendar year	Monthly limitation		Full legal rate		Combined rate less ¼ percent
	Retirement	Unemployment insurance	Retirement	Unemployment insurance	
			Percent	*Percent*	
1966	$550	$400	7.95	4	11.70
1967	550	400	8.65	4	12.40
1968	650	400	8.90	4	12.65
1969–70	650	400	9.55	4	13.30
1971	650	400	9.95	4	13.70
1972	750	400	9.95	4	13.70
1973:					
January through September	900	400	10.60	4	14.35
October through December	900	400	15.35	4	19.10
1974–75	1,100	400	15.35	4	19.10

In addition, payroll taxes for supplementary annuities are reimbursable at rates fixed by statute and by the Railroad Retirement Board. These rates, applicable to total manhours for which compensation is paid, including vacation and holiday allowances, are as follows:

Period	*Tax per manhour (cents)*
Nov. 1, 1966 to Mar. 31, 1970	2
Apr. 1, 1970 to June 30, 1970	6
July 1, 1970 to Dec. 31, 1970	7
Jan. 1, 1971 to June 30, 1972	6
July 1, 1972 to Dec. 31, 1974	7½
July 1, 1975 until changed	8½

At the election of the railroad, a rate representive of the cost of health and welfare benefits, not in excess of 5 percent of the cost of total salaries and wages paid and claimed, will be reimbursed.

II. Automotive Rates Established by Agreement Between Federal Highway Administration and Association of American Railroads:

	Cents per mile—	
	Auto	Truck
Through calendar year 1974	7	10
Calendar year 1975 and later	12	15

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Subpart B—Railroad-Highway Projects

Sec.

646.200 Purpose and applicability.
646.202 Authority.
646.204 Definitions.
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646.212 Federal share.
646.214 Design.
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646.218 Simplified procedure for accelerating grade crossing improvements.
646.220 Alternate Federal-State procedure.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48.

Subpart B—Railroad-Highway Projects

§ 646.200 Purpose and applicability.

(a) The purpose of this subpart is to prescribe policies and procedures for advancing Federal-aid projects involving railroad facilities.

(b) This subpart, and all references hereinafter made to "projects," applies to Federal-aid projects involving railroad facilities, including projects for the elimination of hazards of railroad-highway crossings, and other projects which use railroad properties or which involve adjustments required by highway construction to either railroad facilities or facilities that are jointly owned or used by railroad and utility companies.

(c) Additional instructions for projects involving the elimination of hazards of railroad-highway grade crossings pursuant to 23 U.S.C. 405 and Section 203 of the Highway Safety Act of 1973 are set forth in 23 CFR, Part 655, Subpart E.

(d) Procedures on reimbursement for projects undertaken pursuant to this subpart are set forth in 23 CFR, Part 140, Subpart I.

(e) Procedures on insurance required of contractors working on or about railroad right-of-way are set forth in 23 CFR, Part 646, Subpart A.

(f) Audit requirements for work undertaken pursuant to this subpart which is not accomplished under competitive bidding procedures are set forth in 23 CFR, Part 170.

§ 646.202 Authority.

This subpart is issued under authority of 23 U.S.C. 109(e), 120(d), 130, 315, and 405, Section 203 of the Highway Safety Act of 1973, and 49 CFR 1.48.

§ 646.204 Definitions.

For the purposes of this subpart, the following definitions apply:

(a) "Railroad" shall mean all rail carriers, publicly-owned, private, and common carriers, including line haul freight and passenger railroads, switching and terminal railroads and passenger carrying railroads such as rapid transit, commuter and street railroads.

(b) "Utility" shall mean the lines and facilities for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, water, steam, sewer and similar commodities.

(c) "Company" shall mean any railroad or utility company including any wholly owned or controlled subsidiary thereof.

(d) "'G' funds" signify those Federal-aid highway funds which, pursuant to 23 U.S.C. 120(d), may be used for projects for the elimination of hazards of railroad-highway crossings not to exceed 10 percent of Federal-aid funds apportioned in accordance with 23 U.S.C. 104.

(e) "Preliminary Engineering" shall mean the work necessary to produce construction plans, specifications, and estimates to the degree of completeness required for undertaking construction thereunder, including locating, surveying, designing, and related work.

(f) "Construction" shall mean the actual physical construction to improve or eliminate a railroad-highway grade crossing or accomplish other railroad involved work.

(g) "A diagnostic team" means a group of knowledgeable representatives of the parties of interest in a railroad-highway crossing or a group of crossings.

(h) "Main line railroad track" means a track of a principal line of a railroad, including extensions through yards, upon which trains are operated by timetable or train order or both, or the use of which is governed by block signals or by centralized traffic control.

(i) "Passive Warning Devices" means those types of traffic control devices, including signs, markings and other devices, located at or in advance of grade crossings to indicate the presence of a crossing but which do not change aspect upon the approach or presence of a train.

(j) "Active Warning Devices" means those traffic control devices activated by the approach or presence of a train, such as flashing light signals, automatic gates and similar devices, as well as manually operated devices and crossing watchmen, all of which display to motorists positive warning of the approach or presence of a train.

§ 646.206 Types of projects.

(a) Projects for the elimination of hazards, to both vehicles and pedestrians, of railroad-highway crossings may include but are not limited to:

(1) Grade crossing elimination;

(2) Reconstruction of existing grade separations; and

(3) Grade crossing improvements.

(b) Other railroad-highway projects are those which use railroad properties or involve adjustments to railroad facilities required by highway construction but do not involve the elimination of hazards of railroad-highway crossings. Also included are adjustments to facilities that are jointly owned or used by railroad and utility companies.

§ 646.208 Funding.

(a) Federal-aid funding for projects which involve the elimination of hazards of railroad-highway crossings may, at the option of the State, be provided through one of the following alternative methods, within the qualifications prescribed for each:

(1) "G" funding, as provided by 23 U.S.C. 120(d) and 130;

(2) regular pro rata sharing as provided by 23 U.S.C. 120(a) and 120(c); and

(3) funding authorized by 23 U.S.C. 405 and Section 203 of the Highway Safety Act of 1973.

(b) The adjustment of railroad facilities which does not involve the elimination of hazards of railroad-highway crossings may be funded through regular pro rata sharing, as provided by 23 U.S.C. 120 (a) and (c).

§ 646.210 Classification of projects and railroad share of the cost.

(a) State laws requiring railroads to share in the cost of work for the elimination of hazards at railroad-highway crossings shall not apply to Federal-aid projects.

(b) Pursuant to 23 U.S.C. 130(b), and 49 CFR 1.48:

(1) Projects for grade crossing improvements are deemed to be of no ascertainable net benefit to the railroads and there shall be no required railroad share of the costs.

(2) Projects for the reconstruction of existing grade separations are deemed to generally be of no ascertainable net benefit to the railroads and there shall be no required railroad share of the costs, unless the railroad has a specific contractual obligation with the State or its political subdivision to share in the costs.

(3) On projects for the elimination of existing grade crossings at which active warning devices are in place or ordered to be installed by a State regulatory agency, the railroad share of the project costs shall be 5 percent.

(4) On projects for the elimination of existing grade crossings at which active warning devices are not in place and have not been ordered installed by a State regulatory agency, or on projects which do not eliminate an existing crossing, there shall be no required railroad share of the project cost.

(c) The required railroad share of the cost under § 646.210(b)(3) shall be based on the costs for preliminary engineering, right-of-way and construction within the limits described below:

(1) Where a grade crossing is eliminated by grade separation, the structure and approaches required to transition to a theoretical highway profile which would have been constructed if there were no railroad present, for the number of lanes on the existing highway and in accordance with the current design standards of the State highway agency.

(2) Where another facility, such as a highway or waterway, requiring a bridge structure is located within the limits of a grade separation project, the estimated cost of a theoretical structure and approaches as described in § 646.210(c)(1) to eliminate the railroad-highway grade crossing without considering the presence of the waterway or other highway.

(3) Where a grade crossing is eliminated by railroad or highway relocation, the actual cost of the relocation project, the estimated cost of the relocation project, or the estimated cost of a structure and approaches as described in § 646.210 (c)(1), whichever is less.

(d) Railroads may voluntarily contribute a greater share of project costs than is required. Also, other parties may voluntarily assume the railroad's share.

§ 646.212 Federal share.

(a) *General.* (1) Federal funds are not eligible to participate in costs incurred solely for the benefit of the railroad.

(2) At grade separations Federal funds are eligible to participate in costs to provide space for more tracks than are in place when the railroad establishes to the satisfaction of the State highway agency and FHWA that it has a definite demand and plans for installation of the additional tracks within a reasonable time.

(3) The Federal share of the cost of a grade separation project shall be based on the cost to provide horizontal and/or vertical clearances used by the railroad in its normal practice, subject to limitations as agreed to periodically by FHWA and the Joint American Association of State Highway and Transportation Officials (AASHTO)—Association of American Railroads (AAR) Committee, or as required by a State regulatory agency.

(b) *"G" Funds.* (1) The Federal share of the cost of a "G" funded project may be up to 100 percent of the cost of preliminary engineering and construction and 70 percent of the cost of right-of-way and property damage, except that the Federal share shall be reduced by the amount of any required railroad share of the cost.

(2) Projects for the elimination of hazards of railroad-highway crossings, either by crossing elimination, improvement, or the reconstruction of existing grade separations, as described in § 646.206(a) are eligible for "G" funding subject to the following limitations:

(i) For a new or reconstructed grade separation, the entire structure or structures and necessary highway and railroad approaches to accommodate both vehicular and pedestrian traffic.

(ii) Where another facility, such as a highway or waterway requiring a bridge structure, is located within the limits of a grade separation project, the estimated cost and limits of work for a theoretical structure and necessary approaches as in § 646.212(b)(2)(i) without considering the presence of the waterway or other highway.

(iii) For railroad or highway relocation the actual cost of the relocation project or the estimated cost of a theoretical structure and necessary approaches to eliminate the grade crossing(s) as in § 646.212(b)(2)(i), whichever is less.

(iv) Grade crossing improvements in the vicinity of the crossing and related work, including construction or reconstruction of the approaches as necessary to provide an acceptable transition to existing or improved highway gradients and alignments, and advance warning devices.

§ 646.214 Design.

(a) *General.* (1) Facilities that are the responsibility of the railroad for maintenance and operation shall conform to the specifications and design standards used by the railroad in its normal practice, subject to approval by the State highway agency and FHWA.

(2) Facilities that are the responsibility of the highway agency for maintenance and operation shall conform to the specifications and design standards and guides used by the highway agency in its normal practice, subject to approval by FHWA.

(b) *Grade crossing improvements.* (1) All traffic control devices proposed shall comply with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways supplemented to the extent applicable by State standards and the current AAR Bulletin on Recommended Practices for Railroad-Highway Grade Crossing Warning Systems.

(2) Pursuant to 23 U.S.C. 109(e), where a railroad-highway grade crossing is located within the limits of or near the terminus of a Federal-aid highway project for construction of a new highway or improvement of the existing roadway, the crossing shall not be opened for unrestricted use by traffic or the profor unrestricted use by traffic or the project accepted by FHWA until adequate warning devices for the crossing are installed and functioning properly.

(3) (i) "Adequate warning devices", under § 646.214(b)(2) or on any project where Federal-aid funds participate in the installation of the devices are to include automatic gates with flashing light signals when one or more of the following conditions exist:

(A) Multiple main line railroad tracks.

(B) Multiple tracks at or in the vicinity of the crossing which may be occupied by a train or locomotive so as to obscure the movement of another train approaching the crossing.

(C) High speed train operation combined with limited sight distance at either single or multiple track crossings.

(D) A combination of high speeds and moderately high volumes of highway and railroad traffic.

(E) Either a high volume of vehicular traffic, high number of train movements, substantial numbers of schoolbuses or trucks carrying hazardous materials, unusually restricted sight distance, continuing accident occurrences, or any combination of these conditions.

(F) A diagnostic team recommends them.

(ii) In individual cases where a diagnostic team justifies that gates are not appropriate, FHWA may find that the above requirements are not applicable.

(4) For crossings where the requirements of § 646.214(b)(3) are not applicable, the type of warning device to be installed, whether the determination is made by a State regulatory agency, State highway agency, and/or the railroad, is subject to the approval of FHWA.

(c) *Grade crossing elimination.* All crossings of railroads and highways at grade shall be eliminated-where there is full control of access on the highway (a freeway) regardless of the volume of railroad or highway traffic.

§ 646.216 General procedures.

(a) *General.* Unless specifically modified herein, applicable Federal-aid procedures govern projects undertaken pursuant to this subpart.

(b) *Preliminary engineering and engineering services.* (1) As mutually agreed to by the State highway agency and railroad, and subject to the provisions of § 646.216(b)(2), preliminary engineering work on railroad-highway projects may be accomplished by one of the following methods:

(i) The State or railroad's engineering forces;

(ii) An engineering consultant selected by the State after consultation with the railroad, and with the State administering the contract; or

(iii) An engineering consultant selected by the railroad, with the approval of the State and with the railroad administering the contract.

(2) Where a railroad is not adequately staffed, Federal-aid funds may participate in the amounts paid to engineering consultants and others for required services, provided such amounts are not based on a percentage of the cost of construction, either under contracts for individual projects or under existing written continuing contracts where such work is regularly performed for the railroad in its own work under such contracts at reasonable costs.

(c) *Rights-of-way.* (1) Acquisition of right-of-way by a State highway agency on behalf of a railroad or acquisition of nonoperating real property from a railroad shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and applicable FHWA right-of-way procedures in 23 CFR, Chapter I, Subchapter H. On projects for the elimination of hazards of railroad-highway crossings by the relocation of railroads, acquisition of replacement right-of-way by a railroad shall be in accordance with 42 U.S.C. 4601 et seq.

(2) Where buildings and other depreciable structures of the railroad (such as signal towers, passenger stations, depots, and other buildings and equipment housings) which are integral to operation of railroad traffic are wholly or partly affected by a highway project, the costs of work necessary to functionally restore such facilities are eligible for participation. However, when replacement of such facilities is necessary, credits shall be made to the cost of the project for:

(i) Accrued depreciation, which is that amount based on the ratio between the period of actual length of service and total life expectancy applied to the original cost.

(ii) Additions or improvements which provide higher quality or increased service capability of the facility and which are provided solely for the benefit of the railroad.

(iii) Actual salvage value of the material recovered from the facility being replaced. Total credits to a project shall not be required in excess of the replacement cost of the facility.

(3) Where Federal funds participate in the cost of replacement right-of-way, there will be no charge to the project for the railroad's existing right-of-way being transferred to the State highway agency except when the value of the right-of-way being taken exceeds the value of the replacement right-of-way.

(d) *State-railroad agreements.* (1) Where construction of a Federal-aid project requires use of railroad properties or adjustments to railroad facilities, there shall be an agreement in writing between the State highway agency and the railroad company.

(2) The written agreement between the State and the railroad shall, as a minimum include the following, where applicable:

(i) The provisions of this subpart and of 23 CFR, Part 140, Subpart I, incorporated by reference.

(ii) A detailed statement of the work to be performed by each party,

(iii) Method of payment (either actual cost or lump sum),

(iv) For projects which are not for the elimination of hazards of railroad-highway crossings, the extent to which the railroad is obligated to move or adjust its facilities at its own expnese,

(v) The railroad's share of the project cost,

(vi) An itemized estimate of the cost of the work to be performed by the railroad,

(vii) Method to be used for performing the work, either by railroad forces or by contract,

(viii) Maintenance responsibility,

(ix) Form, duration, and amounts of any needed insurance,

(x) Appropriate reference to or identification of plans and specifications,

(xi) Statements defining the conditions under which the railroad will provide or require protective services during performance of the work, the type of protective services and the method of reimbursement to the railroad, and

(xii) Provisions regarding inspection of any recovered materials.

(3) On work to be performed by the railroad with its own forces and where the State highway agency and railroad agree, subject to approval by FHWA, an agreement providing for a lump sum payment in lieu of later determination of actual costs may be used for any of the following:

(i) Installation or improvement of grade crossing warning devices and/or grade crossing surfaces, regardless of cost, or

(ii) Any other eligible work where the estimated cost to the State of the proposed railroad work does not exceed $10,000 or

(iii) Where FHWA finds that the circumstances are such that this method of developing costs would be in the best interest of the public.

(4) Where the lump sum method of payment is used, periodic reviews and analyses of the railroad's methods and cost data used to develop lump sum estimates will be made.

(5) Master agreements between a State and a railroad on an areawide or statewide basis may be used. These agreements would contain the specifications, regulations, and provisions required in

conjunction with work performed on all projects. Supporting data for each project or group of projects must, when combined with the master agreement by reference, satisfy the provisions of § 646.216 (d) (2).

(6) Official orders issued by regulatory agencies will be accepted in lieu of State-railroad agreements only where, together with supplementary written understandings between the State and the railroad, they include the items required by § 646.216(d) (2).

(7) In extraordinary cases where FHWA finds that the circumstances are such that requiring such agreement or order would not be in the best interest of the public, projects may be approved for construction with the aid of Federal funds, provided satisfactory commitments have been made with respect to construction, maintenance and the railroad share of project costs.

(e) *Authorizations.* (1) The costs of preliminary engineering, right-of-way acquisition, and construction incurred after the date each phase of the work is included in an approved program and authorized by FHWA are eligible for Federal-aid participation. Preliminary engineering and right-of-way acquisition costs which are otherwise eligible, but incurred by a railroad prior to authorization by FHWA, although not reimbursable, may be included as part of the railroad share of project cost where such a share is required.

(2) Prior to issuance of authorization by FHWA either to advertise the physical construction for bids or to proceed with force account construction for railroad work or for other construction affected by railroad work, the following must be accomplished:

(i) The plans, specifications and estimates must be approved by FHWA.

(ii) A proposed agreement between the State and railroad must be found satisfactory by FHWA. Before Federal funds may be used to reimburse the State for railroad costs, the executed agreement must be approved by FHWA.

(iii) Adequate provision must be made for any needed easements, right-of-way, temporary crossings for construction purposes or other property interests.

(iv) The pertinent portions of the State-railroad agreement applicable to any protective services required during performance of the work must be included in the project specifications and special provisions for any construction contract.

(3) In unusual cases, pending compliance with § 646.216(e) (2) (ii), (iii) and (iv), authorization may be given by FHWA to advertise for bids for highway construction under conditions where a railroad grants a right-of-entry to its property as necessary to prosecute the physical construction.

(f) *Construction.* (1) Construction may be accomplished by:

(i) Railroad force account,

(ii) Contracting with the lowest qualified bidder based on appropriate solicitation,

(iii) Existing continuing contracts at reasonable costs, or

(iv) Contract without competitive bidding, for minor work, at reasonable costs.

(2) Reimbursement will not be made for any increased costs due to changes in plans:

(i) For the convenience of the contractor, or

(ii) Not approved by the State and FHWA.

(3) The State and FHWA shall be afforded a reasonable opportunity to inspect materials recovered by the railroad prior to disposal by sale or scrap. This requirement will be satisfied by the railroad giving written notice, or oral notice with prompt written confirmation, to the State of the time and place where the materials will be available for inspection. The giving of notice is the responsibility of the railroad, and it may be held accountable for full value of materials disposed of without notice.

(4) In addition to normal construction costs, the following construction costs are eligible for participation with Federal-aid funds when approved by the State and FHWA:

(i) The cost of maintaining temporary facilities of a railroad company required by and during the highway construction to the extent that such costs exceed the documented normal cost of maintaining the permanent facilities.

(ii) The cost of stage or extended construction involving grade corrections and/or slope stabilization for permanent tracks of a railroad which are required to be relocated on new grade by the highway construction. Stage or extended construction will be approved by FHWA only when documentation submitted by the State establishes the proposed method of construction to be the only practical method and that the cost of the extended construction within the period specified is estimated to be less than the cost of any practicable alternate procedure.

(iii) The cost of restoring the company's service by adjustments of existing facilities away from the project site, in lieu of and not to exceed the cost of replacing, adjusting or relocating facilities at the project site.

(iv) The cost of an addition or improvement to an existing railroad facility which is required by the highway construction.

§ 646.218 Simplified procedure for accelerating grade crossing improvements.

(a) The procedure set forth in this section is encouraged for use in simplifying and accelerating the processing of single or multiple grade crossing improvements.

(b) Eligible preliminary engineering costs may include those incurred in selecting crossings to be improved, determining the type of improvement for each crossing, estimating the cost and preparing the required agreement.

(c) The written agreement between a State and a railroad shall contain as a minimum:

(1) Identification of each crossing location.

(2) Description of improvement and estimate of cost for each crossing location.

(3) Estimated schedule for completion of work at each location.

(d) Following programming, authorization and approval of the agreement under Section 646.218(c), FHWA may authorize construction, including acquisition of warning device materials, with the condition that work at any particular location will not be undertaken until the proposed or executed State-railroad agreement under § 646.216(d) (2) is found satisfactory by FHWA and the final plans, specifications, and estimates are approved and with the condition that only material actually incorporated into the project will be eligible for Federal participation.

(e) Work programmed and authorized under this simplified procedure should include only that which can reasonably be expected to reach the construction stage within one year and be completed within two years after the initial authorization date.

§ 646.220 Alternate Federal-State procedure.

(a) On other than Interstate projects, an alternate procedure may be used, at the election of the State, for processing certain types of railroad-highway work. Under this procedure, the State highway agency will act in the relative position of FHWA for reviewing and approving projects.

(b) The scope of the State's approval authority under the alternate procedure includes all actions necessary to advance and complete the following types of railroad-highway work:

(1) All types of grade crossing improvements under § 646.260(a) (3).

(2) Minor adjustments to railroad facilities under § 646.206(b).

(c) The following types of work are to be reviewed and approved in the normal manner, as prescribed elsewhere in this subpart.

(1) All projects under § 646.206(a) (1) and (2).

(2) Major adjustments to railroad facilities under § 646.206(b).

(d) Any State wishing to adopt the alternate procedure may file a formal application for approval by FHWA. The application must include the following:

(1) The State's written policies and procedures for administering and processing Federal-aid railroad-highway work, which make adequate provisions with respect to all of the following:

(i) Compliance with the provisions of Title 23, U.S.C., Title 23 CFR, and other applicable Federal laws and Executive Orders.

(ii) Compliance with this subpart and 23 CFR, Part 140, Subpart I and 23 CFR, Part 170.

(iii) For grade crossing safety improvements, compliance with the requirements of 23 CFR, Part 655, Subpart E.

(2) A statement signed by the Chief Administrative Officer of the State highway agency certifying that:

(i) The work will be done in accordance with the applicable provisions of the State's policies and procedures submitted under § 646.220(d)(1), and

(ii) Reimbursement will be requested in only those costs properly attributable to the highway construction and eligible for Federal fund participation.

(e) When FHWA has approved the alternate procedure, it may authorize the State to proceed in accordance with the State's certification, subject to the following conditions:

(1) The work has been programmed.

(2) The State submits in writing a request for such authorization which shall include a list of the improvements or adjustments to be processed under the alternate procedure, along with the best available estimate of cost.

(f) The FHWA Regional Administrator may suspend approval of the certified procedure, where FHWA reviews disclose noncompliance with the certification. Federal-aid funds will not be eligible to participate in costs that do not qualify under § 646.220(d)(1).

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Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 670—THE CHEMICAL, PETROLEUM, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064), as amended (29 U.S.C. 205, 206, 208), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 637 (40 FR 5830 and corrected in 40 FR 6839), the Secretary of Labor appointed and convened Industry Committee No. 125-B for the Chemical, Petroleum, and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 125-B are hereby published, revising §§ 670.1 and 670.2 of Part 670, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by sections 6 (a) and (b) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

1. As revised, §§ 670.1 and 670.2 read as follows:

§ 670.1 Definition.

The Chemical, Petroleum, and Related Products Industry in Puerto Rico is defined as follows:

(a) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; and the mining or other extraction of petroleum, coal or natural gases and the manufacture of products therefrom: *Provided, however*, That the industry shall not include any activity included in the food and kindred products industry; the stone, clay and glass products and nonmetallic mining industry; and the metal, machinery, transportation equipment, and allied products industry, as defined in the wage orders for those industries, and any activities performed in the capacity of a public utility.

(b) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; industrial alcohol, wood distillation and naval stores; fertilizers, vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquified gases; insecticides and fungicides; salt, explosives, fireworks and pyrotechnics; coke and coke-oven by-products; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; and asphalt tile and linoleum.

§ 670.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under sections 6(a) and 6(b) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classification.* (i) The minimum rate for this classification is $2.10 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rate specified in section 6(a)(1) now applies, namely, $2.30 an hour after December 31, 1975. (section 6(c)(5)).

(ii) This classification is defined as all activities in the industry to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (i) The minimum rate for this classification is $2.00 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rates specified in section 6(b) now apply, namely, $2.20 an hour during the year ending December 31, 1976; and $2.30 an hour thereafter (section 6(c)(5)).

(ii) This classification is defined as all activities in the industry to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206, 208).

Signed at Washington, D.C. this 2nd day of April 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-9242 Filed 4-8-75;8:45 am]

PART 726—THE CONSTRUCTION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064), as amended (29 U.S.C. 205, 206, 208), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 637 (40 FR 5830 and corrected in 40 FR 6839), the Secretary of Labor appointed and convened Industry Committee No. 125-A for the Construction Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 125-A are hereby published, revising section 726.2 of Part 726, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 726.2 reads as follows:

§ 726.2 Wage rates.

Wages at the rate of not less than $1.80 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as

those terms are defined in section 3 of the Act. Unless otherwise provided, this wage rate is increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; (29 U.S.C. 205, 206, 208)).

Signed at Washington, D.C., this 2nd day of April 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-9243 Filed 4-8-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

LIBERALIZATION OF PENSION PROVISIONS

On page 6688 of the FEDERAL REGISTER of February 13, 1975, there was published a notice of proposed regulatory development to amend Part 3, Title 38, Code of Federal Regulations, to implement provisions of Pub. L. 93-527 (88 Stat. 1702) which increased rate of pension payable to veterans, widows and widowers, and children and rates of dependency and indemnity compensation payable to parents, increased income limitations and liberalized other provisions.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. These VA Regulations are effective January 1, 1975.

Approved: April 3, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.1, paragraphs (d), (m)(1) and (q) are revised to read as follows:

§ 3.1 Definitions.

* * * * *

(d) "Veteran" means a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

(1) For compensation and dependency and indemnity compensation the term "veteran" includes a person who died in active service and whose death was not due to willful misconduct.

(2) For death pension the term "veteran" includes a person who died in active service under conditions which preclude payment of service-connected death benefits, provided such person had completed at least 2 years honorable military, naval or air service, as certified by the Secretary concerned. (See § 3.3 (c)(1)) (38 U.S.C. 541; Pub. L. 93-527, 88 Stat. 1702.)

* * * * *

(m) "In line of duty" means an injury or disease incurred or aggravated during a period of active military, naval, or air service unless such injury or disease was the result of the veteran's own willful misconduct. A service department finding that injury, disease or death occurred in line of duty will be binding on the Veterans Administration unless it is patently inconsistent with the requirements of laws administered by the Veterans Administration. Requirements as to line of duty are not met if at the time the injury was suffered or disease contracted the veteran was:

(1) Avoiding duty by desertion, or was absent without leave which materially interfered with the performance of military duty.

* * * * *

(q) "Notice" means written notice sent to a claimant or payee at his or her latest address of record.

* * * * *

2. In § 3.3, paragraphs (a) and (d)(3) are revised to read as follows:

§ 3.3 Pension.

(a) *Pension.* This term means a monthly payment made by the Veterans Administration to a veteran because of service, age, or non-service-connected disability, or to a widow or widower or child of a veteran because of the non-service-connected death of the veteran. Except as provided in paragraph (d)(3) of this section, pension is not payable unless the veteran was discharged under conditions other than dishonorable from the period of service on which the claim is based. (38 U.S.C. 101(2), (15)) (See § 3.252 as to annual income limitations for disability and death pension.)

* * * * *

(d) *Death pension.* * * *

(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow, widower or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c)(1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement also exists under the provisions of this subparagraph, effective January 1, 1975, for the widow, widower or child of a deceased veteran, as defined in § 3.1(d)(2) whose service meets the requirements of paragraph (c)(1) of this section. (38 U.S.C. 541, 542; Pub. L. 93-527, 88 Stat. 1702)

3. In § 3.13, paragraph (b) is revised to read as follows:

§ 3.13 Discharge to change status.

* * * * *

(b) The entire period of service under the circumstances stated in paragraph (a) of this section constitutes one period of service and entitlement will be determined by the character of the final termination of active service except that, for death pension purposes, § 3.3(d)(3) is controlling as to basic entitlement when the conditions prescribed therein are met.

4. Section 3.15 is revised to read as follows:

§ 3.15 Computation of service.

For non-service-connected or service-connected benefits, active service is countable exclusive of time spent on an industrial, agricultural, or indefinite furlough, time lost on absence without leave (without pay), under arrest (without acquittal), in desertion, while undergoing sentence of court-martial or a period following release from active duty under the circumstances outlined in § 3.9. In claims based on Spanish-American War service, leave authorized under General Order No. 130, War Department, is included.

5. Section 3.20 is revised to read as follows:

§ 3.20 Widow's or widower's benefit for month of veteran's death.

Where the veteran died on or after December 1, 1962, the rate of death pension, death compensation or dependency and indemnity compensation otherwise payable for the widow or widower for the month in which the death occurred shall be not less than the amount of pension or compensation which would have been payable to or for the veteran for that month but for his or her death. (38 U.S.C. 3110)

6. In § 3.54, paragraph (b), the introductory portion of paragraph (c) preceding subparagraph (1), and paragraphs (d) and (e) are revised to read as follows:

§ 3.54 Marriage dates.

* * * * *

(b) *Compensation.* Death compensation may be paid to a widow or widower who, with respect to date of marriage, could have qualified as a widow or widower for death compensation under any law administered by the Veterans Administration in effect on December 31, 1957, or who was married to the veteran:

(1) Before the expiration of 15 years after termination of the period of service in which the injury or disease which caused the veteran's death was incurred or aggravated, or

(2) One year or more, or

(3) For any period of time if a child was born of the marriage, or was born to them before the marriage. (38 U.S.C. 302)

(c) *Dependency and indemnity compensation.* Dependency and indemnity compensation may be paid to the widow or widower of a veteran who died on or

after January 1, 1957, who was married to the veteran:

* * * * *

(d) *"Child born".* The term "child born of the marriage" means a birth on or after the date of the marriage on which the widow's or widower's entitlement is predicated. The term "born to them before the marriage" means a birth prior to the date of such marriage. Either term includes a fetus advanced to the point of gestation required to constitute a birth under the law of the jurisdiction in which the fetus was delivered.

(e) *More than one marriage to veteran.* For periods commencing on or after January 1, 1958, where a widow or widower has been married legally to a veteran more than once, the date of the original marriage will be used in determining whether the statutory requirement as to date of marriage has been met. (38 U.S.C. 103(b))

7. Section 3.55 is revised to read as follows:

§ 3.55 Terminated marital relationships.

(a) Remarriage of a widow or widower or marriage of a child shall not bar the furnishing of benefits to such widow or widower, or to or on account of such child, if the marriage

(1) was void, or

(2) has been annulled by a court having basic authority to render annulment decrees, unless it is determined by the Veterans' Administration that the annulment was obtained through fraud by either party or by collusion.

(b) On and after January 1, 1971, remarriage of a widow or widower shall not bar the furnishing of benefits to such widow or widower if the marriage

(1) has been terminated by death, or

(2) has been dissolved by a court with basic authority to render divorce decrees unless the Veterans Administration determines that the divorce was secured through fraud by the widow or widower or by collusion.

(c) On and after January 1, 1971, the fact that a widow or widower has lived with another person and has held herself (himself) out openly to the public as the wife or husband of such other person shall not bar the furnishing of benefits to her (him) after she (he) terminates the relationship.

(d) On and after January 1, 1971, the fact that benefits to a widow or widower may previously have been barred because her (his) conduct or a relationship into which she (he) had entered had raised an inference or presumption that she (he) had remarried or had been determined to be open and notorious adulterous cohabitation, or similar conduct, shall not bar the furnishing of benefits to such widow or widower after she (he) terminates the conduct or relationship.

(e) On and after January 1, 1975, marriage of a child shall not bar the furnishing of benefits to or for such child if the marriage

(1) has been terminated by death, or

(2) has been dissolved by a court with basic authority to render divorce decrees unless the Veterans Administration determines that the divorce was secured through fraud by either party or by collusion. (38 U.S.C. 103(d), (e); Pub. L. 93-527, 88 Stat. 1702)

8. In § 3.250, paragraphs (a)(2) and (c) are revised to read as follows:

§ 3.250 Dependency of parents; compensation.

(a) *Income.* * * *

(2) *Excess income.* Where the income exceeds the monthly amounts stated in paragraph (a)(1) of this section dependency will be determined on the facts in the individual case under the principles outlined in paragraph (b) of this section. In such cases, dependency will not be held to exist if it is reasonable that some part of the corpus of the claimant's estate be consumed for his or her maintenance.

* * * * *

(c) *Inception of dependency.* The fact that the veteran has made habitual contributions to the father or mother, or both, is not conclusive evidence that dependency existed but will be considered in connection with all other evidence. In death claims, it is not material whether dependency arose prior or subsequent to the veteran's death (38 U.S.C. 102(a)). (see § 3.1000(d)(3) as to accrued.)

* * * * *

9. In § 3.251, paragraph (a)(1) is revised to read as follows:

§ 3.251 Income of parents; dependency and indemnity compensation.

(a) *Annual income limitation.* (1) Dependency and indemnity compensation is not payable to a parent whose annual income exceeds the following limitations:

(i) $2,600 ($3,000 effective January 1, 1975), one parent alone;

(ii) $2,600 ($3,000 effective January 1, 1975), separately, two parents not living together;

(iii) $3,800 ($4,200 effective January 1, 1975), combined income, two parents living together or remarried parent living with spouse.

(iv) Where there is only one parent, and the parent has remarried and is living with his or her spouse, dependency and indemnity compensation will be paid under either the formula in 38 U.S.C. 415(b)(1) or the formula in 38 U.S.C. 415(d), whichever will provide the greater monthly rate of dependency and indemnity compensation. The total combined annual income of the parent and spouse will be counted. (38 U.S.C. 415; Pub. L. 93-527, 88 Stat. 1702)

* * * * *

10. In § 3.252, paragraphs (a), (b), (d) and (e) are revised to read as follows:

§ 3.252 Annual income; pension; Mexican border period and later war periods.

(a) *Annual income limitation; protected pension.* Where the right to pension under laws in effect on June 30, 1960, is protected under § 3.956, pension is not payable to an unmarried veteran or to a widow or widower without a child or to or on account of a child, whose annual income exceeds $2,600; or to a married veteran or a veteran with a child or to a widow or widower with a child whose annual income exceeds $3,900.

(b) *Annual income and net worth limitation; Pub. L. 86-211.* Pension is not payable to an unmarried veteran, or to a widow or widower without a child, whose annual income exceeds $3,000, or to or on account of a child whose annual income (excluding earned income of a child-claimant) exceeds $2,400; or to a married veteran or a veteran with a child, or to a widow or widower with a child, whose annual income exceeds $4,200; or to a veteran, widow or widower or child if it is reasonable that some part of the claimant's estate be consumed for his or her maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income as provided in § 3.262(b).

(38 U.S.C. 521, 541, 542 and 543)

* * * * *

(d) *Veteran with a spouse.* For the purpose of determining eligibility under paragraph (b) of this section the pension rates provided by 38 U.S.C. 521(c) may be authorized for a married veteran if he or she is living with or, if estranged, is reasonably contributing to the support of his or her spouse. The determination of "reasonable" contribution will be based on all the circumstances in the case, considering the income and estate of the veteran and the separate income and estate of the spouse. Apportionment of the veteran's pension under § 3.451 meets the requirement of reasonable contribution.

(e) *Widow or widower with a child—*(1) *Child.* The term "child" means a child as defined in § 3.57. Where a posthumous child is involved, the widow will not be considered a widow with a child prior to the date of birth of the child.

(2) *Veteran's child not in widow's or widower's custody.* Where the veteran was survived by a widow or widower and by a child, the income increments for a widow or widower and child are applicable even though the child is not the child of the widow or widower and not in his or her custody.

(3) *Income of child.* The separate income received by a child or children, regardless of custody, will not be considered in computing the widow's or widower's income. Where the separate income of the child is turned over to the widow or widower, only so much of the money as is left after deducting any expenses for maintenance of the child will be considered the widow's or widower's income.

(4) *Alternative rate.* Whenever the monthly pension rate payable to the widow or widower under the formula in 38 U.S.C. 541(c) is less than the rate payable for one child under section 542 if the widow or widower were not entitled, the

widow or widower will be paid the child's rate.

(38 U.S.C. 541(c), 542)

11. Section 3.257 is revised to read as follows:

§ 3.257 Children: no widow or widower entitled.

Where pension is not payable to a widow or widower because his or her annual income exceeds the statutory limitation or because of his or her net worth, payments will be made to or for the child or children as if there were no widow or widower.

12. In § 3.260, paragraph (e) is revised to read as follows:

§ 3.260 Computation of income.

* * * * *

(e) *Proportionate income limitations; spouse.* In determining whether proportionate computation is applicable to a claim under Public Law 86-211 (73 Stat. 432), the total income for the calendar year of entitlement of both veteran and that of the spouse available for use of the veteran will be considered. If a proportionate income limitation is then applicable, it will be applied to both the veteran's and the spouse's income. The spouse's income will not be included, however, where his or her total income for the calendar year does not exceed $1,200.

* * * * *

13. In § 3.400, paragraph (u) is revised to read as follows:

§ 3.400 General.

* * * * *

(u) *Void, annulled or terminated marriage of a child (38 U.S.C. 3010 (a), (k), (l); Pub. L. 93-527, 88 Stat. 1702; § 3.55)*

(1) *Void.* Date the parties ceased to cohabit or date of receipt of claim, whichever is later.

(2) *Annulled.* Date the decree of annulment became final if claim is filed within 1 year after that date; otherwise date of receipt of claim.

(3) *Death.* Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim.

(4) *Divorce.* Date the decree became final if claim is filed within 1 year after that date; otherwise date of receipt of claim.

* * * * *

[FR Doc.75-9282 Filed 4-8-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5494; AA-8331]

ALASKA

Exclusion of Lands from Chugach National Forest

By virtue of the authority vested in the President by the Act of June 4, 1897, 16 U.S.C. 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

The following described tract of land in Alaska, occupied as a homesite, is hereby excluded from the Chugach National Forest and restored to the public domain, subject to valid existing rights, for purchase as a homesite under section 10 of the Act of May 14, 1898 (30 Stat. 413), as amended by the Act of May 26, 1934, 43 U.S.C. 687a (1970):

CHUGACH NATIONAL FOREST

U.S. SURVEY 3306

Latitude 60°30'10" N., Longitude 149°48'-09" W., Lot 22 (Slaughter Creek Homesite Group).

Containing 1.50 acres.

Dated: April 3, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-9164 Filed 4-8-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 293 (Sub-No. 3)]

PART 1126—SUBMISSION OF COST DATA TO JUSTIFY REIMBURSEMENT FOR DIRECTED SERVICE

Implementation of Pub. L. 93-236, section 601(e), Regional Rail Reorganization Act of 1973: submission of cost data to justify reimbursement.

On July 17, 1974, the Commission served a notice of proposed rulemaking (39 FR 26172) under the subject docket in order to promulgate a form and procedures as required of the Commission in section 601(e) of the Regional Rail Reorganization Act of 1973 (RRRA), which section constitutes an amendment of the Interstate Commerce Act by the addition of subparagraph (b) to the present section 1(16). This new provision, hereafter referred to as section 1(16)(b), authorized the Commission to respond to those cessations of service by a carrier by railroad which it finds to constitute an emergency situation by directing another railroad (the directed carrier) to temporarily provide for the handling, routing, and movement of traffic over the lines of the carrier no longer able to perform that service (the other carrier).

The Commission may invoke this emergency authority only when a cessation of service occurs under one or more of three specified circumstances (the cash position of the carrier makes continued operations impossible, a court has ordered that service be discontinued, or service has been abandoned without a certificate from the Commission) and only after making certain findings as to the effect of such a direction on public commerce and on the directed carrier.

Section 1(16)(b) also provides for the reimbursement of the directed carrier or carriers by the Federal Government in the amount by which the cost, as referred to in subparagraph (e), of handling, routing and moving the traffic of the other carrier over that carrier's lines exceeds the direct revenues therefrom. To provide an expedited and uniform method for obtaining reimbursement, Congress required the Commission to promulgate a form on which the directed carrier would concurrently record the cost and revenues of the directed operation and which would then be submitted by the directed carrier to the Commission for audit. The Commission is then authorized to certify to the Secretary of the Treasury the amount of the payment to be made to the directed carrier, which payment shall be made from funds authorized to be appropriated under section 1(16)(b).

The form proposed in the notice of proposed rulemaking served July 17, 1974, as modified, and accompanying procedures have been promulgated and are adopted in furtherance of this Congressional directive. All comments submitted with respect to the proposal were given due consideration.

As a result of comments received various changes were made, several of which follow:

1. Subsidies provided by state, regional, or local authorities to the directed carriers are to be treated and recorded as revenues, but such revenues are to be excluded from the base upon which profit is determined.

2. Expenditures for deferred maintenance and/or rehabilitation of track, facilities and equipment of the other carrier, only insofar as essential to safety or to maintain such property at its level of repair at commencement of the directed service can be made without prior Commission approval. All other maintenance and capital expenditures require the prior approval of the Commission.

3. Monies initially borrowed for the conduct of directed operations are limited to the amount of loss suffered by the other carrier in the 60 day period in the year prior to directed service comparable to the period of directed operation. Commission approval is required for any other borrowings if reimbursement is to be sought for the interest on such additional borrowings.

These rules are issued under the authority of Part I of the Interstate Commerce Act (49 U.S.C. 1, et seq.) and the Administrative Procedure Act (5 U.S.C. 553 and 559).

Effective date. This part becomes effective on March 21, 1975.

Issued in Washington, D.C., on the 14th day of March, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, Title 49 of the Code of Federal Regulations is amended by adding a new Part 1126, reading as follows:

PART 1126—SUBMISSION OF COST DATA TO JUSTIFY REIMBURSEMENT FOR DIRECTED SERVICE

Sec.

1126.1 Scope of rules in this part.
1126.2 Cost form and certification.

AUTHORITY: Sec. 601(e), Pub. L. 93-236, 87 Stat. 1021 (49 U.S.C. 1(16)).

§ 1126.1 Scope of rules in this part.

The rules in this part govern the procedures for the submission of costs and revenues to be followed by carriers subject to Part I of the Interstate Commerce Act which are directed to perform service over the lines of other carriers in accordance with orders of the Commission under and pursuant to the provisions of section 1(16)(b) of said act. The report and order of the Commission in Ex Parte No. 293 (Sub-No. 3), *Implementation of Public Law 93-236, Regional Rail Reorganization Act of 1973—Submission of Cost Data to Justify Reimbursement*, served on March 21, 1975, appearing at ____ I.C.C. ____, should be used by directed carriers for guidance in the preparation of the cost form. This report and its appendix set forth the Commission's policy as to just what costs and revenues, incurred in or attributable to the conduct or directed operations, are allowable for purposes of inclusion in the cost form. Only such allowable costs and revenues will be considered by the Commission in its computation of payments due to the directed carrier under the provisions of section 1(16)(b) of the Interstate Commerce Act.

§ 1126.2 Cost form and certification.

The expenses and revenues incurred in the conduct of directed service shall be recorded in accordance with the cost form and its instructions as they appear below:

INSTRUCTIONS TO COST FORM

1. Enter in column (2) the expenses directly assignable to the directed traffic moved. This includes wages, rentals and other expenses paid or incurred by the applicant and chargeable only to the directed traffic.

2. Enter in column (3) the portion of common expenses allocable to the directed traffic. Common expenses means those expenses paid or incurred for the movement of the directed traffic which are common or jointly incurred for the movement of other traffic. All expenses should be assigned direct wherever possible. Expenses not directly assignable should be apportioned on the basis of the factor suggested in column (5) or if necessary, on the basis of a more readily available and equitable factor, if such use is justified to the Commission. The relationship of the carriers' own revenues and the directed traffic revenues is an acceptable apportionment factor in cases where there are no other available apportionment factors.

3. Enter in colum (4) the total of columns (2) and (3).

4. The cost of rehabilitation of the line necessary to permit operation should be shown in the maintenance of way accounts. Expenditures for substantial improvements shall require authorization by the Commission.

5. Expenses included in lines 13, 23, 38, 42, 47, and 53 should be identified on a separate sheet.

COST FORM

Line No.	Account No.	Direct	Directed traffic		Suggested apportionment factors
			Common apportioned	Total	
	(1)	(2)	(3)	(4)	(5)
	Operating expenses maintenance of way and structures				
1	202, 212, 214, 216, 218, and 220				Equated track miles.
2	227 and 249				Carloads handled.
3	231, 233, and 247				Revenue tons.
4	235				Total repairs—expenses.
5	239, 237, 239, 241, 243, and 265				Miles of road.
6	244				Trailers handled loaded and empty.
7	206, 208, 210, and 221				Equated track miles.
8	274				Direct.
9	201, 275-277, and 283				Accounts 202-265.
10	266, 267, 269-273, and 281				Miles of road.
11	253 and 257				Accounts 311 and 314—expenses.[1]
12	278 and 279				Miles of track.
13	All other expenses		XXX		Direct.
14	Total of maintenance of way and structures.	XXX	XXX		
	Maintenance of equipment				
15	311 (yard)				Locomotive unit-miles.
16	311 (other)				Gross ton-miles.
17	314				Freight train car-miles cars-loaded and empty.
18	317				Passenger train car-miles.
19	318				Vehicle miles loaded and empty.
20	323				Number of carloads handled.
21	301, 326, 328, 332-335 and 339				Total repairs—expenses.
22	302, 304, 305, 306, 329, 331, 336 and 337.				Do.
23	All other expenses		XXX		Direct.
24	Total of maintenance of equipment.	XXX	XXX		
	Transportation				
25	372				Train-miles.
26	373				Revenue-tons.
27	389				Yard switching locomotive unit-miles.
28	371, 409-411, 414 and 420				Accounts 372, 373, 376 and 389—expenses.
29	404-407 and 415-419				Train-miles.
30	376				Revenue tons.
31	374, 375, 408		XXX		Direct.
32	377-380, 382-384, 388, 390 and 391.				Yard switching locomotive unit-miles.

Line No.	Account No.	Direct	Directed traffic: Common apportioned	Directed traffic: Total	Suggested apportionment factors
	(1)	(2)	(3)	(4)	(5)
33	302 and 401				Accounts 302 and 401 direct assignments.[3]
34	304-306, 400, 412 and 413				Locomotive unit-miles including train switching.
35	402				Freight train car-miles loaded and empty including caboose.
36	403				Passenger train car-miles.
37	421 and 422				Trailers handled—loaded and empty.
38	All other expenses				Direct.
39	Total transportation	XXX	XXX		
	Miscellaneous operations				
40	449		XXX		Direct.
41	441-448				Apportion according to local condition.
42	All other expenses		XXX		Direct.
43	Total miscellaneous	XXX	XXX		
	General and traffic expenses				
44	450		XXX		Direct.
45	451-455, 457-462			Expenses lines 14, 24, 39 and 43.	Apportion on the basis of total.
46	351-360				Accounts 451-462 expenses.
47	All other expenses				Direct.
48	Total general and traffic				
49	Total expenses lines 14 24, 39, 43 and 48.	XXX	XXX		
	532 Railway tax accruals				
50	Payroll taxes		XXX		Direct.
51	Property taxes				Miles of road.
52	State income taxes		XXX		Direct.
53	Other taxes excluding income taxes.				Miles of road.
54	Total taxes, lines 50-53	XXX	XXX		
	Rent income				
55	503				Car-miles.
56	504 and 506				Assign where applicable.
57	505				Do.
58	507				Nonrevenue ton-miles.
59	508				Assign where applicable.
60	Total rent income lines, 55-59.	XXX	XXX		
	Rent payable				
61	536				Car-miles.
62	537				Locomotive unit-miles.
63	538				Assign where applicable.
64	539				Assign where applicable.
65	540				Nonrevenue ton-miles.
66	541				Assign where applicable.
67	542				Do.
68	543				Do.
69	Total rents payable lines 61-68,	XXX	XXX		
70	551	XXX	XXX		Direct.
71	Total expenses, rents and taxes, lines 49 and 54 less 60 plus 69 and 70.	XXX	XXX		
	Revenues				
72	101	XXX	XXX		Actual.
73	102	XXX	XXX		Actual.
74	All other	XXX	XXX		Actual.
75	Total revenues	XXX	XXX		
76	Local/State subsidies	XXX	XXX		Actual.
77	Total income line 75 and line 76.	XXX	XXX		
78	Total expenses over income (line 71 and 77).	XXX	XXX		
	Computation of reimbursement				
79	Allowance for profit, line 75 X .06.[3]	XXX	XXX		
80	Working capital [4]	XXX	XXX		
81	Total deficiency plus working capital (line 78 plus line 80).	XXX	XXX		
82	Amount borrowed [5]	XXX	XXX		
83	Interest allowed [5]	XXX	XXX		
84	Total expenses plus profit plus interest (lines 71, 79 and 83).	XXX	XXX		
85	Reimbursement including an allowance for profit (line 84 minus line 77).[7]	XXX	XXX		

See footnotes on next page.

[1] Railroads having electrified systems should use electric locomotive unit-miles.
[2] Assign train enginemen and trainmen expenses direct to carrier's own traffic and directed traffic. Apportion common expenses on the basis of direct assignments of accounts 392 and 401.
[3] Profit is based on 6 percent of total revenues (line 75). A profit from actual operations above 6 percent of total revenues may be retained by the directed carrier and no amount for profit will be paid by the Federal Government. Should a profit of less than 6 percent be earned, the difference between 6 percent and that percent will be paid.
[4] Total expenses in line 71 divided by the total days of the directed operation. Multiply these expenses by a factor of 15 (days) to represent the lag between cash receipts and cash payments.
[5] The amount borrowed should not exceed the permissible limits established in the ex parte 263 (sub-No. 3) report, unless specifically approved by the commission.
[6] Apply the average prime rate (per annum) in effect at New York City to line 81, or the prime rate (per annum) in effect at New York City on the date of the loan agreement to line 82, whichever is greater. However, the interest allowed on amounts actually borrowed shall not exceed the amount of interest charged on the loan, if less than the applicable prime rate.
[7] If line 77 is larger than line 84, enter 0.

ATTENTION

Knowing and willful misstatements or omissions of material facts constitute federal criminal violations punishable by up to five years imprisonment and fines of up to $10,000 for each offense. (See 18 U.S.C. 1001, 1003, 287.)

Each person by whom this document is signed certifies that the representations appearing herein and in the appendices attached hereto (including any accompanying schedules and statements) are, to the best of his knowledge and belief, true, correct, and complete, based upon all the information required to be included therein, of which he has any knowledge.

Dated this _____ day of _____, 19____.

_____
(*Signature of Accounting Officer*)

By _____
_____
(*Title*)

[FR Doc.75-9151 Filed 4-8-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 84 to 86 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) has been increased.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is revised to read as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 86 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1 to 7 CFR Part 6, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price [4] under 86 cents per pound.	

The foregoing amendment shall be effective April 9, 1975. In accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment would not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 84 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the FEDERAL REGISTER of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 4th day of April 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-9268 Filed 4-8-75;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

[Amdt. No. 53]

PART 270—GENERAL INFORMATION AND DEFINITIONS

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Outreach Program

On February 20, 1975, there was published in the FEDERAL REGISTER (40 FR 7455), a notice of proposed rulemaking to revise Food Stamp Program Regulations, 7 CFR Parts 270 and 271. The proposed amendment would delete the current definition of outreach and require State agencies to take effective outreach action, using a full-time State Outreach Coordinator.

There were 60 comments received on the proposed amendment, including eight from State agencies. Forty-three were in favor and 17 were opposed. Favorable commentators representing social service organizations, the general public, State agencies and a city government advocated a full-time State Outreach Coordinator. Many felt that the outreach regulations should be in stronger language. Several of the social service organizations want to participate in the State's outreach efforts. Five State agencies opposed the proposed regulations. Opposed citizens objected to the added expense; some that all low-income families are aware of the Food Stamp Program.

The language of the regulations finally adopted reflects provisions incorporated into a stipulation agreed to by the parties specifying actions to be taken by the defendants which will be considered to be in compliance with the Court's order in the case of *Bennett v. Butz*, USDC, D. Minnesota. In that case, the Court found deficiencies in State and Federal outreach efforts. It was agreed that the provisions contained in the stipulation would be effectuated unless comments submitted pursuant to the notice of proposed rulemaking referred to above necessitated a different course of action on the part of the Department.

Accordingly, Parts 270 and 271 of Chapter II, Title 7, Code of Federal Regulations are amended as follows:

§ 270.2 [Amended]

1. In § 270.2, paragraph (nn) is deleted and reserved.

2. In § 271.1, paragraph (k) is revised to read as follows:

§ 271.1 General terms and conditions for State Agencies.

* * * * *

(k) *Outreach.* Each State agency shall initiate and monitor effective, comprehensive ongoing efforts performed cooperatively with other public and private agencies, religious, business and civic groups, retail trade associations, unions, community organizations, news media, and other groups, organizations and associations to inform low-income households eligible to receive food stamps of the availability and benefits of the program and to insure the participation of eligible households which wish to participate by providing such households with reasonable and convenient access to the program. Such efforts, which are (hereinafter referred to as "outreach") shall be carried out in conformity with FNS regulations and instructions governing outreach and with the State agency outreach plan approved by FNS, and shall take into consideration the special needs of, among others, the elderly, the disabled, migrants, persons residing in rural areas, and ethnic groups. Each State agency shall designate one person to serve full-time as State Outreach Coordinator with responsibility to initiate, coordinate, monitor and evaluate ongoing

food stamp outreach action and shall provide such coordinator with clerical and support staff necessary for effective implementation of the outreach program. Each State agency shall provide project area outreach coordinators in accordance with FNS outreach instructions.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

Effective date. This amendment shall become effective April 4, 1975.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: April 4, 1975.

JOHN M. DAMGARD,
Deputy Assistant Secretary.

[FR Doc.75-9266 Filed 4-8-75;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

LIST OF HAZARDOUS MOBILE HOME PARKS AND RECREATIONAL SITES

This document amends the regulation listing gypsy moth hazardous mobile home parks and recreational sites for purposes of the Federal Gypsy Moth and Browntail Moth Quarantine by designating as hazardous certain mobile home parks in counties not previously listed as follows: one mobile home park in Hampshire County, Massachusetts; and all mobile home parks in Albany, Chenango, Clinton, Delaware, Essex, Franklin, Hamilton, Montgomery, Otsego, Rensselaer, Schoharie, Warren, and Washington Counties in New York; and Centre, Clinton, Cumberland, Juniata, Lycoming, Mifflin, Perry, Snyder, Union, and York in Pennsylvania. This document further amends the regulation by listing additional parks in the following previously listed counties: Bristol, Essex, Hampden, and Worcester in Massachusetts; and Providence in Rhode Island; and by adding all mobile home parks not previously listed in Broome, Columbia, Fulton, Greene, Madison, Oneida, Saratoga, and Schenectady Counties in New York. This document also amends the regulation by deleting parks in the following counties: Barnstable, Berkshire, Bristol, Middlesex, Norfolk, and Worcester in Massachusetts; and Kent and Washington in Rhode Island.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.45–2 of the Gypsy Moth and Browntail Moth Quarantine regulations, 7 CFR 301.45–2, as amended, the supplemental regulation designating hazardous mobile home parks and recreational sites, 7 CFR 301.45–2c, is hereby amended by adding thereto, deleting therefrom, and correcting certain listings. Section 301.45–2c is revised and reads as follows:

§ 301.45–2c List of hazardous mobile home parks and recreational sites.

The mobile home parks and recreational sites listed below are hereby designated as gypsy moth hazardous mobile home parks and recreational sites within the meaning of the provisions of this subpart; and are hereby divided into hazardous mobile home parks and sites as indicated below.

(a) *Hazardous recreational sites.* None

(b) *Hazardous mobile home parks.*

CONNECTICUT

All mobile home parks in the State.

MASSACHUSETTS

BERKSHIRE COUNTY

Cheshire:
Kitchen Brook Mobile Home Park.
Lee:
Mountain View Mobile Home Park.

BRISTOL COUNTY

Easton:
Big E Mobile Home Park.
North Attleboro:
Whispering Pines Mobile Home Park.
Tauton:
Oak Hill Mobile Home Park.
Raynham:
Shady Acres Mobile Home Park.

ESSEX COUNTY

Danvers:
Shady Oaks Mobile Home Park.
Sky View Mobile Home Park.
Peabody:
Green Meadows Mobile Home Park.
Salisbury:
Heritage Mobile Home Court.

HAMPDEN COUNTY

Chicopee:
Harmony Homes Village.
Monson:
Fay's Mobile Home Park.
Westfield:
Arbor Mobile Home Park.
Oaks Mobile Home Park.

HAMPSHIRE COUNTY

Belchertown:
Pine Valley Mobile Home Park.

MIDDLESEX COUNTY

Chelmsford:
Chelmsford Mobile Home Park.
Concord:
Walden Breezes Mobile Home Park.

WORCESTER COUNTY

Brookfield:
Wagon Wheel Mobile Home Park.
Lunenburg:
Meadow Woods Mobile Home Park.
Shrewsbury:
Edgemere Mobile Home Park.

MAINE

ANDROSCOGGIN COUNTY

Poland Spring:
Glen-H Mobile Home Park.
Turner:
Hillview Trailer Park.

CUMBERLAND COUNTY

Brunswick:
Maquoit Trailer Park.
Rush's Trailer Park.

KENNEBEC COUNTY

Albion:
Draker Trailer Park.
Augusta:
Augusta Mobile Home Park Sales.
Corey's Trailer Park.
Dostic Trailer Court.
Lee's Trailer Park.
News Co. Trailer Park.
Pine Acres Mobile Home Park.
Stark Trailer Park.
Framingdale:
Phairs Trailer Park.
Monmouth:
Lou-Lyn Mobile Home Park.
Waterville:
Grove Street Trailer Park.
Phil's Auto Co.
Winslow:
Carter Trailer Park.
Pleasant Ridge Mobile Park.
Winthrop:
Squire Winthrop Mobile Park.

LINCOLN COUNTY

Wiscasset:
Dickson's Trailer Park.

OXFORD COUNTY

Fryeburg:
Kenerson's Mobile Home Park.
Pleasant Homes Mobile Home Park.

PENOBSCOT COUNTY

Bangor:
Grant Mobile Home Park.
Holden:
Cedar Haven Mobile Home Park.

YORK COUNTY

Kittery:
Mobile Manor.
Waldoboro:
DePatsy's Mobile Home Park.

NEW HAMPSHIRE

CARROLL COUNTY

Conway:
Desi's Trailer Park.
Leavitt's Trailer Park.
Lily Pond Mobile Home Sales.

NEW JERSEY

All mobile home parks in the State.

NEW YORK

ALBANY COUNTY

All mobile home parks in the county.

BROOME COUNTY

All mobile home parks in the county.

BRONX COUNTY

All mobile home parks in the county.

CHENANGO COUNTY

All mobile home parks in the county.

CLINTON COUNTY

All mobile home parks in the county.

COLUMBIA COUNTY

All mobile home parks in the county.

DELAWARE COUNTY

All mobile home parks in the county.

DUTCHESS COUNTY

All mobile home parks in the county.

ESSEX COUNTY

All mobile home parks in the county.

FRANKLIN COUNTY

All mobile home parks in the county.

FULTON COUNTY

All mobile home parks in the county.

GREENE COUNTY

All mobile home parks in the county.

HAMILTON COUNTY

All mobile home parks in the county.

HERKIMER COUNTY

All mobile home parks in the county.

KINGS COUNTY
All mobile home parks in the county.
MADISON COUNTY
All mobile home parks in the county.
MONTGOMERY COUNTY
All mobile home parks in the county.
NASSAU COUNTY
All mobile home parks in the county.
NEW YORK COUNTY
All mobile home parks in the county.
ONEIDA COUNTY
All mobile home parks in the county.
ORANGE COUNTY
All mobile home parks in the county.
OTSEGO COUNTY
All mobile home parks in the county.
PUTNAM COUNTY
All mobile home parks in the county.
QUEENS COUNTY
All mobile home parks in the county.
RENSSELAER COUNTY
All mobile home parks in the county.
RICHMOND COUNTY
All mobile home parks in the county.
ROCKLAND COUNTY
All mobile home parks in the county.
SARATOGA COUNTY
All mobile home parks in the county.
SCHENECTADY COUNTY
All mobile home parks in the county.
SCHOHARIE COUNTY
All mobile home parks in the county.
SUFFOLK COUNTY
All mobile home parks in the county.
SULLIVAN COUNTY
All mobile home parks in the county.
ULSTER COUNTY
All mobile home parks in the county.
WARREN COUNTY
All mobile home parks in the county.
WASHINGTON COUNTY
All mobile home parks in the county.
WESTCHESTER COUNTY
All mobile home parks in the county.

PENNSYLVANIA

BERKS COUNTY
All mobile home parks in the county.
BRADFORD COUNTY
All mobile home parks in the county.
BUCKS COUNTY
All mobile home parks in the county.
CARBON COUNTY
All mobile home parks in the county.
CENTRE COUNTY
All mobile home parks in the county.
CHESTER COUNTY
All mobile home parks in the county.
CLINTON COUNTY
All mobile home parks in the county.
COLUMBIA COUNTY
All mobile home parks in the county.
CUMBERLAND COUNTY
All mobile home parks in the county.
DAUPHIN COUNTY
All mobile home parks in the county.
DELAWARE COUNTY
All mobile home parks in the county.
JUNIATA COUNTY
All mobile home parks in the county.
LACKAWANNA COUNTY
All mobile home parks in the county.
LANCASTER COUNTY
All mobile home parks in the county.
LEBANON COUNTY
All mobile home parks in the county.
LEHIGH COUNTY
All mobile home parks in the county.
LUZERNE COUNTY
All mobile home parks in the county.
LYCOMING COUNTY
All mobile home parks in the county.
MIFFLIN COUNTY
All mobile home parks in the county.
MONROE COUNTY
All mobile home parks in the county.
MONTGOMERY COUNTY
All mobile home parks in the county.
MONTOUR COUNTY
All mobile home parks in the county.
NORTHAMPTON COUNTY
All mobile home parks in the county.
NORTHUMBERLAND COUNTY
All mobile home parks in the county.
PERRY COUNTY
All mobile home parks in the county.
PHILADELPHIA COUNTY
All mobile home parks in the county.
PIKE COUNTY
All mobile home parks in the county.
SCHUYLKILL COUNTY
All mobile home parks in the county.
SNYDER COUNTY
All mobile home parks in the county.
SULLIVAN COUNTY
All mobile home parks in the county.
SUSQUEHANNA COUNTY
All mobile home parks in the county.
UNION COUNTY
All mobile home parks in the county.
WAYNE COUNTY
All mobile home parks in the county.
WYOMING COUNTY
All mobile home parks in the county.
YORK COUNTY
All mobile home parks in the county.

RHODE ISLAND

KENT COUNTY

Warwick:
Bald Hill Mobile Home Park.

NEWPORT COUNTY

Middletown:
Forest Park Mobile Homes.

PROVIDENCE COUNTY

Chepachet:
Olivo's Mobile Home Court, Inc.
Davis Mobile Home Park.
Cumberland:
The Pines Trailer Park.
West Glocester:
Sunset Cove Recreation Area.

WASHINGTON COUNTY

North Kingstown:
Razee Trailer Park.
Helen's Mobile Homes.

VERMONT

BENNINGTON COUNTY

Manchester:
Bischoff Mobile Home Park Sales.

CHITTENDEN COUNTY

Burlington:
Farrington Mobile Home Park.

RUTLAND COUNTY

Rutland:
Colburn Mobile Home Park.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477, as amended; 37 FR 19141, 7 CFR 301.45-2, 38 FR 8659)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that in the above-listed mobile home parks gypsy moth has been found or there is reason to believe that gypsy moth is present, or there is a risk of infestation of the gypsy moth because of the proximity to infestation of the gypsy moth. Therefore, the listed mobile home parks are hereby designated as hazardous.

To the extent that these amendments relieve certain restrictions heretofore imposed, they should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. To the extent that these amendments impose restrictions they are necessary in order to prevent the spread of the gypsy moth and should be made effective promptly to accomplish their purpose in the public interest. Also, it does not appear that additional information would be made available to the Department of public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice of rulemaking and other public procedure with respect to these amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective April 9, 1975.

Done at Washington, D.C., the 2nd day of April 1975.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-8988 Filed 4-8-75;8:45 am]

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Subpart—Giant African Snail

TERMINATION OF NOTICE OF EXISTENCE OF HAZARDOUS SITUATION AND REGULATIONS RELATED THERETO

The notice of existence of hazardous situation and regulations related thereto with respect to the giant African snail in 7 CFR 331.3, are hereby terminated effective April 13, 1975. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

Statement of considerations. The giant African snail was introduced into Florida in September 1969. A Federal-State cooperative eradication program has been in existence since November 1969. The infestation was confined to small urban areas in Broward and Dade Counties in Florida. Federal emergency regulations restricting the interstate movement of certain products and articles from regulated areas and a parallel Florida State quarantine were promulgated in 1971 to prevent the artificial spread of the snail to uninfested areas. Control measures were continued for 1 year following the last snail find, and detection surveys have been continued to the present. No giant African snails have been detected in Florida since April 13, 1973. Eradication is considered complete when no snails have been found for 2 years.

Accordingly, the giant African snail notice of existence of hazardous situation and regulations related thereto are terminated.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34 (7 U.S.C. 150dd, 150ee, 150ff); 37 FR 28464, 28477, as amended; 38 FR 19141)

This action relieves restrictions and it does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public participation with respect to this action is impracticable and unnecessary, and good cause is found for making this action effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Effective Date. This action shall become effective April 13, 1975.

Done at Washington, D.C., this 1st day of April 1975.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-9142 Filed 4-8-75;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH-326; Amdt. 1]

PART 873—SUGARCANE; FLORIDA

Fair and Reasonable Prices for 1974 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, Part 873 (39 FR 41826) is amended by revising paragraph (d) of § 873.32, adding paragraph (r) to § 873.32, and adding § 873.36.

1. In § 873.32 paragraph (d) is revised and (r) added to read as follows:

§ 873.32 Definitions.

* * * * *

(d) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane to each mill operated by a processor. If the mill receives both hand-cut and machine-cut cane, the average percentage weight of trash delivered with cane harvested by hand shall be computed separately from that harvested by machine and the applicable trash deduction applied to the gross weight of cane harvested by each method. However, if a producer, on whose farm there was sugarcane remaining to be harvested on January 15, 1975, requested the processor in writing prior to that date to compute his net sugarcane on the basis of the trash determinations obtained from tests made on the producer's sugarcane, the net sugarcane delivered by the producer shall be determined accordingly. Separate determinations shall be made on machine-cut and hand-cut cane. The results of trash determinations made on sugarcane of a producer making such request shall be excluded in computing the average percentage weight of trash delivered with all other sugarcane to each mill.

* * * * *

(r) "Advance sales" means advance hedging operations and includes the purchases and sales of sugar which was not actually processed by the processor, or by the processor members of a cooperative sales organization.

2. Section 873.36 is added and reads as follows:

§ 873.36 Other related specifications.

(a) If the processor furnishes labor, materials, or services used in harvesting, loading or transporting the producer's sugarcane from the field to the delivery point(s) on the farm, the charge made for such labor, materials, or services may be as agreed upon between the two parties if the producer has the option of performing such operations himself or by contract with a third party. If contractual arrangements between the processor and producer preclude the producer from performing such operations himself or by contract with a third party, the charge made by the processor shall be limited to the actual direct costs of labor, materials, or services plus applicable overhead expenses which are properly apportionable under generally accepted accounting principles: Provided, that the charge for overhead shall not exceed 10 percent of the actual direct costs of labor, materials or services.

(b) The price for sugarcane established by this part is applicable to sugarcane loaded on carts or trucks at the delivery point(s) on the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill. If sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs). If the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(c) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1974-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(d) Nothing in paragraph (c) of this section shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State office.

(e) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State office upon a determination by the State committee that the payment is fair and reasonable.

(f) The processor shall submit to the State office for approval (1) a statement setting for the weighted average price of raw sugar upon which settlements with producers are based; (2) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses; and (3) if subject to the limitation set forth in paragraph (a) of this section, a statement setting forth for each producer the direct costs of labor, materials, and services, plus applicable overhead expenses, used in harvesting, loading, or transporting the producer's sugarcane from the field to the farm delivery point.

STATEMENT OF BASES AND CONSIDERATIONS

The original regulation provided that net sugarcane delivered by each producer for the crop would be determined by deducting from the weight of gross sugarcane in his deliveries, the weight of trash in his sugarcane rather than the trash representing the factory average of the total sugarcane delivered by all producers.

Subsequent to the issuance of the regulation, representatives of all processors met with Department personnel to explain the difficulties they would encounter if the change in the procedure for determining trash for all producers were to be implemented well into the harvest season. Each problem area was thoroughly considered and deemed to have merit. The Department still feels that the more efficient producers should not be penalized through the use of factory averages and that processor payments should represent as far as possible the actual quantity of net sugarcane delivered by the producers. Accordingly, all producers, who had cane remaining to be harvested on their farms on January 15, 1975, were given actual notice by the Department prior to that date of their option to request that their net cane for the entire crop be determined on the basis of their individual trash tests. Otherwise, the use of factory averages, as in prior crops, will be followed in determining the net weight of producers' sugarcane.

Section 873.32(b)(2) of this regulation provides that processors who have made "advance sales" of a portion of their 1974-crop sugar may offer producers the opportunity to have payment for their sugarcane based on the season's average price of sugar calculated without taking into account the results of such advance sales. This amendment adds a definition "advance sales" to the regulations to make it clear that the only type of "advance sales" intended to be covered by § 873.32(b)(2) are sales of sugar not actually processed by the processor, i.e., the option applies only to trading in futures contracts, as opposed to trading in the actual sugar processed by the processor.

The original regulation did not include § 873.36, which in previous regulations covered charges made by processors for harvesting, loading and transporting producers' sugarcane. The operations of one of the processors were being investigated by the Department's Office of Investigation at the time the original regulation was issued. After a very thorough analysis of the investigation report, representatives of the Department met with the interested parties on December 12, 1974, and presented its findings. Based on the results of the investigation the Department made an initial determination that the processor in question had complied with Departmental regulations covering the years included in the report. It is felt that the independent growers at whose request the investigation was made are being treated fairly. Therefore, Section 873.36 is made a part of this regulation without any changes in the provisions that were in effect for the 1973 crop.

Recently the Glades Association of Independent Sugarcane Growers appealed to the Department requesting reconsideration of its initial determination. This request has been granted and a hearing is scheduled for April 30, 1975. If relief is granted under the appeal in the final determination made by the Department, consideration will be given to including clarifying language in an amendment to this regulation.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date. This amendment shall become effective April 9, 1975 and is applicable to the 1974 crop of Florida sugarcane.

Signed at Washington, D.C. on April 3, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-9183 Filed 4-8-75;8:45 am]

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

[Navel Orange Reg. 345, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Mar. 28–Apr. 3, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel Oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulations 345 (40 FR 13509). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.645 (Navel Orange Regulation 345) (40 FR 13509) are hereby amended to read as follows:

§ 907.645 Navel Orange Regulation 345.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 1,360,000 cartons

(ii) District 2: 240,000 cartons.

* * * * *

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

Dated: April 3, 1975.

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

[FR Doc.75-9184 Filed 4-8-75;8:45 am]

[Lemon Reg. 685, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may

be shipped to fresh market during the weekly regulation period Mar. 30–Apr. 5, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreements Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 685 (40 FR 14295). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

(b) *Order, as amended.* Paragraph (b) (1) of § 910.985 (Lemon Regulation 685 (40 FR 14295) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period March 30, 1975 through April 5, 1975, is hereby fixed at 255,000 cartons."

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

Dated: April 3, 1975.

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

[FR Doc.75-9185 Filed 4-8-75;8:45 am]

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1701—PUBLIC INFORMATION

Procedures for obtaining Rural Electrification Administration records under the Freedom of Information Act are hereby amended in accordance with the regulations of the Department of Agriculture issued pursuant to the Act, 7 CFR Part 1, Subpart A (40 FR 7341). The Department's regulations as implemented by the regulations in this part, govern the availability of records of the Rural Electrification Administration to the public.

Advance notice of rulemaking is not required for this amendment by 5 U.S.C. 553, since it deals with agency organization and procedures.

In consideration of the above, Part 1701 of 7 CFR is revised to read as follows:

Sec.
1701.1 Public Inspection and copying.
1701.2 Indexes.
1701.3 Requests for records.
1701.4 Appeals.
Appendix A.

AUTHORITY: (5 U.S.C. 301, 552; 7 CFR 1.1–1.16)

§ 1701.1 Public inspection and copying.

(a) 5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying.

(b) The Rural Electrification Administration issues from time to time REA Bulletins which implement the procedures set forth in Part 1700 and the loan and security instruments which provide for and secure REA loans. Appendix A to this Part identifies and briefly describes each such Bulletin currently in effect. REA also issues REA Bulletins which furnish technical information to assist in the design, construction, operation, and maintenance of borrower's systems. As REA Bulletins are issued, copies are mailed to all borrower's concerned and to others participating in the REA program who may be affected. REA will make all REA Bulletins available for public inspection and copying. REA Bulletins identified in Appendix A to this Part also set forth or identify related forms available for utilization by REA borrowers and others. Such forms, including forms of basic loan and security agreements, will also be made available for public inspection and copying.

(c) REA will make available for public inspection and copying its administrative staff manuals and instructions to staff affecting any member of the public except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b).

(d) Members of the public may request access to such materials maintained by REA at the Office of the Director, Information Services Division, Room 4038, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 4:30 p.m. Copies of such materials may be obtained in person or by mail.

§ 1701.2 Indexes.

5 U.S.C. 552(a)(2) requires that each agency publish or otherwise make available a current index of all materials required to be made available for public inspection and copying. REA will maintain and publish current indexes and quarterly supplements thereto, providing identifying information for all REA Bulletins and for staff manuals and instructions made available pursuant to § 1701.1. Copies will be available upon request in person or by mail to the Office of the Director, Information Services Division, Room 4038, South Building, U.S. Dpeartment of Agriculture, Washington, D.C. 20250.

§ 1701.3 Requests for records.

Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to Office of the Director, Information Service Division, Rural Electrification Administration, Room 4038, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. A request shall describe the records sought as set forth in 7 CFR 1.3(b). Requests may be submitted in person or by mail. The Director, Information Services Division is hereby delegated to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

§ 1701.4 Appeals.

Any person whose request under § 1701.3 is denied shall have the right to appeal such denial. This appeal shall be submitted in accordance with 7 CFR 13(e) and addressed to the Administrator, Rural Electrification Administration, Room 4053, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

APPENDIX A

A current list and summary description of REA Bulletins issued to implement the procedure set forth in Part 1700 and the loan and security instruments which provide for and secure REA loans.

REA bulletin No.	Date of last issuance	Description
		Joint Rural Electrification and Telephone Program Bulletins
1-3:300-2	October 1973	Rural Electrification Act of 1936 with amendments to May 11, 1973, providing the statutory basis for the rural electrification and telephone loan programs of REA and the Rural Telephone Bank.
1-4:300-3	January 1962	REA guidelines for participation by REA electrification borrowers in rural telephone program.
2-1:301-1	August 1966	REA policy concerning relationships with its borrowers including objectives, requirements and assistance provided.
3-1:302-1	July 1955	Guidelines for the participation of the REA staff in proceedings before and discussions with regulatory bodies and officials.
3-2:303-1	February 1962	The policy and recommendations of REA regarding State and local legislation affecting REA programs.
5-1:305-1	March 1954	Policy and procedure for the joint use of REA borrowers' facilities by other electric and telephone systems.
	June 1956	Supplement providing a new joint use agreement form and instructions for its use.
	June 1961	Supplement requesting borrowers to report on experience with joint use.
	February 1972	Supplement advising adherence to National Electrical Safety Code.
6-1:306-1	July 1969	The REA system for classifying and issuing REA bulletins to its borrowers and their agents.
9-1:309-1	June 1966	Guidelines for REA participation with borrowers and their associations in community development activities.
20-1:321-1	May 1954	The requirements of REA on the selection of a trustee where deeds of trust secure loans.
20-5:320-2	May 1972	Policy and procedures on the repayment of loan principal and interest extended under sec. 12 of the Rural Electrification Act and the Disaster Relief Act of 1970.
20-7:320-10	June 1967	The requirements and procedure of REA with respect to interest and principal payments on REA loans under secs. 4 and 201 of the Rural Electrification Act.
20-9:320-12	December 1969	Policy and procedure for the computation of interest on REA loans and loan account statements sent to borrowers.
20-10:320-8	October 1964	The policy and procedure of REA regarding notes and basis date agreements pertaining to sec. 4 and sec. 201 loans.
20-11:320-17	April 1962	REA policy and procedure with respect to the Government's mortgage lien on motor vehicles owned by borrowers.
20-15:320-15	July 1970	The policy and procedure of REA concerning equal employment opportunity in construction financed by REA loans.
20-19:320-19	June 1974	The policy and procedure of REA to assure nondiscrimination among beneficiaries of REA programs.
20-21:320-21	May 1974	REA policy and procedure concerning the implementation of the National Environmental Policy Act as it relates to the REA program.
40-1:340-2	March 1969	REA requirements for borrowers' payments of loans funds to their architects, engineers, contractors, and suppliers.
40-2:340-5	August 1973	Insurance requirements of REA for borrowers' contractors, engineers, and architects, including bond requirements for borrowers' contractors.
43-2:344-3	July 1955	REA requirements with respect to the "Buy American" provision of the Rural Electrification Act.
44-2:345-1	January 1968	REA specifications for wood poles, stubs and anchor logs, and for preservative treatment of these materials to be purchased by REA electric and telephone borrowers.
	September 1968	Supplement announcing acceptance of 8.5 foot pole stubs for mounting buried plant terminal housings.
	October 1969	Supplement revising specification for treatment of poles, stubs and anchor logs with salt types preservatives.
44-3:345-4	January 1972	REA specifications for wood crossarms, solid and laminated transmission timbers, and pole keys to be purchased by REA electric and telephone borrowers.
	February 1975	Supplement to correct a drafting error in crossarm specifications.
44-4:345-9	November 1970	REA standards and procedures for the inspection of wood poles, stubs and anchor logs, wood crossarms, construction lumber and pole keys and the preservatives and preservative treatment to be used in REA-financed construction.
44-5:345-2	July 1974	Inspection agencies authorized by REA for inspection of timber products and of their preservative treatment for installation on REA borrowers' electric or telephone systems.
44-7:345-3	April 1971	REA procedure for establishing standards, standard specifications, drawings, materials and equipment for use in the electric and telephone programs.
81-4:381-6	August 1962	REA requirements for payments to contractors for materials delivered but which cannot be incorporated into the electric or telephone projects for an extended period (60 days or more).
81-7:381-11	November 1958	REA procedures for handling changes or corrections in contract construction where the cost is to be borne by the REA borrower.
81-8:381-13	June 1959	Procedures for the use of bidders on REA-financed construction in submitting their qualifications.
86-5:387-2	June 1972	REA requirements and procedure concerning the use of contract form 257 by borrowers in the construction of headquarters facilities of electric and telephone borrowers.
100-1:400-2	April 1960	The requirements of REA for the selection of an attorney by an REA borrower.
100-5:400-3	June 1962	The policy of REA concerning agreements for the operation and management of electric and telephone systems owned by REA borrowers.
102-1:402-3	March 1964	REA policy and recommendations on electric and telephone cooperative borrowers' capital credits and related consumer benefits.
	December 1973	Supplement advising that U.S. Treasury Department form 1099 need not be prepared.
	August 1974	New app. B providing alternatives concerning patronage capital in power supply cooperatives.
103-9:403-4	June 1960	Procedure for the purchase and redemption by borrowers of 2 percent Treasury bonds—REA Series.
	May 1966	Supplement instructing owners of REA 2 percent Treasury bonds to provide U.S. Treasury with their employer identification number.
	December 1972	Supplement informing REA borrowers to request redemption of REA 2 percent Treasury bonds not less than 30 days before maturity.
	July 1974	Supplement informing REA borrowers of a change to book-entry form for the REA series 2 percent bonds.
107-1:407-1	January 1970	Policy and recommendations of REA concerning the purchase and use of data processing equipment by REA borrowers.
	July 1972	Supplement stressing proper planning and competent staff for changeover to new data processing system.
	March 1973	Supplement suggesting borrowers have adequate computer backup to assure continued processing should disaster strike.
109-2:409-3	May 1964	REA policy with respect to labor relations activities of borrowers.

REA bulletin No.	Date of last issuance	Description
114-2	April 1973	The policy of REA with respect to minimum insurance and fidelity coverage for REA borrowers.
114-1	August 1973	Supplement clarifying REA reporting requirements in the case of accidents.
	May 1974	Supplement concerning notification to bonding company of dishonest acts of officers or employees of a borrower.
	January 1975	Supplement providing changes in REA insurance requirements consistent with the Flood Disaster Protection Act of 1973.
188-7	July 1963	The policy and recommendations of REA with respect to borrowers' safety programs and their implementation.
180-6	April 1971	The policy of REA concerning the selection of depositories for funds of borrowers.
185-1	January 1972	REA policy and requirements regarding audits of the accounts and records of REA borrowers including the selection of independent certified public accountants to perform such audits.
185-2	November 1972	The policy and procedure of REA with respect to appropriate working papers to support the audit of REA borrowers' accounting records.
		Rural Electrification Program Bulletins
1-5	May 1965	Sets forth REA policy and procedure for the preparation and submission by electric borrowers of annual estimates of loan requirements.
1-7	August 1969	The policy and recommendations of REA with respect to the general funds of electric borrowers as to appropriate levels in relationship to REA approval of loans and loan fund advances.
3-3	February 1963	REA policy and guidance to borrowers concerning protection of the territorial integrity of their service areas.
	December 1963	Supplement concerning the reporting to Congress of the territorial disputes of electric borrowers.
20-2	February 1971	REA policy and requirements for loans under sec. 4 of the Rural Electrification Act.
	July 1974	Supplement to modify REA requirements for loan applications covering a 1-year loan program.
	November 1974	Supplement to clarify the requirements for the 1st and 2d year portions of certain 2-year loan applications.
20-3	July 1958	REA procedure for electric borrowers in obtaining adequate rights-of-way and submission of title evidence.
	March 1960	Supplement clarifying title insurance requirements for substation and switching station sites.
	April 1965	Supplement amending REA requirements concerning title insurance.
20-6	May 1969	REA policy on loans for electric generation and transmission facilities.
20-8	July 1963	Requirements and procedure concerning the purchase of real estate by electric borrowers with REA loan funds or borrowers' general funds.
20-11	February 1971	The policy of REA concerning supplemental financing for loans considered under sec. 4 of the Rural Electrification Act.
	July 1972	Supplement announcing increased participation in supplemental financing by non-REA lenders.
20-20	January 1971	REA policy and procedure concerning deferment of principal repayment on REA loans to borrowers investing in supplemental lending institutions.
21-2	July 1965	The policy of REA as it relates to financing service entrance equipment in the electric program.
24-1	March 1969	Policy and procedure on REA loans to electric borrowers under sec. 5 of the Rural Electrification Act.
26-1	May 1971	Procedure for the advance of sec. 4 loan funds and the expenditure of such funds.
	November 1972	Supplement to emphasize that loan fund requisitions not be submitted too far in advance or in amounts greater than immediate needs.
27-1	May 1960	Policy and procedure on REA loans for the acquisition of existing electric facilities by borrowers.
40-4	July 1974	The guidelines of REA on the mapping of systems by electric borrowers.
40-5	January 1970	Policy and procedure on borrowers' arrangements with other organizations for the common use of poles involving distribution and transmission lines.
40-6	August 1970	The requirements of REA concerning construction of distribution, transmission generation and headquarters facilities and the purchase of materials and equipment by electric borrowers.
	March 1973	Supplement concerning contracts for the procurement of materials and equipment and for construction of generation facilities.
	May 1973	Supplement providing for a method of competitive bidding for procurement of equipment or materials or for the construction of generating facilities.
	January 1975	Supplement providing alternate provisions in equipment and material contracts to reflect rising costs.
40-7	October 1973	The National Electrical Safety Code and REA construction requirements with respect thereto.
40-8	May 1973	REA construction specifications, drawings and contract forms for electric distribution, transmission and generation facilities.
	May 1973	REA construction specifications, drawings and contract forms for electric distribution, transmission and generation facilities.
41-1	May 1967	Policy and procedure for electric borrowers' selection of engineers and arrangements for engineering services.
	July 1972	Supplement providing for revision of REA Forms 235, 236, and 237, Engineering Service Contracts.
	November 1972	Supplement providing for revision of REA Form 211, Engineering Service Contract, for the Design and Construction of a Generating Plant.
42-1	August 1969	Policy and procedure for the selection by borrowers of architects for the design of buildings to be constructed with loan funds.
43-5	July 1974	List of materials acceptable to REA for use in the construction of borrowers' electric systems.
43-6	February 1957	REA policy and requirements for the selection of materials and equipment by electric borrowers and their inspection upon delivery.
44-1	January 1973	REA specifications and standards for material and equipment used by electric borrowers.
60-1	August 1965	REA standards for the preparation of circuit diagrams, electrical data sheets and other drawings for the systems of electric borrowers.
60-2	September 1953	REA policy with respect to the electrical capacity of the systems financed with REA loan funds.

REA bulletin No.	Date of last issuance	Description
60-7	June 1960	REA standards concerning service reliability on electric distribution systems of REA borrowers.
60-8	October 1967	REA guidelines to borrowers for long-range electric distribution system planning.
60-9	May 1960	REA standards for economical design of primary lines for rural distribution system.
60-10	December 1967	REA guidelines for electric distribution systems in the preparation, use, and approval of annual construction work plans.
61-1	July 1956	REA specifications for conductors used in the construction of low-voltage circuits, including installation.
61-6	June 1970	Standards for the design of wire crossings of distribution lines over communication lines.
61-10	March 1972	REA specifications for the design and modification of power pole structures less likely to cause electrocution of eagles and other large birds.
	September 1973	Supplement concerning additional remedial measures for the protection of eagles from powerlines.
62-1	September 1972	Specifications and other requirements of REA for the design of transmission lines.
62-3	November 1972	Criteria of REA for the use of narrow profile transmission line structure designs, and general guidelines on the design and construction of such structures.
65-1	July 1970	Guide for the design of electric substations built with REA loan funds.
	March 1972	Supplement concerning short-circuit current strength of power transformers.
	January 1973	Supplement to identify the sizes and ratings of power transformers presently included in the list of materials and to identify useful ANSI guide specifications for power transformers and power circuit breakers.
	February 1973	Supplement providing new and revised information concerning grounding and underground corrosion control at distribution substations.
	March 1973	Supplement identifying the minimum clearance requirements of the National Electrical Safety Code with respect to substation design and construction.
	April 1973	Supplement concerning substation fence grounding.
80-5	July 1955	Specifications and recommended practices in the installation of conductor for rural electric distribution lines.
	March 1972	Supplement concerning vibration characteristics of 6201 aluminum alloy conductor.
86-8	May 1956	Requirements for the construction and operation of electric lines on national forest and land utilization projects lands administered by the U.S. Forest Service.
	January 1964	Supplement stressing importance of borrowers coordinating their plans with local Forest Service authorities at earliest possible date.
80-11	June 1971	REA requirements for progress reports from engineers and architects involved in contract construction of electric borrowers' facilities.
81-6	May 1972	Steps to be followed and the documents required to close out REA financed contract construction of distribution and transmission facilities.
81-6	July 1974	REA guidelines for the preparation of plans and specifications for distribution and transmission facilities to be constructed through the use of REA contract forms 764, 830, and 831.
83-1	October 1958	REA guidelines and requirements for the adequate grounding of primary distribution lines.
	August 1966	Supplement providing revised assembly drawings permitting the use of alternate materials for grounding assemblies.
85-1	February 1958	REA procedure for closing out projects involving contract construction by borrowers of generation facilities.
86-1	May 1972	REA procedures and final documents required to close out contracts for the construction of building (exclusive of generation plants) and architectural services contracts.
86-2	May 1972	REA requirements for the preparation of plans and specifications, bid documents, and bid releases for headquarters' facilities of electric borrowers.
86-3	April 1972	The requirements and recommendations of REA with respect to headquarters facilities for electric borrowers.
100-2	March 1960	The requirements of REA for minutes of meetings of borrowers' boards of directors and the submission of certified copies of the minutes to REA.
100-4	April 1972	The policy of REA with respect to corrective action to be taken by borrowers where problems may endanger the effective operation of their systems and the security of REA loans.
	May 1974	Revision of times interest earned ratio for loan eligibility on a gross-interest basis in conformity with the common REA-CFC electric mortgage.
101-1	September 1955	The policy and recommendations of REA concerning the constitution of the board of directors and technical advisory committee of a power supply cooperative.
101-5	January 1967	Recommended model act bylaws for the use of electric cooperatives in drafting or revising their bylaws.
	May 1971	Supplement providing revised REA Model Act Bylaw provisions.
102-2	July 1971	The policy of REA on the waiver of loan security instruments relating to borrowers' retirements of patronage capital.
103-2	June 1971	REA policy concerning borrowers' investments of general funds in electric plant and the waiver of REA approval of the use of general funds for constructing certain extensions and additions to plant.
105-4	May 1973	REA guidelines for financial management by electric borrowers.
105-5	November 1973	Guidelines for the preparation of long-range financial forecasts by electric distribution borrowers.
	January 1975	Supplement to provide instructions for preparing a financial forecast in those cases where additional revenue is needed to meet minimum TIER and DSC requirements.
105-7	September 1972	Policy and recommendations of REA for its power supply borrowers with respect to the preparation of long-range system and financial plans.
108-1	October 1974	The requirements of REA on the preparation and submission by electric distribution borrowers of financial and statistical reports on their operations.
109-2	January 1971	The requirements of REA on the preparation and submission of operating reports by power-type borrowers and distribution borrowers with generating facilities.
	December 1974	Supplement providing for the revision of REA forms 12a and 12b and instructions for their preparation.
109-4	June 1970	The policy and procedure of REA regarding the selection of a manager by electric borrowers.
111-1	April 1969	The policy and procedure of REA concerning the review and approval of proposed wholesale power purchase contracts of borrowers.
	March 1970	Supplement clarifying requirements for REA review and approval of borrowers' wholesale power contracts.
111-3	August 1960	The policy and procedure of REA on power supply surveys and certifications thereto by the administrator in relation to the approval of loans for generation and transmission facilities.

REA bulletin No.	Date of last issuance	Description
111-4	March 1972	The policy and procedure of REA concerning the power rates charged by REA power supply borrowers.
112-2	April 1971	REA policy and procedure with respect to the electric retail rates of distribution type borrowers.
112-3	September 1958	The policy of REA covering the extension of electric service to rural users by borrowers on an area coverage basis.
112-6	September 1972	The procedure and requirements of REA for obtaining its approval of borrowers' contracts for extending electric service to large power installations.
112-7	May 1961	Instructions for the preparation and use of REA Form 323, Street Lighting System Contract, by electric borrowers.
113-1	December 1972	The policy and procedure of REA concerning the sale of capital assets by electric borrowers.
115-2	November 1972	Policy and recommendations of REA with respect to the merger of its electric distribution borrowers.
115-3	February 1958	The policy and recommendations of REA concerning the relocating, removing or abandoning of borrowers' facilities for the convenience of Federal, State, territorial or other government agencies.
120-1	March 1974	The policy and procedure of REA with respect to the development, approach and use of power requirements studies.
161-5	December 1971	The requirements and guidelines of REA concerning the review of the adequacy of borrowers' operation and maintenance programs.
180-2	June 1972	Requirements of REA with respect to the preservation of records by electric borrowers.
181-1	January 1972	Uniform system of accounts prescribed by REA for use by electric borrowers.
	March 1974	Supplement revising REA uniform system of accounts in connection with interest charged to construction credit.
	October 1974	Supplement revising REA uniform system of accounts in connection with other capital credits and patronage capital allocations.
181-2	May 1968	The standard list of plant retirement units for use in connection with the REA uniform system of accounts prescribed for electric borrowers.
	July 1974	Revisions relating to retirement unit accounts.
181-3	February 1972	Specific accounting instructions and interpretations with respect to the REA uniform system of accounts for particular situations which are unusual in the construction or operation of rural electric systems.
	September 1973	Supplement providing accounting interpretations relating to terminal facilities and contributions made to the nuclear breeder reactor project.
	October 1974	Supplement providing additional accounting interpretations relating to patronage capital.
182-1	January 1965	The guidelines of REA to electric borrowers on establishing and enforcing internal controls in the financial operations of the system.
183-1	November 1969	The policy and procedure of REA pertaining to depreciation rates of electric plant and amortization of the cost of land and clearing rights-of-way for systems of electric borrowers.
184-2	August 1973	The guidelines of REA pertaining to work orders in accounting for fixed capital changes in the plant of electric borrowers.
	March 1974	Supplement providing revised accounting procedures for recording contributions in aid of construction.
	February 1975	Supplement providing suggested work order procedures changed to conform with construction assembly drawings and specifications.
184-3	September 1961	Guidelines of REA for electric borrowers in establishing and maintaining a continuing property record system.
	December 1968	Supplement deleting section related to clearing land and rights-of-way.
		Rural Telephone Program Bulletins
300-5	August 1969	REA policy and requirements with respect to the general funds of REA telephone borrowers.
300-7	May 1965	REA policy with respect to expanding and improving services to subscribers of telephone borrowers including guidelines for the development and execution of a member service program.
300-8	August 1965	The policy of REA with respect to the financial participation by telephone borrowers in community antenna television system services and facilities.
320-1	February 1962	The guidelines of REA for operating a subscriber owned rural telephone cooperative to obtain modern telephone service in rural areas through participation in the REA loan program.
320-3	January 1969	The policy and procedure of REA concerning availability of REA loans to rural telephone borrowers for working capital.
320-4	June 1963	REA policies and procedures concerning applications for REA loans to improve and extend rural telephone service.
320-5	May 1972	The policy and procedure of REA concerning the headquarters buildings of telephone borrowers and the basis for REA loans covering such facilities.
320-9	March 1965	REA policy concerning the types of organizations and capital structures eligible for REA telephone loans.
320-13	February 1960	REA policy concerning loans to finance switched (service station) facilities.
320-14	May 1971	The requirements and procedures of REA on loans to existing borrowers for telephone system improvements and extensions.
321-2	May 1969	The policy of REA with respect to loan security requirements for REA telephone program loans.
322-1	May 1971	The policy and procedure of REA with respect to surveys of subscriber service requirements in connection with a telephone loan application.
322-2	April 1967	REA policy covering the provision of telephone service to rural users on an area coverage basis.
323-1	October 1954	REA requirements concerning certification of nonduplication of facilities in the use of loans funds where there is no State authority to issue a certificate of convenience and necessity.
324-1	October 1960	REA policy concerning the refinancing of outstanding indebtedness of telephone borrowers.
325-1	November 1960	The policy of REA regarding loan applications for facilities to provide telephone service to subscribers located outside rural areas.
326-1	May 1969	The policy and requirements of REA with respect to the acquisition of telephone facilities and systems by REA borrowers using Government loan funds.
327-1	June 1972	The requirements of REA for the advance of loan funds to rural telephone borrowers.
	December 1972	Revision of app. D to clarify the manner in which loan advances will be made when both REA and Rural Telephone Bank loans are involved.
340-1	August 1963	The requirements of REA covering telephone borrowers' final payments to contractors, engineers and architects from loan funds.
340-3	February 1972	The requirements and recommendations of REA for the design and construction of central office and interconnection facilities of REA borrowers.
340-4	November 1962	Guidelines of REA for use of REA Form 812, "Work Schedule and Progress Report" in checking the progress of work during the course of construction.
341-1	December 1971	The requirements and procedure of REA for telephone borrowers in closing out an engineering service contract.

REA bulletin No.	Date of last issuance	Description
343-2	January 1954	REA procedures for the use of REA form 568 to certify stake replacements during construction of rural telephone facilities.
343-3	January 1972	The policy and procedure of REA concerning the selection of consulting telephone engineers by telephone loan applicants and borrowers, and the procedure to be followed in securing engineering services.
342-1	July 1967	REA policy concerning the selection of architects by telephone borrowers, and the procedure to be followed in securing architectural services.
344-1	January 1958	The procedures required by REA for telephone borrowers in purchasing materials and equipment with REA loan funds for the construction of telephone facilities.
	April 1967	Supplement superseding REA procedures in this bulletin relating to the purchase of voice frequency repeaters, trunk and subscriber carrier, point-to-point radio, and mobile and fixed radio-telephone equipment by procedures in REA Bulletin 385-2.
	January 1975	Supplement providing REA guidelines for the purchase of common control switching equipment by borrowers.
344-2	January 1975	List of the materials acceptable to REA for use in the construction of borrowers telephone systems.
	January 1975	Supplement providing guidelines for the procurement and use of foreign timber products by REA borrowers with loan funds.
345-5	September 1958	The policy of REA on responsibilities of borrowers and their engineers and contractors with respect to proper inspection of materials and equipment and the replacement of defective and nonstandard items.
345-6	June 1973	Specifications of REA for splicing plastic-jacketed cables used on telephone systems of borrowers.
	January 1975	Revision reducing the quantity of conductor and loading coils to be placed in buried plant housings.
345-7	July 1966	Specification of REA for joining thermoplastic sheathed, thermoplastic insulated cables to lead-sheathed, paper-insulated cables used on telephone systems of REA borrowers.
345-8	July 1966	Specification of REA for joining paper or pulp insulated lead-sheathed cables to paper or pulp insulated lead-sheathed cables on telephone systems of REA borrowers.
345-13	July 1971	Specification of REA on telephone cable, for aerial and underground duct application.
345-14	July 1971	Specifications of REA for telephone cables for direct burial by telephone borrowers.
345-16	September 1962	Specifications of REA for reinforced heavy duty point type transposition brackets on borrowers' telephone systems.
345-18	March 1973	Specifications of REA for plastic-insulated, plastic-jacketed station wire on borrowers' telephone systems.
345-19	March 1966	Specifications of REA for figure 8 one pair distribution wire on borrowers' telephone systems.
345-20	July 1968	Specifications of REA for figure 8 multipair distribution wire on borrowers' telephone systems.
345-21	February 1969	Specifications of REA for polyethylene raw material on borrowers' telephone systems.
	February 1971	Revised pages providing an alternate method of determining carbon black dispersal.
345-22	August 1971	Specification of REA for 66 MH voice frequency loading coils on telephone borrowers' systems.
345-23	October 1973	Specification of REA for building-out capacitors on borrowers' telephone systems.
345-24	September 1962	Specification of REA for spindle-threaded steel communication bunker pins and associated plastic housings on borrowers' telephone systems.
345-25	December 1962	Specification of REA for dead-end clevis assembly for use with open wire conductors on borrowers' telephone systems.
345-26	September 1974	Specifications of REA for galvanized steel buried plant terminal housings for telephone borrowers' systems.
345-27	February 1974	Specification of REA for D66/H88 junction impedance compensators for telephone borrowers' systems.
345-28	January 1963	Specification of REA for seven wire galvanized steel strand for telephone borrowers' systems.
	September 1964	Partial revision to include an additional type of steel acceptable for use in the production of wires for the completed strand.
345-30	January 1972	Specification of REA for ringing generator equipment for the telephone systems of REA borrowers.
345-31	February 1968	Specification of REA for polyethylene-insulated bridle wire for the telephone systems of REA borrowers.
345-36	November 1966	Specification of REA for parallel conductor drop wire on the telephone systems of REA borrowers.
345-38	November 1963	Specification of REA for wood crossarm braces for the telephone systems of REA borrowers.
345-39	January 1975	Specifications of REA for telephone station protectors on the systems of REA borrowers.
345-42	March 1973	Specification of REA for low-loss buried distribution wire for telephone systems of REA borrowers.
345-44	March 1964	Specification of REA for figure 8 drop wire for telephone systems of REA borrowers.
345-45	December 1964	REA policy concerning the experimental use of telephone materials and equipment prior to their consideration for listing on the REA approved list of materials.
345-46	July 1968	Specification of REA for clamps to support figure 8 distribution wire for the telephone systems of REA borrowers.
345-47	April 1966	Specification of REA for seven wire aluminum-clad steel strand for the telephone systems of REA borrowers.
345-50	April 1971	Specification of REA for trunk carrier multiplex equipment for telephone systems of REA borrowers.
345-51	April 1967	Specification of REA for crystalline propylene ethylene copolymer raw materials used in materials incorporated in the telephone systems of REA borrowers.
345-52	March 1968	The specification of REA covering approved methods of making telephone station installations including paystations.
	January 1970	Partial revision to modify specification to provide protection in case of power contact with an aerial drop wire.
345-53	March 1971	Specification of REA for encapsulations, splice closure, and pressu reblocks in plastic-insulated, plastic-jacketed cable.
345-54	December 1971	Specification of REA for telephone cable splicing connectors used on borrowers' telephone systems.
	August 1972	Revised pages to include requirement that mechanical splicing connectors be used only on conductors where stripping of conductor insulation is not required.
345-55	December 1973	Specification of REA for central office loop extenders and loop extender voice frequency repeater combinations.
345-56	August 1972	Specifications of REA for station carrier equipment installed on borrowers' telephone systems.

REA bulletin No.	Date of last issuance	Description
345-57	June 1969	Specification of REA for microwave radio equipment installed on borrowers' telephone systems.
345-58	July 1969	Specification of REA for flexible and semirigid polyvinyl chloride raw material used on telephone systems of borrowers.
345-59	March 1971	Specification of REA for inside wiring cable used on borrowers' telephone systems.
345-60	October 1969	Specification of REA for coaxial drop cable for RTV and other wide band applications used on borrowers' systems.
345-61	March 1971	Specification of REA for switchboard cable used on borrowers' telephone systems.
345-63	November 1970	The standards of REA acceptance tests and measurements of telephone plant installed on borrowers' telephone systems.
345-64	April 1972	Specification of REA for ringers used on borrowers' telephone systems.
345-65	October 1972	Specifications of REA for cable shield bonding connectors installed on borrowers' telephone systems.
345-66	October 1972	Specifications of REA for equipment installed on borrowers' telephone systems.
345-67	December 1972	Specifications of REA for filled telephone cables installed on borrowers' telephone systems.
	July 1974	Partial revision to allow a reduction of thickness of certain size cables where there will be no adverse effect.
345-68	April 1973	Specifications of REA for two—electrode gas tube protectors on borrowers' telephone systems.
	January 1975	Addendum to require manufacturers to conduct tests to assure initial breakdown of gas tubes does not occur at a significantly higher voltage than the rated breakdown voltage.
345-69	April 1973	Specifications of REA for two—wire voice frequency repeater equipment on borrowers' telephone systems.
345-70	August 1974	Specification of REA for filled buried wire on telephone borrowers' systems.
345-71	August 1974	Specification of REA for three—electrode gas tube protectors on telephone borrowers' systems.
	January 1975	Revision to require manufacturers to conduct tests to assure that the initial breakdown of gas tubes does not occur at a significantly higher voltage than the rated breakdown voltage.
360-1	January 1973	Requirements for the use by telephone borrowers of REA Form 567, Checklist for Review of an Area Coverage Design.
360-2	May 1967	Information on preparation of an area coverage design.
380-1	July 1956	Information for telephone borrowers in obtaining adequate title to real estate and rights-of-way authorizations for telephone systems.
	April 1966	Supplement amending REA's requirements concerning policies of title insurance.
380-3	July 1963	Information on report of borrowers' engineer to the telephone borrower and REA on the progress of engineering and construction activities.
381-1	May 1964	Procedure for processing bid tabulations for the contract construction of telephone outside plant facilities using REA Form 511, Telephone System Construction Contract.
381-2	April 1974	Information regarding telephone system construction contract (labor and materials), REA form 511.
381-4	October 1963	Procedure for preparation of close-out documents in connection with telephone construction contract (labor and materials), REA form 511.
381-7	June 1957	REA policy concerning methods of constructing telephone borrowers' initial system outside plant facilities.
381-8	September 1963	Requirements and procedures pertaining to contract construction of telephone borrower's initial system outside plant facilities.
381-9	August 1953	Procedures for preparation of amendments to contracts for construction or installation of telephone borrowers' facilities with loan funds or borrowers' equity funds.
381-10	October 1961	Procedures for entering into subcontracts under contracts involving construction or installation of telephone borrowers' facilities.
382-1	February 1958	Requirements and procedures of REA pertaining to force account construction of telephone borrowers' initial systems.
382-2	May 1963	Policy and procedures of REA pertaining to system improvements and extensions to be financed with REA loan funds where the initial telephone construction has been completed.
	November 1964	Supplement providing instructions for requesting advance of funds for equipment and facilities used for construction.
	February 1972	Supplement announcing the revision of REA Form 743, Certificate of Contractor and Indemnity Agreement (Line Extension).
	July 1974	Revision reflecting revised REA requirements on bidding and contractors' performance bonds for system improvements and extensions.
382-3	November 1963	Policy and procedures of REA regarding the preparation of final inventory documents for force account construction of all or a portion of a borrower's initial system.
	September 1955	Supplement providing that REA need no longer be furnished Buy American Certificates.
	July 1960	Supplement announcing changes in REA requirements relating to close-out documents and final inspection of telephone construction.
383-1	May 1967	Guidelines of REA for borrowers and their engineers concerning the required information for preparing plans and specifications for telephone system outside plant facilities.
	June 1971	Supplement announcing changes in REA requirements concerning plans and specifications for outside plant.
	January 1974	Supplement providing for payment to the contractor for certain wire and cable materials when such materials are delivered to the site of the project.
	August 1974	Revision to REA telephone construction contracts relating to restrictions on the use of zinc coated steel sheets, and the shortage of wood pole stubs and the substitution of concrete posts.
383-4	November 1974	Requirements and procedures of REA for postloan engineering design data on construction proposed by borrowers.
384-1	March 1958	The procedure of REA in requesting quotations and executing contracts for furnishing central office equipment to telephone borrowers.
384-2	October 1965	Procedure of REA for the close-out of telephone central office equipment contracts.
	July 1967	Revision of app. I to reflect changes in the Central Office Dial Equipment Specifications.
	April 1968	Addition of app. VI to incorporate the procedure for acceptance tests on ANI equipment.
384-3	August 1973	The procedure of REA for the use of central office equipment contracts and specifications for telephone borrowers.
385-1	December 1963	Requirements and procedures of REA on loan applications to provide two-way radio telephone service for telephone borrowers.

REA bulletin No.	Date of last issuance	Description
385-2	February 1960	Procedures required by REA of telephone borrowers in urchasing special electronic equipment with REA loan funds.
385-3	April 1964	The procedure of REA for use by telephone borrowers in closing out special equipment contracts, REA forms 397 and 398.
385-4	December 1971	Special equipment contracts and specifications approved by REA for the use of telephone borrowers.
385-5	April 1966	The policy of REA concerning its financing of telephone borrowers' procurement of radio equipment for subscriber service.
387-1	December 1961	Requirements and procedures of REA pertaining to the preparation of plans and specifications for construction of telephone borrowers' buildings.
387-3	March 1961	Procedure established by REA for preparation of final documents required to close out construction of buildings by telephone borrowers.
387-5	April 1961	Requirements and procedures of REA pertaining to contract construction of buildings by telephone borrowers.
388-1	May 1957	Procedures established by REA for preparing an inventory and appraisal of existing telephone plant to be retained as part of rebuilt systems proposed by borrowers for REA financing.
400-4	December 1965	REA policy concerning payment of legal fees from loan and equity funds to attorneys of telephone borrowers.
	May 1974	Partial revision increasing the maximum hourly legal fees which can be paid from loan or equity funds by REA telephone borrowers.
400-5	January 1964	REA policy with respect to conditions that may endanger the operations and financial stability of telephone borrowers and the security of REA loans.
402-1	December 1962	REA mortgage restrictions on dividends and other distribution of capital by telephone borrowers.
	February 1972	Supplement excusing borrowers with specified security instruments from certain requirements relating to the payment of dividends.
402-2	November 1960	The policies of REA under which the capital distribution provisions of loan security instruments may be waived for telephone borrowers.
403-3	October 1959	The requirements of REA concerning minutes of meetings of telephone borrowers' directors, stockholders, or members.
404-1	July 1962	Requirements of REA concerning its approval of the connecting company and special service contracts and leases of telephone borrowers.
405-1	July 1962	Guidelines of REA concerning financial planning by telephone borrowers including planning for reimbursements from loan funds of their general funds used for extensions and additions to plant.
408-1	November 1960	Requirements of REA concerning the preparation of financial and statistical reports by telephone borrowers on their operations and their submission to REA.
	April 1972	Supplement providing borrowers with additional information on the preparation of Form 479, Financial and Statistical Report for Telephone Borrowers for the period ending June 30.
	December 1972	Changes in REA Bulletin 408-1 to conform it to revised Bulletin 461-1.
409-1	May 1972	The policies and recommendations of REA concerning the selection of a manager by telephone borrowers.
411-1	June 1961	The guidelines of REA for telephone borrowers in adopting and securing REA approval for agreements to furnish extended area service (EAS).
415-1	August 1960	Requirements of REA with respect to the sale, lease or transfer of property by telephone borrowers.
	June 1966	Supplement announcing revision of procedure for partial releases of the Government's lien.
440-1	March 1962	REA policy on providing assistance to telephone borrowers with respect to technical operations and maintenance of their systems.
447-1	October 1958	REA policy and recommendations to telephone borrowers concerning safety practices in the construction and operation of their systems.
461-1	February 1972	The requirements of REA with respect to the accounting systems of telephone borrowers.
462-1	January 1965	Guidelines of REA for telephone borrowers in establishing and evaluating the effectiveness of their internal controls in the operation of their systems.
463-1	April 1967	Policy and recommendations of REA on depreciation rates applicable to the telephone plant of REA borrowers.
464-1	February 1959	The policy and recommendations of REA on the accounting treatment for damages received by telephone borrowers from delays in the completion of contract construction.
464-2	June 1965	The requirements and recommendations of REA concerning the accounting for and reporting on large investments in special communications facilities by telephone borrowers.

Dated: March 28, 1975.

DAVID A. HAMIL,
Administrator.

[FR Doc.75-8753 Filed 4-8-75;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 JUSTICE

Drug Enforcement Administration

[21 CFR Parts 1301, 1308]

SCHEDULE III THROUGH V CONTROLLED SUBSTANCES

Storage and Security; Extension of Comment Period

Due to an omission of page five of the above notice which was published at 40 FR 14089–90, March 28, 1975, the comment period is being extended.[1]

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object or comment on the proposals relating to any one or more of the abovementioned substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Office of the Administrative Law Judge, Attention: Hearing Clerk, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, NW, Washington, D.C. 20537, and must be received by May 15, 1975. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing which shall be after June 9, 1975.

Dated: April 4, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-9271 Filed 4-8-75;8:45 am]

[21 CFR Part 1301]

SCHEDULE III THROUGH V CONTROLLED SUBSTANCES

Storage and Security

Correction

In FR Doc. 75-8051 appearing at page 14089 of the issue for Friday, March 28, 1975, a portion of subparagraph (4) of § 1301.72(b) was omitted. The complete § 1301.72(b) (4) reads as follows:

(4) A cage, located within a building on the premises, meeting the following specifications:

(i) Having walls constructed of #10 gauge steel fabric or heavier mounted on a minimum of one and one-half inch steel posts, set in concrete whenever possible (depending on facility construction) no greater than ten feet apart with horizontal one and one-half inch reinforcements every sixty inches.

(ii) Having a mesh construction with openings of not more than two and one-half inches.

(iii) Having a ceiling constructed of the same material, alternatively, a cage shall be erected which reaches and is securely attached to the structural ceiling of the building. A lighter gauge mesh can be used for the ceilings of large enclosed areas if walls are at least 14 feet in height.

(iv) Cage doors shall be self-closing, self-locking #10 gauge steel fabric on a substantial metal frame in a metal door flange. Doors for other types of enclosures shall provide equivalent protection commensurate with the type of construction. Hinges, where mounted on the outside shall be sealed, welded or otherwise constructed to inhibit removal. Locking devices for all enclosures shall be either of the multiple-position combination type or key lock type and:

(*a*) Will be substantially constructed to resist picking, drilling, hard blows and cutting with instruments such as bolt cutters.

(*b*) In the case of key locks, will require key control which limits access to a limited number of employees or;

(*c*) In the case of combination locks, the combination will be limited to a minimum number of employees and can be changed upon termination of employment of an employee.

(v) Is equipped with an alarm system which upon any type of unauthorized entry, into either the building or storage area containing the Schedule III through V substances, shall transmit a signal directly to a central station protection agency or a local or state police agency that has a legal duty to respond; or to a 24 hour control station operated by the registrant; or to such other source of protection as the Administrator may approve.

[1] See the correction document which follows this notice.

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Miscellaneous Amendments

The Administration of the Service Contract Act of 1965, as amended, has disclosed certain problems with the procurement process. These problems have been under study by an interagency working group. As a result of this study, a number of revisions to Part 4 are hereby proposed.

The "successor" provisions of the Act require, *inter alia*, that where the Government awards a "successor" contract for work previously under contract, the employer under the successor contract must pay his employees not less than the wages and fringe benefits of his predecessor where those wages and fringe benefits were reflected in a collective bargaining agreement. It has been concluded that the "successor" obligations should apply only where substantially the same services will be performed at the same place as the previous contract. Contracts performed in different localities will be treated as new procurements, under section 2(a) of the Act.

Problems arising from the timing of collective bargaining agreements which create the "successorship" obligation; and from the timing of requests for hearings to determine whether such agreements are substantially at variance with wages prevailing in the locality of the place of performance have been arising frequently. In order not to delay the procurement process, a cut-off date is proposed. This action will avoid serious disruption of the Government's business and disruption of collective bargaining.

Where the place of performance is unknown at the time bids are solicited, a problem arises as to the locality to be used for wage determination purposes. In these cases, the wage and fringe benefit determinations should reflect rates applicable to the ultimate place of contract performance. Accordingly, the regulations are being amended to conform to such procedures.

The national labor policy clearly favors the process of collective bargaining. A prospective bidder who has a collective bargaining agreement should be allowed to bid solely on the basis of that agreement under section 2(a) of the Act. This would alleviate the necessity for a

contractor to establish one set of rates for commercial business and another set for Government business.

Various provisions of Part 4 are proposed to be amended to effectuate these revisions.

Written data, views, or arguments concerning these amendments may be submitted to the Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, on or before May 12, 1975.

Part 4 of Subtitle A of Title 29 of the Code of Federal Regulations is proposed to be amended as follows:

1. Section 4.1c is revised to read as follows:

§ 4.1c Payment of minimum compensation based on collectively bargained wage rates and fringe benefits applicable to employment under predecessor contract.

(a) Section 4(c) of the Service Contract Act of 1965 as amended provides special minimum wage and fringe benefit requirements applicable to every contractor and subcontractor under a contract which succeeds a contract subject to the Act and under which substantially the same service as under the predecessor contract are furnished at the same location. Section 4(c) provides that no such contractor or subcontractor shall pay any employee employed on the contract work less than the wages and fringe benefits provided for in a collective bargaining agreement as a result of arms-length negotiations, to which such services employees would have been entitled if they were employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in such collective bargaining agreement. If, however, the Secretary finds after a hearing in accordance with the regulations set forth in § 4.10 of this part that in any of the foregoing circumstances such wages and fringe benefits are substantially at variance with those which prevail for services of a character similar in the locality, the payment obligations of such contractor or subcontractor with respect thereto shall not apply in such circumstances.

(b) Pursuant to section 4(b) of the Act, the application of section 4(c) is made subject to the following variation in the circumstances and under the conditions described: The wage rates and fringe benefits provided for in any collective bargaining agreement applicable to the performance of work under the predecessor contract which is consummated during the period of performance of such contract shall not be effective for purposes of the successor contract under the provisions of section 4(c) of the Act or under any wage determination implementing such section issued pursuant to section 2(a) of the Act, if—

(i) in the case of a successor contract for which bids have been invited by formal advertising, notice of the negotiation of such collective bargaining agreement in the form of a wage determination is received by the contracting agency less than 10 days before the date set for opening of bids, or if—

(ii) in the case of a successor contract to be entered into pursuant to negotiations, such notice of the negotiation of such collective bargaining agreement in the form of a wage determination is received by the agency less than 10 days before award of the contract, and if under either (i) or (ii) above the contracting agency finds that there is not reasonable time still available to notify bidders or to incorporate the newly bargained wage rates and fringe benefits in the successor contract, as the case may be.

2. Section 4.3 is revised to read as follows:

§ 4.3 Register of wage determinations.

(a) The minimum monetary wages and fringe benefits for service employees which the Act requires to be specified in contracts and bid specifications subject to section 2(a) thereof will be set forth in wage determinations issued by the Administrator as an orderly series constituting a register of such minimum wages and fringe benefits. The register shall include, as soon as administratively feasible, wage determinations applicable to all contracts subject to section 2(a) of the Act, and will include in any event, for the localities in which services under such contracts are to be performed, wage determinations applicable to all contracts entered into during the following years under which more than the stated number of service employee are to be employed: (1) Fiscal year ending June 30, 1973—25; (2) ending June 30, 1974—20; (3) ending June 30, 1975—15; (4) ending June 30, 1976—10; (5) ending June 30, 1977, and for each fiscal year thereafter—5.

* * * * *

(c) Wage determinations issued for solicitations or negotiations for any contract where the place of performance is unknown shall contain minimum monetary wages and fringe benefits for each of the geographical locations where the work may be performed.

(d) Wage determinations included in the register will be available for public inspection during business hours at the Office of Special Wage Standards in the Employment Standards Administration, U.S. Department of Labor, and copies will be made available on request at regional offices of the Administration.

3. Section 4.4 is revised to read as follows:

§ 4.4 Notice of intention to make a service contract.

(a) (1) Not less than 30 days prior to any invitation for bids, request for proposals, or commencement of negotiations for any contract exceeding $2,500 which may be subject to the Act, the contracting agency shall file with the Office of Special Wage Standards, Employment Standards Administration, Department of Labor, its notice of intention to make a service contract. Such notice shall be submitted on Standard Form 98, Notice of Intention to Make a Service Contract, which shall be completed in accordance with the instructions provided and shall be supplemented by the information required under paragraphs (b) and (c) of this section. Supplies of Standard Form 98 are available in all GSA supply depots under stock number 7540-926-8972.

(2) Where the place of performance of a contract exceeding $2,500 for services subject to the Act is unknown at the time of solicitation, the solicitation need not initially contain a wage determination. The contracting agency shall upon identification of firms participating in the procurement, in response to an initial solicitation, file with the Office of Special Wage Standards, Employment Standards Administration, Department of Labor, its notice of intention to make a service contract. In addition to the requirements contained in paragraph (a)(1) of this section, such submission shall identify each location where the work may be performed as indicated by participating firms. Subsequent amendments to the solicitation setting forth the wage determinations and any necessary change in the date and time for submission of final bids shall be made upon receipt of wage determinations or notification that no wage determinations are applicable to the proposed contract.

(b) The contracting agency shall file with its Notice of Intention to Make a Service Contract (SF-98) a statement in writing containing the following information concerning the service employees expected by the agency to be employed by the contractor and any subcontractors in performing the contract:

(1) The number of such employees of all classes, or a statement indicating whether such number will or will not exceed the number for which a wage determination is mandatory under the provisions of § 4.3(a); and

(2) A listing of those classes of service employees expected to be employed under the contract which, if employed by the agency, would be subject to the wage provisions of 5 U.S.C. 5341, together with a specification of the rates of wages and fringe benefits that would be paid by the Government to employees of each such class if such statute were applicable to them. (Under section 2(a)(5) of the Act and § 4.6 of this part the inclusion of such a statement in the service contract is also required.)

(c) If the services to be furnished under the proposed contract will be substantially the same as services being furnished at the same location by an incumbent contractor whose contract the proposed contract will succeed, and if such incumbent contractor is furnishing such services through the use of service employees whose wage rates and fringe benefits are the subject of one or more collective bargaining agreements, the contracting agency shall file with its Notice of Intention to Make a Service Contract (SF-98) a copy of each such collective bargaining agreement together with any related documents

specifying the wage rates and fringe benefits currently or prospectively payable under such agreement. If such services are being furnished at more than one location and the collectively bargained wage rates and fringe benefits are different for different locations or do not apply for one or more locations, the agency shall identify the locations to which such agreements have application. In the event that the agency has reason to believe that any such collective bargaining agreement was not entered into as a result of arms-length negotiations, a full statement of the facts so indicating shall be transmitted with the copy of such agreement. If the agency has information indicating that any such collectively bargained wage rates and fringe benefits are substantially at variance with those prevailing for services of a similar character in the locality, the agency shall so advise the Office of Special Wage Standards and, if it believes a hearing thereon pursuant to section 4(c) of the Act is warranted, shall file its request for such hearing pursuant to § 4.10 of this part.

(d) Any Standard Form 98 submitted by a contracting agency without the information required under paragraphs (b) and (c) of this section will be returned to the agency for further action.

(e) If exceptional circumstances prevent the filing of the notice of intention and supplemental information required by this section on a date at least 30 days prior to any invitation for bids, request for proposals, or commencement of negotiations for a proposed contract subject to section 2(a) of the Act, the notice shall be submitted to the Office of Special Wage Standards as soon as practicable with a detailed explanation of the special circumstances which prevented timely submission.

4. Section 4.5 is revised to read as follows:

§ 4.5 Contract specification of determined minimum wages and fringe benefits.

(a) Any contract agreed upon in excess of $2500 shall contain an attachment specifying the minimum wages and fringe benefits for service employees to be employed thereunder and a proviso which shall allow any prospective bidder to bid who has a bona fide collective bargaining agreement to be governed by the provisions of the collective bargaining agreement in lieu of the minimum wage and fringe benefits, as determined in any applicable currently effective wage determination made and included in the register as provided in § 4.3, including any expressed in any document referred to in paragraph (a) (1) and (2) of this section:

(1) Any communication from the office of Special Wage Standards, Employment Standards Administration, Department of Labor, responsive to the notice required by § 4.4; or

(2) Any revision of the register by a wage determination issued prior to the award of the contract or contracts which specifies minimum wage rates or fringe benefits for classes of service employees whose wages or fringe benefits were not previously covered by wage determinations in the register, or which changes previously determined minimum wage rates and fringe benefits for service employees employed on covered contracts in the locality. However, revisions received by the Federal agency later than 10 days before the opening of bids, in the case of contracts entered into pursuant to competitive bidding procedures, shall not be effective if the Federal agency finds that there is not a reasonable time still available to notify bidders of the revision. In situations under section 4(c) of the Act, the provisions in § 4.1c(b) apply.

* * * * *

5. Section 4.6 is revised to read as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2500.

The clauses set forth in the following paragraphs shall be included in every contract (and any bid specification therefor) entered into by the United States or the District of Columbia, in excess of $2500, the principal purpose of which is to furnish services through the use of service employees:

(a) Service Contract Act of 1965: This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351) applies, is subject to the following provisions and to all other applicable provisions of the Act and regulations of the Secretary of Labor thereunder (this Part 4).

(b) (1) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract or in lieu thereof of the wage rates and fringe benefits contained in a bona fide collective bargaining agreement applicable to the service employees employed by the contractor or any subcontractor in the performance of the contract.

(2) If there is such an attachment, any class of service employees which is neither listed therein, nor covered by a bona fide collective bargaining agreement, but which is to be employed under this contract, shall be classified by the contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment or in the bona fide collective bargaining agreement, whichever is applicable, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the contracting officer shall submit the question, together with his recommendation, to the Office of Special Wage Standards, ESA, of the Department of Labor for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Administrator or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a) (1) of the Fair Labor Standards Act of 1938, as amended.

(3) If, as authorized pursuant to section 4(d) of the Service Contract Act of 1965 as amended, the term of this contract is more than 1 year, in the absence of a bona fide collective bargaining agreement governing the wage rates and fringe benefits, the minimum monetary wages and fringe benefits required to be paid or furnished thereunder to service employees shall be subject to adjustment after 1 year and not less often than once every 2 years, pursuant to wage determinations to be issued by the Employment Standards Administration of the Department of Labor as provided in such Act.

(c) In the absence of a bona fide collective bargaining agreement governing the wage rates and fringe benefits, the contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash in accordance with the applicable rules set forth in Subparts B and C of this part, and not otherwise.

(d) (1) In the absence of a minimum wage attachment for this contract or a bona fide collective bargaining agreement governing the wage rates and fringe benefits, neither the contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a) (1) of the Fair Labor Standards Act of 1938. Nothing in this provision shall relieve the contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(2) If this contract succeeds a contract, subject to the Service Contract Act of 1965 as amended, under which substantially the same services were furnished in the same locality and service employees were paid wages and fringe benefits provided for in a collective bargaining agreement, then in the absence of a minimum wage attachment for this contract neither the contratcor nor any subcontractor under this contract shall pay any service employee performing any of the contract work less than the wages and

fringe benefits, provided for in such collective bargaining agreements, to which such employee would be entitled if employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for under such agreement. No contractor or subcontractor under this contract may be relieved of the foregoing obligation unless the Secretary of Labor or his authorized representative determines that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arms-length negotiations (see § 4.1c(b)), or finds, after a hearing as provided in Labor Department regulations, 29 CFR 4.10 that the wages and fringe benefits provided for in such agreement are substantially at variance with those which prevail for services of a character similar in the locality.

(e) The contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor. This provision does not apply where the wage rates and fringe benefits are governed by a bona fide collective-bargaining agreement.

* * * * *

6. Section 4.10 is revised by adding a new paragraph (b)(5) reading as follows:

§ 4.10 Provisions for hearing.

* * * * *

(b) Prerequisites for hearing.

* * * * *

(5) Pursuant to section 4(b) of the Act, requests for a hearing shall not be considered unless received:

(i) for advertised contracts, prior to ten days before the opening of bids;

(ii) for negotiated contracts, prior to ten days before award of the contract;

(iii) for contracts with provisions for extending the initial term by option, prior to the commencement of the follow-up option period. This has been found to be a reasonable limitation on the timing of such requests which is necessary and proper in the public interest.

* * * * *

(Sec. 4, 79 Stat. 1035, as amended by 86 Stat. 789; 41 U.S.C. 353; Secretary of Labor's Order No. 13-71, 36 FR 8755.)

Signed at Washington, D.C., this 4th day of April, 1975.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.75-9264 Filed 4-8-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

FROZEN CONCENTRATE FOR LEMONADE AND COLORED LEMONADE

Standards of Identity

The Commissioner of Food and Drugs is issuing a proposal to amend the standards of identity for frozen concentrate for lemonade (21 CFR 27.101) and frozen concentrate for colored lemonade (21 CFR 27.102) to (a) remove the proportionality limitations for certain sweeteners; (b) provide for the "safe and suitable" nutritive carbohydrate sweeteners set out simply as a class rather than the present limiting "recipe" listing; and (c) adopt a requirement for label declaration of optional ingredients. All interested persons are invited to comment on the proposal by May 9, 1975.

A. The Corn Refiners Association (CRA), 1001 Connecticut Ave., NW, Washington, DC 20036, filed a petition to amend the subject standards. The changes proposed by CRA would delete the 33⅓ percent limitation on the use of certain sweeteners and increase the number of sweeteners permitted. The present standards restrict the use of corn sweetners to no more than 33⅓ percent of the total sweetening ingredients used. This proposed amendment would permit manufacturers of frozen concentrates for lemonade and colored lemonade to use sweeteners without being restricted to the present proportional limitations. CRA asserts that recent technological innovations have made a wide range of corn sweeteners available, ranging from bland sweeteners to sweeteners having identical chemical, physical, and organoleptic characteristics as those exhibited by sweeteners such as sucrose or invert sugar. The petitioner states that within the last year sucrose and its products, due to short supply, have greatly increased in price. Therefore, giving the manufacturer complete freedom of choice to provide the most economic high quality products would be in the interest of consumers.

The petitioner adds, in support of his proposal, that:

1. The standards proposed for amendment as they concern optional sweeteners are inconsistent with the more recently promulgated (albeit stayed) standards for lemonade (21 CFR 27.99) and colored lemonade (21 CFR 27.100).

2. The present standards are inconsistent with the FAO/WHO Codex Alimentarius Commission standards that allow different sweeteners to be freely admixed.

3. It would be consistent to amend the frozen concentrate for lemonade standards in view of the Commissioner's comment in the FEDERAL REGISTER of August 28, 1974 (39 FR 31304), concerning fruit jellies (21 CFR 29.2) and fruit jams (21 CFR 29.3), "that it will promote honesty and fair dealing in the interest of consumers to remove the 25-percent limitation on the use of corn sirups."

The petition is submitted by the CRA is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be inspected by the public during regular working hours, Monday through Friday.

B. The Commissioner proposes, at this time on his own initiative, that the standards be further amended so that:

1. The specific "recipe" listing of permitted sweeteners be deleted and provision made for the use of "safe and suitable" optional ingredients in this class. The provision for the use of safe and suitable ingredients, as defined in § 10.1 (d) (21 CFR 10.1(d)), published in the FEDERAL REGISTER of May 15, 1974 (39 FR 17304), is considered by the Commissioner to be in the interest of consumers. It will permit manufacturers to adopt new advances in food technology to meet consumer demands, without requiring manufacturers to petition to amend the standards each time a safe ingredient is found to be suitable for use and without reducing the protection of the consumer.

2. All optional ingredients used shall be declared. This proposal recognizes the consumers' desire to have available the listing of ingredients on the labels of their foods. It is also in keeping with the general agreement among industry, consumers, and the Food and Drug Administration that there should be no difference in labeling ingredients in standardized and nonstandardized foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended, 70 Stat. 919, 72 Stat. 948, 21 U.S.C. 341, 371) and in accordance with authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 27 by revising §§ 27.101 and 27.102, incorporating the CRA's proposal, to read as follows:

§ 27.101 Frozen concentrate for lemonade; identity; label statement of optional ingredients.

(a) Frozen concentrate for lemonade is the frozen food prepared from one or both of the lemon juice ingredients specified in paragraph (b) of this section together with one or any mixture of safe and suitable nutritive carbohydrate sweeteners. The product contains not less than 48.0 percent by weight of soluble solids taken as the sucrose value determined by refractometer and corrected for acidity as given in "Refractometric Determination of Soluble Solids in Citrus Juices," by Stevens and Baier, Industrial and Engineering Chemistry, Analytical Edition, volume 11, page 447 (1939). When the product is diluted according to directions for making lemonade which shall appear on the label, the acidity of

the lemonade, calculated as anhydrous citric acid, shall be not less than 0.70 gram per 100 milliliters, and the soluble solids, measured as described for the concentrate, shall be not less than 10.5 percent by weight.

(b) The lemon juice ingredients referred to in paragraph (a) of this section are:

(1) Lemon juice or frozen lemon juice or a mixture of these.

(2) Concentrated lemon juice or frozen concentrated lemon juice or a mixture of these.

For the purposes of this section, lemon juice is the undiluted juice expressed from mature lemons of an acid variety; and concentrated lemon juice is lemon juice from which part of the water has been removed. In the preparation of the lemon juice ingredients, the lemon oil content may be adjusted by the addition of lemon oil or concentrated lemon oil in accordance with good manufacturing practice, and the lemon pulp in the juice as expressed may be left in the juice or may be separated. Lemon pulp that has been separated, which may have been preserved by freezing, may be added in preparing frozen concentrate for lemonade, provided that the amount of pulp added does not raise the proportion of pulp in the finished food to a level in excess of that which would be present by using lemon juice ingredients from which pulp has not been separated. The lemon juice ingredients may be treated by heat, either before or after the other ingredients are added, to reduce the enzymatic activity and the number of viable microorganisms.

(c) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 27.102 Frozen concentrate for colored lemonade; identity; label statement of optional ingredients.

(a) Frozen concentrate for colored lemonade conforms to the definition and standard of identity prescribed for frozen concentrate for lemonade by § 27.101, except that it is colored with a safe and suitable fruit juice, vegetable juice, or any such juice in concentrated form, or with any other color additive ingredient suitable for use in food, including artificial coloring, used in conformity with regulations established pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

(b) The name of the food is "Frozen concentrate for _____ lemonade," the blank being filled in with the word describing the color: for example, "Frozen concentrate for pink lemonade."

(c) Each of the optional ingredients specified in paragraph (a) of this section shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Interested persons may, on or before May 9, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 1, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-9186 Filed 4-8-75;8:45 am]

Office of Education

[45 CFR Part 156]

ASSISTANCE TO STATES FOR STATE EQUALIZATION PLANS

Notice of Proposed Rulemaking

Pursuant to the authority contained in section 842, Part D, Title VIII of the Education Amendments of 1974 (20 U.S.C. 246), Pub. L. 93-380 (enacted August 21, 1974), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 156 to read as set forth below.

1. *Program purpose.* Section 842, Part D, Title VIII of Pub. L. 93-380 authorizes funds to provide planning monies to States desiring to plan for equalization of State and local school finance programs. Such plans must be consistent with the provisions of the Fourteenth Amendment, and have as their primary purpose achievement of equality of opportunity for all children enrolled in schools in the State's local educational agencies.

2. *Statutory procedural requirements.* To assist States in developing such plans, the Commissioner has developed the guidelines proposed below generally defining the possible methods of attaining the principles which must be common to all State plans. A copy of the proposed guidelines is being transmitted to the Speaker of the House of Representatives and the President of the Senate in accordance with section 842(a)(2) of the Act.

3. *Definitions.* Under section 156.3 definitions are proposed for "Administration", "Development", and "State Plan".

4. *Eligible Applicant.* Under section 156.4 of the proposed rule, the State educational agency will be considered the eligible applicant unless the State law provides that another State agency or instrumentality may apply.

5. *Application for Reimbursement.* Section 156.5 sets forth the proposed basic conditions applying to an application for reimbursement for purposes of the Act. These include: (a) plan eligibility requirements, (b) submission requirements, (c) allowable reimbursement schedules, (d) rejection of guidelines requirements, and (e) State government coordination requirements. More particularly, a State plan must meet the statutory requirements of purpose and must be in accord with the guidelines in proposed Part B, unless the latter are specifically rejected for good reasons set forth in the submission. Proposed as well as adopted plans will be considered for reimbursement.

6. *Entitlement.* Section 156.6 would establish a procedure for calculating State entitlements and for calculating ratable reductions in State entitlements when appropriated funds are insufficient to pay full entitlement.

7. *State Plan Requirements.* Section 156.7 sets forth a cut-off date of July 1, 1977 for State plan submission and limits each State to one plan for reimbursement under the provisions of the Act.

8. *Review and Disposition of Applications.* Section 156.8 describes the proposed Commissioner's review procedures and the applicant's appeal procedures.

9. *Equity Guidelines.* Sections 156.10 through 156.17 establish 10 criteria under 7 headings which are proposed as the guidelines for defining the principles contained in the law. These criteria address the subjects of (a) program adequacy, (b) cost variations, (c) program comprehensiveness, (d) equalization of financial ability, (e) tax support, (f) educational and financial decisions, and (g) plan evaluation. Though a State plan may reject any of these guidelines, the underlying principles stated in the law may not be rejected.

10. *Citations of Legal Authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a) a citation of the regulations has been placed in parentheses on the line following the text of the section. On occasion, a citation appears at the end of a sub-division that appears in that section above the citation. When the citation appears only at the end of the section, it applies to the entire section.

11. *Opportunity for Public Comment.* Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to Program Officer, U.S. Office of Education, Room 3010 Regional Office Building 3, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: Thomas L. Johns.

Comments received in response to this notice will be available for public inspection at the above office on week days from 8:30 a.m. to 4 p.m. All relevant materials received on or before June 9, 1975 will be considered.

Dated: March 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: April 4, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 156—ASSISTANCE TO STATES FOR STATE EQUALIZATION PLANS

Subpart A—General

Sec.

156.1 Purpose and scope.
156.2 Applicability of General Provisions Regulations.
156.3 Definitions.
156.4 Eligible applicants.
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Sec.
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Subpart B—Equity Guidelines

156.10 Eligibility of plans.
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156.12 Cost variations.
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156.14 Equalizing financial ability.
156.15 Tax support.
156.16 Educational and financial decisions.
156.17 Evaluation.

AUTHORITY: Sec. 842, Part D, Title VIII, Education Amendments of 1974 (20 U.S.C. 246), Pub. L. 93-380.

Subpart A—General

§ 156.1 Purpose and scope.

The purpose of the regulations in this part is to implement the provisions of section 842 of the Education Amendments of 1974 which provides for reimbursement for the development or administration of a State plan for a program of financial asistance to local educational agencies which is consistent with standards which may be required by the fourteenth amendment to the Constitution, and the primary purpose of which is to achieve equality of educational opportunity for all children in attendance at the schools of the local educational agencies of the State.

(20 U.S.C. 246)

§ 156.2 Applicability of General Provisions Regulations.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), except for the following:

(a) § 100a.16 (Project Description);

(b) § 100a.19 (Cooperative Agreements);

(c) § 100a.26 (Review of Applications); and

(d) § 100a.27 (Disposition of Applications).

(20 U.S.C. 246)

§ 156.3 Definitions.

As used in this part:

(a) "Act" means the Education Amendments of 1974, Pub. L. 93-380.

(b) "Administration" means any action deemed necessary to implement a State Plan, but does not mean any action taken after such implementation in the normal course of operating the State program of financial assistance to local educational agencies in conjunction with such plan. Implementation may include action necessary to the installation of the plan such as: (1) the design and installation of data systems required for the implementation of the plan, (2) the gathering, processing, and analysis of such data, (3) inservice training, (4) obtaining advice and comment regarding plan implementation, and (5) evaluation of the plan.

(c) "Development" means any action which is deemed necessary to formulate a State program of financial assistance to local educational agencies. Development may include such actions as: (1) planning and designing such studies, (2) carrying out such studies, and (3) dissemination and public hearings and generally those activities associated with plan adoption.

(d) "State plan" means a plan submitted by a State pursuant to section 842 of Pub. L. 93-380 and the regulations in this part in order to establish eligibility to receive Federal reimbursement for the development or administration of such plan. The State plan shall be a detailed description of the State's policies, program, and operating procedures relating to the State's program of financial assistance to local educational agencies in that State. The plan may be, but is not limited to those policies, programs, and operating procedures which have been enacted into law.

(20 U.S.C. 246)

§ 156.4 Eligible applicants.

(a) An application under this part shall be submitted by the State educational agency or such other agency or instrumentality of the State designated or created under State law as the eligible applicant for the purposes of Section 842 of the Act.

(b) The State plan and any amendment thereto shall include as an attachment of certificate by the State's Attorney General, or other official designated in accordance with State law to advise the State on legal matters, to the effect that the agency or instrumentality submitting the application for reimbursement under this part is the agency or instrumentality which has the authority under State law to submit the State plan for the purposes of section 842 of the Act.

(c) Prior to the submission to the Commissioner of any State plan as part of an application under this part, the State agency shall afford the Governor of such State an opportunity to comment on the relationship of such State plan to comprehensive and other State plans and programs. The Governor shall be afforded a period of not less than 45 days in which to make such comments, or, if the Governor makes no comments, a statement to that effect shall be attached to such plan when the same is submitted to the Commissioner.

(20 U.S.C. 246(a)(1); OMB Circular No. A-95)

§ 156.5 Application for reimbursement.

(a) Application for reimbursement under this part shall be made in accordance with the applicable provisions of subparts B and C of part 100a of this chapter.

(20 U.S.C. 246)

(b) Applications for reimbursement under this part and section 842 of the Act for costs incurred or to be incurred in the development or administration of the State plan shall be submitted to the Commissioner. Applications for reimbursement may be submitted for plans developed prior to or subsequent to the effective date of section 842 of the Act or for a plan the State proposes to develop. If reimbursement is desired for a plan which has been developed, then the plan as developed shall be submitted to the Commissioner. If reimbursement is desired for a plan the State proposes to develop, then the State shall submit a proposal to develop a plan. The proposal shall set forth the goals, objectives, and scope of the plan to be developed and describe how such plan will address the major questions of school finance equity as considered in this part and section 842 of the Act.

(20 U.S.C. 246; Cong. Record, daily edition, May 20, 1974, S. 8505)

(c) An application for reimbursement must be submitted no later than 90 days following submission of the plan or the proposal to develop a plan.

(d) An application for reimbursement shall set forth a detailed account of costs incurred or a schedule of reimbursements for costs to be incurred. In the latter case, reimbursements shall not be made more often than monthly).

(20 U.S.C. 246)

(e) If a State plan rejects, or is intended to reject, any of the guidelines developed pursuant to section 842(a)(3) of the Act and as set forth in subpart B of this part, then the applicant shall set forth the reasons for each rejection. Such statements in support thereof shall justify any rejection of these guidelines on a substantive basis and shall give detailed reasons therefor.

(20 U.S.C. 246(b); Sen. Report No. 93-763, at p. 104 (1974))

(f) An application for reimbursement shall describe the manner in which the applicant coordinated and involved, or proposes to coordinate and involve, appropriate State agencies or branches of State government in the development or administration of the plan.

(20 U.S.C. 246)

§ 156.6 Entitlement.

(a) The entitlement of each State shall be determined on the basis of a straight-line formula such that the entitlement of the most populous State shall be $1,000,000, the entitlement of the least populous State shall be $100,000, and the entitlement of each other State shall fall between these amounts based on the ratio of that State's population to the population of the Nation as a whole.

(b) In the event that the funds appropriated for this section are insufficient to meet the entitlement as calculated above, then the above procedure shall be used to recalculate the entitlements with the exception that the entitlement of the most populous State shall be reduced and the entitlement of each other State shall be recalculated based on this revised limit. Subject to the provisions of section 842(c)(1) of

the Act, the entitlement of the most populous State shall be reduced to a level so that the sum of the recalculated entitlements for all States equals the appropriated amount.

(20 U.S.C. 246(c)(1))

§ 156.7 State plan requirements.

(a) A State plan shall be submitted to the Commissioner not later than July 1, 1977, to be eligible for cost reimbursement under section 842.

(b) Only one plan may be submitted by a State for reimbursement under the provisions of this Act.

(20 U.S.C. 246(a)(1))

§ 156.8 Review and disposition of applications.

(a) Upon receipt of an application for reimbursement under this part, the Commissioner will review such application for conformity with the regulations and guidelines set forth under this part and the provisions of section 842 of the Act. In reviewing any such application, the Commissioner shall have the discretion to obtain the review of a panel of experts. The Commissioner may also consult with the applicant at any time concerning the sufficiency of the application.

(b) After reviewing the application, the Commissioner will determine whether the applicant may be reimbursed and if so, the costs allowable for such reimbursement, and will notify the applicant in writing of such determination.

(c) If an adverse determination as to the application is made by the Commissioner, the applicant may request a meeting with the Commissioner within 30 days of notice of such determination to discuss the application.

(20 U.S.C. 246)

Subpart B—Equity Guidelines

§ 156.10 Eligibility of plans.

The Commissioner will, in determining the eligibility of plans for reimbursement submitted under the provisions of section 842 of the Act, apply the guidelines set forth in § 156.11–17. While a State plan may reject any of these guidelines, a State plan cannot in substantial part reject the principles set forth in section 842(a)(3) of the Act.

(20 U.S.C. 246; Sen. Rpt. No. 93-763 at p. 103 (1974))

§ 156.11 Adequate educational programs.

The financial assistance plan shall be designed to ensure the provision of adequate educational programs, supportive services, and facilities for every pupil in the State.

(20 U.S.C. 246)

§ 156.12 Cost variations.

In determining the relative financial need of local educational agencies, the financial assistance plan,

(a) shall be designed to identify those pupils with varying and greater educational needs and take these needs into account in amounts provided and expended for appropriate educational programs, supportive services, and facilities; and

(b) shall take into account any variations among such local agencies in the costs of providing equivalent educational programs, supportive services, and facilities which might be associated with such factors as sparsity or density of population, cost of resources and socio-economic characteristics of the population of the local educational agencies.

(20 U.S.C. 246)

§ 156.13 Comprehensiveness of program.

The financial assistance plan shall be designed to include all necessary and required program, supportive service, and facility costs when appropriate such as: (1) costs for the regular educational programs, special education programs, vocational education programs, educationally disadvantaged pupil programs, and bilingual education programs; (2) costs of guidance and counseling, and transportation; and (3) costs for capital outlay and debt service.

(20 U.S.C. 246)

§ 156.14 Equalizing financial ability.

The financial assistance plan shall be designed to ensure that the quality of the educational programs, supportive services, and facilities provided to a pupil within that State is not the result of the wealth of the local educational agency in which the pupil attends school. If the financial assistance plan is designed to share the educational costs between the State and its local educational agencies,

(a) the plan shall justify and set forth an equitable measure of the relative financial abilities of local educational agencies; and

(b) the plan shall provide assurances that the State and local educational agencies will apply procedures which will ensure uniformity in the masurement of wealth against which taxes for education are levied.

(20 U.S.C. 246)

§ 156.15 Tax support.

The financial assistance plan shall be financed by a tax system which is equitably based on the relative ability of taxpayers to pay taxes.

(20 U.S.C. 246)

§ 156.16 Educational and financial decisions.

The financial assistance plan shall be designed so as not to discourage citizen interest and participation in the educational decision-making process and to encourage such interest and participation to the extent possible.

(20 U.S.C. 246)

§ 156.17 Evaluation.

The financial assistance plan shall be designed to provide systems and procedures for evaluating the degree to which the plan is achieving its stated objectives including, but not limited to, such objectives as equality of educational opportunity and taxpayer equity.

(20 U.S.C. 246)

[FR Doc.75-9234 Filed 4-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to alter a transition area in the State of Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 9, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

By military regulation military training operations are now confined to controlled airspace. Therefore, areas presently used cannot be made available for military use until controlled airspace is designated in these areas. One of these areas is northeast of Bemidji, Minnesota. It is proposed to designate controlled airspace with a 1200-foot floor by adding this area to the present area designated under the State of Minnesota.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

MINNESOTA

That airspace extending upward from 1200 feet above the surface within the boundary of the State of Minnesota south of parallel 46°30' and that area bounded on the north by the Canadian boundary, on the east by Victor Airway 161, on the south by Victor

Airway 430, on the west by Victor Airway 82 excluding the portion which overlies the Bemidji, Baudette, International Falls and Grand Rapids, Minnesota transition areas.

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

Issued in Des Plaines, Illinois on March 19, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-9161 Filed 4-8-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75GL-13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at West Union, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 9, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public use instrument approach procedure has been developed for the Alexander Salamon Airport, West Union, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at West Union, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

WEST UNION, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Alexander Salamon Airport (Latitude 38°51'05" N., Longitude 83°34'00" W.); and within 3 miles either side of the 049° bearing from the airport extending from the 6-mile radius to 8 miles northeast of the airport.

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

Issued in Des Plaines, Illinois on March 18, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-9160 Filed 4-8-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-WA-3]

VOR FEDERAL AIRWAYS

Proposed Establishment

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate two VOR Federal Airways as follows:

1. From International Falls, Minn., to the Dryden, Ontario, Canada, NDB.

2. From International Falls, Minn., to the Atikokan, Ontario, Canada, NDB.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before May 9, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Canadian Ministry of Transport plans to provide for IFR operations at the Fort Frances, Ontario, Municipal Airport which is located approximately 5 miles north of the International Falls, Minn., VORTAC. The proposed airways would provide numbered route identifiers for the United States portion of the airways which would be used by flights operating from Fort Frances or International Falls to Dryden or Atikokan.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1656(c)).

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

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9159 Filed 4-8-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-9]

VOR FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal Airway No. 148 between Denver, Colo., and Kiowa, Colo.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on on before May 9, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would revoke V-148 between Denver, Colo., and Kiowa, Colo. Traffic surveys disclosed this route segment is rarely requested or utilized, therefore, there is no longer a need for this portion of V-148. Revocation of this airway segment would also reduce chart clutter.

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

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

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9158 Filed 4-8-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

EMERGENCY CLARIFYING AMENDMENT AS TO ADJUSTMENTS TO CRUDE OIL COSTS

Cancellation of Public Hearing

On March 21, 1975, the Federal Energy Administration issued an emergency

clarifying amendment to § 211.67(1) of Part 211, Chapter II, Title 10, Code of Federal Regulations (40 FR 13302, March 26, 1975) concerning adjustments to crude oil costs under the old oil allocation program. A public hearing on the amendment was scheduled for April 10, 1975.

No requests to make oral presentations were received by FEA prior to 4:30 p.m., e.d.t., Friday, April 4, 1975. Therefore, FEA hereby gives notice that the public hearing is cancelled.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

APRIL 7, 1975.

[FR Doc.75-9433 Filed 4-8-75;9:34 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 584]

[No. 75-303]

SAVINGS AND LOAN HOLDING COMPANIES

Proposed Amendment Relating to Transactions With Affiliates

APRIL 2, 1975.

The following summary of the amendment proposed by this resolution is included for the reader's convenience and is subject to the full description in the preamble and the specific provisions in the regulations.

1. *Present Regulation*—None.

2. *Proposed Regulation*—Will prohibit insured institutions from authorizing or permitting the opening or increasing of accounts therein in any office where securities of an affiliate are sold or offered for sale.

3. *Reasons for Proposed Change*—To avoid confusion of insured savings account transactions with transactions relating to investment in securities of an insured institution's affiliate.

The Federal Home Loan Bank Board considers it desirable to propose an amendmnet to § 584.3(a) of the regulations for Savings and Loan Holding Companies (12 CFR 584.3(a)) for the purpose of preventing confusion of transactions relating to investment in an insured institution with transactions relating to investment in securities of an uninsured affiliate of such an institution. Present regulations do not prohibit an insured institution from authorizing or permitting the opening or increasing of accounts in such institution in offices where securities of an affiliate are sold or offered for sale, although savings account transactions under such circumstances could result in confusion by potential savers of such transactions with transactions relating to investment in such an affiliate.

Under the proposal, § 584.3(a) would be revised to redesignate as paragraph 7 the present paragraph 6 thereof and add thereto a new paragraph 6 prohibiting an insured institution from authorizing or permitting the opening or increasing of accounts in such institution in any office where securities of an affiliate of such institution are sold or offered for sale.

Accordingly, the Board hereby proposes to amend § 584.3(a) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by May 12, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

Section 584.3 is amended by revising the introductory text, by redesignating present paragraph (a)(6) as (a)(7), and by adding a new (a)(6) as follows:

§ 584.3 Transactions with affiliates.

(a) *Prohibited transactions.* No subsidiary insured institution of a savings and loan holding company shall:

* * * * *

(6) authorize or permit the opening or increasing of accounts in such institution in any office where securities of an affiliate are sold or offered for sale; or

* * * * *

(Sec. 408, 48 Stat. 1256, as amended; Sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-9194 Filed 4-8-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11328, File No. S7-510]

CERTAIN MANIPULATIVE PRACTICES IN PUBLIC OFFERINGS

Supplemental Notice of Proposed Rulemaking

The Commission on April 2, 1975 announced for public comment revised proposed Rules 10b-20 and 10b-21[1] and revised proposed amendments to Rules 17a-3(a)(6) and 17a-3(a)(7)[2] under the Securities Exchange Act of 1934 (the "Act"). Rules 10b-20 and 10b-21 would be adopted pursuant to sections 10(b) and 23(a)[3] of the Act; the amendments to Rules 17a-3(a)(6) and 17a-3(a)(7) would be adopted pursuant to sections 17(a)[4] and 23(a) of the Act. Rules 10b-20 and 10b-21 and the amendments to Rules 17a-3(a)(6) and 17a-3(a)(7) were first proposed in Securities Exchange Act Release No. 10636 (Feb. 11, 1974) and published in the FEDERAL REGISTER at 39 FR 7806 (Feb. 28, 1974).

Rules 10b-20 and 10b-21 relate to certain practices which were brought to the Commission's attention, in part, as a result of an investigation by the Commission's staff. Proposed Rule 10b-20 would prohibit underwriters and dealers participating in a distribution from requiring a purchaser, in order to receive an allocation of securities from the underwriter or dealer, to pay consideration in addition to the amount indicated in the prospectus or to perform any other act such as purchasing an additional security in an unrelated offering (so-called "tie-in" arrangements). Proposed Rule 10b-21 would impose certain limitations on purchases to cover short sales where such short sales were effected prior to the commencement of an offering involving securities of the same class.

A detailed explanation of the purpose and intendment of proposed Rules 10b-20 and 10b-21 may be found in Securities Exchange Act Release No. 10636 (39 FR 7806). Interested persons should refer to that release for a more complete understanding of the practices which the proposed rules address.

After receiving numerous comments on proposed Rules 10b-20 and 10b-21, the Commission has determined to modify the provisions of those proposed rules in several important respects and to republish the proposed rules for comment. The following is a synopsis of the proposed changes.

Proposed Rule 10b-20. Rule 10b-20 is intended to be a comprehensive prohibition against the described fraudulent conduct. As modified, proposed Rule 10b-20 would prohibit any person, directly or indirectly, in connection with a public offering of securities made pursuant to a registration statement under the Securities Act of 1933 or a notification on Form 1-A under such Act,[5] from requiring any purchaser of the offered securities to perform any act other than paying for the securities purchased (with certain exceptions), such as purchasing any other security in an unrelated offering or paying any consideration in addition to that indicated in the applicable prospectus or offering circular.

The Commission realizes that historical investment patterns may exist between a broker-dealer and an investor and that certain investors may desire to purchase all new issues or many new issues offered by an underwriter or broker-dealer. Proposed Rule 10b-20 is not intended to interfere with such relationships; rather, it is aimed at requirements initiated by the underwriter or broker-dealer participating in an offering which are imposed upon a customer as a condition of participation in any particular offering.

[1] 17 CFR 240.10b-20 and 240.10b-21.

[2] 17 CFR 240.17a-3(a)(6) and 240.17a-3(a)(7).

[3] 15 U.S.C. 78j(b) and 78w(a).

[4] 15 U.S.C. 78q(a)

[5] 17 CFR 239.90.

As originally proposed, Rule 10b–20 was applicable to any "offering of securities" so long as the jurisdictional means were utilized. The revised proposal is limited specifically to certain offerings, namely an offering of securities covered by a registration statement filed under the Securities Act of 1933 or an offering of securities covered by a notification on Form 1–A under such Act.

Paragraph (a)(1) of proposed Rule 10b–20 has been modified expressly to permit unit offerings, i.e., offerings of more than one security pursuant to the same registration statement or notification on Form 1–A.

Paragraph (b) has been modified by the addition of a new exemption (contained in paragraph (b)(1) thereof) which specifically exempts requirements which are imposed on purchasers who are underwriters or dealers participating in an offering if such requirements are imposed pursuant to the terms of a written agreement between the issuer and any underwriter, or among underwriters, or among underwriters and dealers, and if the agreement is for the purpose of effecting an underwritten offering and includes terms that are usual and customary to such agreements.

Proposed Rule 10b–21. Proposed Rule 10b–21 is designed to prevent manipulative short selling practices in connection with underwritten public offerings of securities of the same class as outstanding securities. Manipulative opportunities exist in such offerings because the outstanding securities can be sold short prior to the commencement of the offering with the expectation that such selling activity will lower the price of the offered security and enable the short seller to cover at a depressed price.

The coverage of proposed Rule 10b–21 has been modified in several respects. The rule has been limited to underwritten offerings of equity securities for cash covered by a registration statement under the Securities Act of 1933 or notification on Form 1–A under such Act. The first proviso of the rule as originally proposed (which would have prohibited the giving of an indication of interest to purchase a security in certain offerings if a short sale of a security of the same class had been made) has been eliminated. The rule has been redrafted to prohibit only certain covering purchases.

The revised rule would prohibit a covering purchase in connection with a short sale if the short sale was made within a ten-day period before the commencement of an offering covered by a registration statement or a notification on Form 1–A and if the covering purchase would be made from an underwriter or other dealer participating in the distribution.[6] In addition, if the short sale was made within five days before the commencement of the offering, the rule would prohibit covering purchases of securities of the same class as those covered by a registration statement or a notification on Form 1–A within a five day period after the commencement of an offering or before the termination of the offering, whichever is earlier. The applicable prohibition would extend to a short sale of a security of the same class as the offered security and the purchase, within the specified period, of a security convertible into or exchangeable for a security of the same class as the security offered.

The term "completion" of the offering has been deleted from the proposed rule and replaced by a reference to the date of termination of stabilizing and of trading restrictions on underwriters participating in the offering. In addition, the term "effective date" with respect to a registered offering used in the rule as originally proposed has been replaced by the term "commencement" of such registered offering in view of the fact that these dates do not necessarily coincide.

A new paragraph (b), which provides an exemption for certain transactions, has been added to proposed Rule 10b–21. An exemption for short sales of a security would be available for both a market maker who submits bid and ask quotations as to such security in an interdealer quotation system at specified prices on each of at least twelve business days within the thirty calendar days preceding the commencement of the offering, with no more than four business days in succession without a two-way quotation, and market makers who submit both bid and ask quotations in an interdealer quotation system at specified prices on ten consecutive business days preceding commencement of the offering. Any broker-dealer taking advantage of this exemption, however, could not accumulate a short position by the close of any day during the ten-day period preceding the commencement of the offering in excess of two percent of the number of shares proposed as of that day to be publicly offered.

Finally, the revised proposed rule contains a new paragraph (c) which defines the term "arbitrage" for purposes of the rule.

Rule 17a–3. The amendments to Rule 17a–3 (the Commission's broker-dealer recordkeeping rule) would require that broker-dealer memoranda of sale orders for over-the-counter securities be marked as "long" or "short." Rule 10a–1 under the Act[7] currently imposes certain requirements as to "long" and "short" marking for sale orders of exchange-traded securities. The proposed amendment to Rule 17a–3(a)(6) would cover brokerage sales orders and the amendment to Rule 17a–3(a)(7) would cover principal transactions with customers. These proposed amendments to section 17[8] rules have been changed to delete the requirement as to transactions for a broker-dealer's own account with other broker-dealers.

Commission Action: The Securities and Exchange Commission has determined that, because the revisions to proposed § 240.10b–20 and § 240.10b–21 under Part 240 of Chapter II of Title 17 of the Code of Federal Regulations are significant, those rules should be republished for public comment. The proposed amendments to § 240.17a–3(a)(6) and § 240.17a–3(a)(7) are being republished so that proposed §§ 240.10b–20 and 240.10b–21 may be reconsidered in the context of those companion proposals. This proposed rulemaking is taken pursuant to 15 U.S.C. 78j(b), 78q(a), and 78w(a) and submitted in satisfaction of 5 U.S.C. 553(b). Interested persons should address their written comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–510 and should be received by the Commission no later than May 2, 1975. All such communications will be available for public inspection.

The text of the proposed rules, proposed amendments, and rules follows:

§ 240.10b–20 Prohibition against certain acts in connection with securities offerings.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any underwriter, prospective underwriter, issuer, broker, dealer or other person who has agreed to participate or is participating, directly or indirectly, in an offering of securities covered by a registration statement filed under the Securities Act of 1933 or covered by a notification on Form 1–A under such Act, by the use of any means or instrumentality of interstate commerce, or the mails, or of any facility of any national securities exchange, directly or indirectly (1) to require a purchaser of such security to purchase any other security being or proposed to be offered or sold by any such person, other than a security covered by the same registration statement or notification on Form 1–A, or to make payment of any consideration for such security in addition to that indicated in the registration statement or notification on Form 1–A and offering circular covering the offer and sale of such security, or

[6] In addition to the questions under section 10(b), the Commission has previously announced its view that short sales made prior to the effective date of a pending registration statement covering securities of the same class of the same issuer as those sold short, which short sales are covered with shares obtained in the offering, raise serious questions under section 5 of the Securities Act of 1933 (15 U.S.C. 77e). See Securities Exchange Act Release No. 9824 (Oct. 16, 1972) published in the FEDERAL REGISTER at 37 FR 22796 (Oct. 25, 1972). Therefore, any person intending to purchase securities in any registered offering should be on notice that selling short the same class of securities prior to an announced offering and covering with such offered securities may be subject to the registration requirements of section 5 of the Securities Act, as well as other applicable statutes and rules.

[7] 17 CFR 240.10a–1.

[8] 15 U.S.C. 78q.

(2) to require a purchaser of such security, to perform any act, engage in any conduct, effect any other transaction or refrain from any of the foregoing, other than as indicated in the registration statement or notification on Form 1–A and offering circular.

(b) This rule shall not prohibit (1) normal and customary requirements with respect to such matters as time of payment or maintenance of an account; or requirements pursuant to the terms of written agreement between an issuer and any underwriter or among underwriters and dealers entered into for the purpose of effecting an underwritten offering, or

(2) any transaction or transactions or other conduct if the Commission, upon written request or upon its own motion, exempts such transaction, transactions or conduct either unconditionally or on specified terms and conditions as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this rule.

§ 240.10b–21 Prohibition against certain short selling.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any person who effects one or more short sales of equity securities of the same class as securities distributed for cash pursuant to a registration statement filed under the Securities Act of 1933 or pursuant to a notification on Form 1–A under such Act, directly or indirectly, (1) to cover such short sale or sales with securities purchased from an underwriter or broker or dealer participating in the distribution, if such short sale or sales took place between the tenth business day before the commencement of such distribution and the commencement of such distribution, or

(2) to cover such short sales with any securities purchased on or before the earlier of (i) the fifth business day after the commencement of such distribution or (ii) the date of termination of the stabilization arrangements and trading restrictions for participants in such distribution, if such short sale or sales took place between the fifth business day before the commencement of such distribution and the commencement of such distribution.

(b) The provisions of this rule shall not apply to (1) any bona fide foreign or domestic arbitrage transaction, or

(2) any broker or dealer which is registered with a national securities exchange as a specialist in the class of securities being distributed or which is registered as an odd-lot dealer with respect to such securities, or which submits both bid and asked quotations as to such securities in an inter-dealer quotation system on ten consecutive business days preceding the commencement of such distribution or on each of at least twelve days within the thirty calendar days prior to commencement of the distribution, with no more than four business days in succession without such a two way quotation; *Provided, however,* That any such broker or dealer who is not a specialist or odd-lot dealer shall not accumulate a short position at the close of any day during the ten business days preceding the commencement of such offering in excess of two percent of the number of shares proposed on such date to be publicly offered.

(c) The term "arbitrage," as used in paragraph (b) of this section, shall mean (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a current difference in prices in the two markets, or

(2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security for the purpose of taking advantage of a current difference in the price of the two securities.

(d) This rule shall not prohibit any transaction or transactions if the Commission, upon written request or upon its own motion, exempts such transaction or transactions either unconditionally or on specified terms and conditions as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this rule.

§ 240.17a–3 Records to be made by certain exchange members, brokers and dealers.

(a) * * *

(6) A memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities, whether executed or unexecuted. Such memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, whether, if a sale, the order is entered "long" or "short," the price at which executed and, to the extent feasible, the time of execution or cancellation. An order shall not be marked "long" unless (A) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (B) the broker-dealer is informed that the seller owns the security ordered to be sold and, as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected. Orders entered pursuant to the exercise of discretionary power by such member, broker, or dealer, or any employee thereof, shall be so designated. The term "instruction" shall be deemed to include instructions between partners and employees of a member, broker, or dealer. The term "time of entry" shall be deemed to mean the time when such member, broker, or dealer transmits the order or instruction for execution or, if it is not so transmitted, the time when it is received.

(7) A memorandum of each purchase and sale of securities for the account of such member, broker, or dealer showing the price and, to the extent feasible, the time of execution; and, in addition, where such purchase or sale is with a customer other than a broker or dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, the account in which it was entered and whether, if a sale, such sale was effected "long" or "short." A sale shall not be marked "long" unless (A) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (B) the broker-dealer is informed that the seller owns the security ordered to be sold and, as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected.

(Sec. 10(b), 48 Stat. 891 (15 U.S.C. 78j(b)); Sec. 17(a), 48 Stat. 897, as amended 49 Stat. 1379, as amended 52 Stat. 1076 (15 U.S.C. 78q(a)); Sec. 23(a), 48 Stat. 901, as amended 49 Stat. 704, 1379 (15 U.S.C. 78w(a)).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 2, 1975.

[FR Doc.75–9272 Filed 4–8–75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Effective Dates of Awards

The Administrator of Veterans' Affairs proposes regulatory changes to clarify provisions relating to effective dates of awards of pension, compensation and dependency and indemnity compensation.

Section 3010(e) of Title 38, United States Code, provides that an award of dependency and indemnity compensation to a child will be effective the first day of the month in which entitlement arose if a claim is filed within 1 year from that date. When there is a widow or widower entitled to dependency and indemnity compensation a child in the case under age 18 has no entitlement independent of the widow's or widower's entitlement. However, when the child attains age 18 and is attending school or is helpless by reason of physical or mental disability, the child becomes entitled to dependency and indemnity compensation independently of the widow's or widower's entitlement. In such cases payment of dependency and indemnity compensation is awarded the child effective the first day of the month in which age 18 is attained if a claim for the benefit is timely filed.

Section 3.667 of Part 3, Title 38, Code of Federal Regulations, pertaining to benefits payable because of school attendance currently provides that pension, compensation or dependency and

indemnity compensation may be paid from a child's 18th birthday if the child was at that time pursuing an approved course of instruction and a claim is timely filed. Benefits based on a course begun after the child's 18th birthday may be paid from the commencement of the course if a claim is timely filed. In order to conform with 38 U.S.C. 3010(e) it is proposed to amend § 3.667 to provide that dependency and indemnity compensation will be payable from the first day of the month in which the child attains age 18 or commences a course of instruction, whichever is applicable. The provisions for paying pension or compensation from the 18th birthday or commencement of a course are retained. In addition, instructions as to actions to be taken when notice of school attendance is not timely received have been deleted. This nonregulatory material is incorporated in other publications.

Editorial changes, unrelated to the substantive changes in § 3.667, are made in § 3.666 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents and beneficiaries.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A); Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before May 9, 1975 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make these changes effective the date of final approval.

1. In § 3.666, paragraphs (a) (2), (b) (1) and (2), (c) and (d) are revised to read as follows:

§ 3.666 Penal institutions.

* * * * *

(a) *Disability pension.* Payment may be made to the wife, husband, child or children of a veteran disqualified under this section:

* * * * *

(2) If the annual income of the wife (husband) or child is within the statutory limitations which would be applicable to the payment of death pension.

* * * * *

(b) *Death pension.* Payment may be made to a child or children where a widow (widower) or child is disqualified under this section:

(1) If widow (widower) is disqualified, to child or children at the rate of death pension payable if there were no such widow or widower; or

(2) If a child is disqualified, to a widow (widower) or other child or children at the rate of death pension payable if there were no such child, and

* * * * *

(c) *Resumption of pension upon release from incarceration.* Pension will be resumed as of the day of release if notice (which constitutes an informal claim) is received within 1 year following release; otherwise resumption will be effective the date of receipt of such notice. Where an award or increased award was made to any other payee based upon the disqualification of the veteran, widow (widower), or child while in prison, such award will be reduced or discontinued as of date of last payment and pension will be resumed to the released prisoner at a rate which will be the difference, if any, between the total pension payable and the amount which was paid to the other person or persons through the date of last payment and thereafter the full rate.

(d) *Veteran entitled to compensation.* If an imprisoned veteran is entitled to a lesser rate of disability compensation such compensation will be awarded as of the 61st day of imprisonment in lieu of the pension he (she) was receiving provided:

(1) He (she) is single, or

(2) He (she) is married, from the date the veteran requests that the Veterans Administration take such action.

2. In § 3.667, paragraphs (a) and (b) are revised to read as follows:

§ 3.667 School attendance.

(a) *General.* (1) Pension or compensation may be paid from a child's 18th birthday based upon school attendance if the child was at that time pursuing a course of instruction at an approved school and a claim for such benefits is filed within 1 year from the child's 18th birthday.

(2) Pension or compensation based upon a course which was begun after a child's 18th birthday may be paid from the commencement of the course if a claim is filed within 1 year from that date.

(3) An initial award of dependency and indemnity compensation to a child in it's own right may be paid from the first day of the month in which the child attains age 18 if the child was pursuing a course of instruction at an approved school on the 18th birthday and a claim for such benefits is filed within 1 year from the child's 18th birthday.

(38 U.S.C. 3010(e))

(4) An initial award of dependency and indemnity compensation to a child in it's own right based upon a course which was begun after the child's 18th birthday may be paid from the first day of the month in which the course commenced if a claim is filed within 1 year from that date.

(38 U.S.C. 3010(e))

(5) Where a child was receiving dependency and indemnity compensation in it's own right prior to age 18, payments may be continued from the 18th birthday if the child was then attending an approved course of instruction and evidence of such school attendance is received within 1 year from the 18th birthday. Where the child was receiving dependency and indemnity compensation in it's own right prior to age 18 and was not attending school on the 18th birthday but commences an approved course of instruction after the 18th birthday, payments may be resumed from the commencing date of the course if evidence of such school attendance is filed within 1 year from that date.

(b) *Vacation periods.* A child is considered to be in school during a vacation or other holiday period if he or she was attending school at the end of the preceding school term and resumes attendance, either in the same or a different approved school, at the beginning of the next term. If an award has been made covering a vacation period, and the child fails to commence or resume school attendance, benefits will be terminated the date of last payment or the last day of the month preceding the date of failure to pursue the course, whichever is the earlier.

* * * * *

Approved: April 3, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-9281 Filed 4-8-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 2, 1975.

The USAF Scientific Advisory Board ad hoc Committee for Review of Mission, Organization, Resources, and Location of Air Force Cambridge Research Laboratories will hold a meeting at L. G. Hanscom AFB MA. The dates and times are as follows:

April 25, 1975, 9 a.m.–5 p.m.
April 26, 1975, 9 a.m.–5 p.m.

The portions of the meeting being held from 9 a.m. to 5 p.m. on April 25 and from 9 a. m.to 2 p.m. and from 4 p.m. to 5 p.m. on April 26 will be closed to the public. During these times the Committee will receive briefings and discuss matters listed in 5 U.S.C. 552(b) (1), (4), and (5), including classified briefings on the content and requirements of the AFCRL programs, discuss proprietary information regarding future activities of AFCRL, hold internal planning meetings for the future activities of the Committee and receive briefings from AFSC on proposed reposturing and reorganization of Air Force laboratories.

The afternoon session from 2 p.m. to 4 p.m. on 26 April, 1975 will be open to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-9255 Filed 4-8-75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Closed Meeting

APRIL 3, 1975.

The USAF Scientific Advisory Board Aerospace Vehicles Panel will hold a meeting in room 1E801, The Pentagon, Washington, D.C. on April 29, 1975 from 8:30 a.m. to 5 p.m.

The meeting will be closed to the public. The panel will receive classified informational briefings on matters listed in 5 U.S.C. 552(b) (1), (4), and (5) concerning future aircraft prototype opportunities.

For further information contact the Scientific Advisory Board Secretariat on 202–697–4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-9254 Filed 4-8-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Notice of Establishment

Notice is hereby given that the charter of the National Advisory Committee for Juvenile Justice and Delinquency Prevention has been filed with the Committee on the Judiciary, U.S. Senate; Committee on the Judiciary, U.S. House of Representatives; Committee on Education and Labor, U.S. House of Representatives; Committee Management Secretariat, Office of Management and Budget; and the Library of Congress pursuant to section 9(c) of the Federal Advisory Committee Act (Pub. L. 92–463).

The National Advisory Committee for Juvenile Justice and Delinquency Prevention and two subcommittees were statutorily established by sections 207(a) and 208 (d) and (e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415). The two subcommittees are: (1) an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; and (2) an Advisory Committee to the LEAA Administrator on Standards for the Administration of Juvenile Justice. The Advisory Committee and subcommittees will report to and receive support from the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice.

The responsibilities of the Advisory Committee will be advisory in nature. In particular the Advisory Committee will: (1) advise the LEAA Administrator in the development of policy, objectives and priorities for all Federal juvenile delinquency programs; (2) advise the LEAA Administrator in the development of reports to the President and Congress which analyze and evaluate Federal juvenile delinquency programs, expenditures made, results achieved, plans developed, and problems encountered in operating and coordinating such programs; (3) advise the LEAA Administrator in the development of an annual comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of youth from the juvenile justice system; and (4) advise the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention, LEAA, in the development of plans for the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

The regular membership of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges, probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, state or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

Members of the Coordinating Council on Juvenile Justice and Delinquency Prevention shall be ex-officio members of the Advisory Committee.

The Advisory Committee will meet at the call of the Chairman, but not less than four times a year, and will remain in existence for the duration of Pub. L. 93–415, or until September 30, 1977.

Notice is also hereby given that Mr. Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention Operations Task Group, Law Enforcement Assistance Administration, U.S. Department of Justice, Room 742, 633 Indiana Avenue, NW, Washington, D.C. 20531, is designated as the authorized employee of the Federal Government to perform the duties outlined in section 10(e) of the Federal Advisory Committee Act for this Advisory Committee, and that Mr. John M. Greacen, Deputy Director, National Institute for Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20531, is designated as the authorized employee of the Federal Government to perform the duties outlined in section 10(e) of the Federal Advisory Committee Act for the subcommittees of this Advisory Committee.

Notice is hereby given that the first meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held on April 25, 1975, at the Ramada Inn, 1900 North Fort Myer Drive, Arlington, Virginia. The meeting will convene at 9:30 a.m., adjourn for lunch at 12 p.m., and resume at 1:30 p.m.

The meeting will be open to the public.

For further information, please contact Mr. Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice

and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW, Washington, D.C. 20531.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-9259 Filed 4-8-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

EUREKA-GRAVE CREEK 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 Eureka-Grave Creek Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) R1-74-16.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Eureka-Grave Creek Planning Unit, Fortine Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 93,585 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on April 2, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

Supervisor's Office
Kootenai National Foresta
418 Mineral Avenue
Libby, MT 59923

USDA, Forest Service
Fortine Ranger District
Murphy Lake Ranger Station
Fortine, MT 59918

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: April 2, 1975.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.75-9165 Filed 4-8-75;8:45 am]

Office of the Secretary

AGRICULTURAL ADVISORY COMMITTEES FOR THE MULTILATERAL TRADE NEGOTIATIONS

Meeting

CROSS REFERENCE: For a document issued jointly by the Department of Agriculture and the Office of the Special Representative for Trade Negotiations which announces meetings of the above-named committees to be held on May 5 and 6, 1975, see FR Doc. 75-9196, Special Representative for Trade Negotiations Office, *infra.*

Rural Electrification Administration

TRI-COUNTY TELEPHONE COMPANY, INC., ALA.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974 (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $4,600,000 to Tri-County Telephone Company, Incorporated, Ashland, Alabama. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. W. C. Roach, President, Tri-County Telephone Company, Incorporated, Box 368, Ashland, Alabama 36251.

To assure consideration, proposals must be submitted on or before May 9, 1975 to Mr. W. C. Roach. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Tri-County Telephone Company, Incorporated and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 3d day of April 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-9267 Filed 4-8-75;8:45 am]

Soil Conservation Service

CHUQUATONCHEE CREEK WATERSHED, MISS.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared at this time for the Chuquatonchee Creek Watershed, Chickasaw, Clay, Monroe and Pontotoc Counties, Mississippi.

The environmental assessment of this federal action indicates that the planned action will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the planned action. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed at this time for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by the negative declaration include conservation land treatment supplemented by five floodwater retarding structures and 2.0 miles of outlet channel works below three of these structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Room 590, Milner Building
Jackson, Mississippi 39205

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 28, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9244 Filed 4-8-75;8:45 am]

CYPRESS CREEK WATERSHED PROJECT, ALA. AND TENN.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Cypress Creek Watershed Project, Alabama and Tennessee, USDA-SCS-EIS-WS-(ADM)-75-2-(D)-AL.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned

works of improvement include conservation land treatment, supplemented by 19 floodwater retarding structures and 14.4 miles of channel work in a flood plain which is about 76 percent crop and pastureland and 22 percent forested. The channel work will involve about 6.3 miles of bedload removal, about 7.5 miles of clearing and shaping, and 0.6 mile of new channel excavation. The work will be on natural streams with perennial flow except for about 0.4 mile of work which will be on a previously modified perennial channel.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. B. Lingle, State Conservationist, Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830.

Comments must be received on or before June 1, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 28, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9249 Filed 4-8-75;8:45 am]

LONG BRANCH CREEK WATERSHED, OKLA.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining work in the Long Branch Creek Watershed project, Noble and Payne Counties, Oklahoma.

The environmental assessment of this Federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement include conservation land treatment and three single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service,
USDA Building,
Farm Road and Brumley Street,
Stillwater, Oklahoma 74074.

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9245 Filed 4-8-75;8:45 am]

LOWER TIPPAH RIVER SUBWATERSHED, MISS.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973, and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Tippah River Subwatershed, Benton, Marshall and Tippah Counties, Mississippi.

The environmental assessment of this federal action indicates that the planned action will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the planned action. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration consist of installation of two floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA,
Room 590, Milner Building,
Jackson, Mississippi 39205.

Requests for copies of the negative declaration should be addressed to the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 28, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9246 Filed 4-8-75;8:45 am]

ROGUE RIVER WATERSHED PROJECT, MICH.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Rogue River Watershed Project, USDA-SCS-EIS-WE-(ADM)-75-2-(D)-MI.

The environmental impact statement concerns a plan for watershed protection, streambank protection, flood prevention, and improved drainage on agricultural land. The planned works of improvement include 11.6 miles of channel work, 1 pumping station, 1.7 miles of streambank protection, conservation land treatment measures on 10,528 acres, soil surveys on 57,600 acres and 21 miles of flood plain delineation. The channel work involves deepening and widening 10.5 miles of previously modified channel and 1.1 miles of which no channel exists. The channel work and pumping station will provide flood prevention and drainage to 3,324 acres of intensively managed organic soils. Of the 10.5 miles of work proposed on existing channels, 6.8 miles have perennial flow, and the rest have intermitten flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service,
1405 South Harrison Road,
East Lansing, Michigan 48823

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823.

Comments must be received on or before May 27, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9250 Filed 4-8-75;8:45 am]

RUSH CREEK WATERSHED PROJECT, OHIO

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for planned structures numbered III-C, IV-A, IV-C, IV-E, and VII-C in the Rush Creek Watershed Project, Fairfield, Perry, and Hocking Counties, Ohio.

The environmental assessment of this federal action indicates that the given part of this project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this part of the project. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, Soil Conservation Service, USDA, 311 Old Federal Building, Columbus, Ohio 43215, has determined that the preparation and review of an environmental impact statement is not needed for the five subject structures.

This project concerns a plan for watershed protection, flood prevention, municipal water supply, reduction of soil erosion, and development of water based recreation. The subject planned works of improvement include five single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA,
311 Old Federal Building,
Third and State Streets,
Columbus, Ohio 43215

Requests for single copies of the Negative Declaration are available at the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9247 Filed 4-8-75;8:45 am]

SANDY CREEK WATERSHED PROJECT, TEX.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Sandy Creek Watershed Project, Jasper County, Texas, USDA-SCS-EIS-WS-(ADM)-75-3-(D)-TX.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by six single purpose floodwater retarding structures and 2.9 miles of floodway. The floodway involves clearing of dense underbrush and small trees in the flood plain adjacent to an existing modified channel. The existing channel is a perennial stream. The floodway will be constructed through the urban area of Jasper. The floodwater retarding structures and floodway will provide protection from the 100-year flood event to developed properties within the city of Jasper, Texas, as well as forested and agricultural flood-prone areas.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Edward E. Thomas, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76501.

Comments must be received on or before June 2, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9251 Filed 4-8-75;8:45 am]

SECOND BROAD RIVER WATERSHED PROJECT, N.C.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Second Broad River Watershed Project, McDowell, Rutherford, and Cleveland Counties, North Carolina, USDA-SCS-EIS-WS-(ADM)-74-5-(D)-NC.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 10 floodwater retarding structures, two multi-purpose reservoirs with capacity for flood prevention and recreation. The recreational development and multi-purpose reservoirs will provide 152,000 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA
P.O. Box 27307
Raleigh, North Carolina 27611

Copies of the draft environmental impact statement have been sent for comment to the various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Jesse L. Hicks, State Conservationist, Soil Conservation Service, P.O. Box 27307, Raleigh, North Carolina 27611.

Comments must be received on or before May 27, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9252 Filed 4-8-75;8:45 am]

UPPER BAYOU WATERSHED, OKLA.

Notice of Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for that portion of the Upper Bayou Watershed project described below, in Carter and Love Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The action concerns a plan for watershed protection, flood prevention, municipal water supply, and recreation. The planned works of improvement include conservation land treatment, one multiple-purpose structure with recreation facilities, and 21 single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma 74074

Requests for single copies of the negative declaration are available at the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9248 Filed 4-8-75;8:45 am]

UPPER NEW RIVER WATERSHED PROJECT, S.C.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Upper New River Watershed Project, Beaufort and Jasper Counties, South Carolina, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-SC.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment supplemented by channel work. The channel work will involve 21 miles of new channel construction and seven miles of enlargement to provide improved water management in a flatland watershed that is nine percent agricultural cropland, six percent grassland, 80 percent forest land and five percent in miscellaneous uses. The seven miles of work proposed on existing streams involve streams with intermittent flow. The balance of channel work is completely new channels where none existed before.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 601 Federal Building, 901 Sumter Street, Columbia, South Carolina 29201

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to G. E. Huey, State Conservationist, Soil Conservation Service, 601 Federal Building, 901 Sumter Street, Columbia, South Carolina 29201.

Comments must be received on or before June 6, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9253 Filed 4-8-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON BYRON/BRAIDWOOD STATIONS

Meeting

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Byron/Braidwood Stations will hold a meeting on April 24, 1975 at the O'Hare American Inn, 2157 Touhy Ave., Des Plaines, Illinois. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Commonwealth Edison Company for permits to construct two nuclear power plants at each of the sites. The Byron site is located in Ogle County about 17 miles from Rockford, Illinois. The Braidwood site is in Will County about 50 miles southwest of Chicago, Illinois.

The agenda for the subject meeting shall be as follows:

Thursday, April 24, 1975, 9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC staff and Commonwealth Edison Company and will hold discussions with these groups pertinent to its review of the application of Commonwealth Edison Company for permits to construct the Byron Station, Units 1 and 2 and Braidwood Station, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 17, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for these facilities and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555; at the Byron Public Library, Third and Washington Streets, Byron, Illinois 61010; and at the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois 60481.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Sub-

committee. To the extent that time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on April 24, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 22, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1374) between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 28, 1975 at the Nuclear Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and within approximately nine days at the Byron Public Library, Third and Washington Streets, Byron, Illinois 61010 and the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois 60481. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone: 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after July 24, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 3, 1975.

JOHN C. HOYLE,
Acting Advisory Committee,
Management Officer.

[FR Doc.75-9169 Filed 4-8-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 and 2, will hold a meeting on April 25, 1975, at the O'Hare American Inn, 2157 Touhy Ave., Des Plaines, Illinois. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Cleveland Electric Illuminating Company for a permit to construct this nuclear power plant. The facility will be located on Lake Erie in Lake County, Ohio. The plant is approximately 35 miles northeast of Cleveland and 21 miles southwest of Ashtabula, Ohio.

The agenda for the subject meeting shall be as follows:

Friday, April 25, 1975—9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and the Cleveland Electric Illuminating Company and will hold discussions with these groups pertinent to its review of the application of the Cleveland Electric Illuminating Company for a permit to construct the Perry Nuclear Power Plant, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 18, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C., 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room 1717 H Street NW., Washington, D.C. 20555 and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 10:30 a.m. and 11:30 a.m. on April 25, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time alloted, can be obtained by a prepaid telephone call on April 23, 1975 to the Office of the Executive Secretary of the Committee (telephone 202-634-1371) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 29, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and within approximately nine days at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after July 25, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

Date: April 3, 1975.

[FR Doc.75-9170 Filed 4-8-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PILGRIM STATION, UNIT 2

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Pilgrim Station, Unit 2, will hold a meeting on April 25, 1975 in the Gateway Ballroom of the Howard Johnson Motor Lodge, 300 Washington Street, Newton, Mass. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Boston Edison Company, et al., for a permit to construct this nuclear power plant. The facility will be located on the western shore of Cape Cod Bay in the Town of Plymouth. The site is about 4.4 miles east-southeast of the center of the Town of Plymouth, and about 38 miles southeast of Boston, Mass.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, April 25, 1975, 9 a.m. until conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and Boston Edison Company and will hold discussions with these groups pertinent to its review of the application of Boston Edison Company, et al., for a permit to construct the Pilgrim Station, Unit 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operations, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 15, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20555 and at the Plymouth Public Library, North Street, Plymouth, Mass.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9:30 a.m. and 10:30 a.m. on April 25, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 24, 1975 to the Office of the Executive Secretary of the Committee (telephone 202-634-1393) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Sts., NW, Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 28, 1975 at the Nuclear Regulatory Commission's Public Document Room 1717 H Street, NW, Washington, D.C. 20555 and within approximately nine days at the Plymouth Public Library, North Street, Plymouth, Mass. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after July 25, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 3, 1975.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-9171 Filed 4-8-75;8:45 am]

[License No. 06-12458-03E]

BENRUS CORP.

Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission, has pursuant to § 32.22 of 10 CFR Part 32, issued License No. 06-12458-03E to Benrus Corporation, Benrus Center, Ridgefield, Connecticut 06877, which authorizes the distribution of Model No. 3825 watches to persons exempt from the requirements for a license pursuant to § 30.19 of 10 CFR Part 30.

1. The tritium-filled tubes are designed to illuminate a liquid crystal display which displays time digitally, permitting reading of the time in low ambient light.

2. The byproduct material incorporated in the device is tritium gas in sealed tubes manufactured by Brandhurst, Ltd. (Model RT/20-10/20). The nominal activity contained in each watch is 90 millicuries, but the maximum activity is 108 millicuries.

3. The stainless steel back of each watch case will be stamped with the name of the manufacturer ("Benrus") and the byproduct material (""H") contained in the watch.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 "H" Street, NW, Washington, D.C.

Dated at Bethesda, Maryland, March 31, 1975.

For the Nuclear Regulatory Commission.

CECIL R. BUCHANAN,
Acting Chief, Materials Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-9175 Filed 4-8-75;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER COMPANY (BIG ROCK POINT PLANT)

Extension of Time for Submittal of Evaluations for Emergency Core Cooling Systems

In accordance with 10 CFR 50.46(a)(2)(iii), a notice was published in the FEDERAL REGISTER on March 14, 1975 (40 FR 11950), that the Nuclear Regulatory Commission had received and was considering a request dated February 18, 1975, from the Consumers Power Company (the licensee) for an extension of time until July 26, 1975, for the submittal of an evaluation consistent with the requirements of Appendix K to 10 CFR Part 50 Acceptance Criteria for Emergency Core Cooling Systems (ECCS) for the Big Rock Point Nuclear Power Plant (the facility) located in Charlevoix County, Michigan. The notice invited the submission of views and comments by any interested persons on the licensee's request. Comments have not been received.

An extension of time for submittal of the required evaluation has previously been granted from August 5, 1974, until March 31, 1975, by the Commission in its "Determination With Respect to Variance From the Interim Acceptance Criteria and Extension in Submitting Evaluations From The Acceptance Criteria For Emergency Core Cooling Systems (10 CFR 50.46(a)(2)(iii))," dated August 5, 1974, 39 FR 29403 (the August 5, 1974 Determination). The basis for a further extension of time is the unavailability of the necessary evaluation models for the Big Rock Point Plant from the General Electric Company (GE) before June 28, 1975. The Consumers Power Company (CPCo) staff would review and submit the evaluations after receiving the input evaluations from the fuel suppliers on or before July 26, 1975.

Since the original extension of time was granted, substantial modifications and revisions have been required as a result of the NRC's review of the GE evaluation models for current plants. Also the review of the EXXON evaluation made for more recent plants is still in the final stages. The additional time involved in these modifications to the basic vendor evaluation models has delayed the development of appropriate modifications required to provide models and analyses suitable to Big Rock Point which is a plant of older design. GE must prepare a separate blowdown evaluation model which is tailored to the Big Rock Point reactor, which will involve additional time beyond the time estimated for submission of the evaluation models for their newer designs. GE and EXXON must prepare separate fuel heatup transient models following the acceptance of the GE blowdown model.

Based upon the NRC staff's experience and its knowledge of the effort on the part of GE and EXXON to develop adequate evaluation models and analyses for a number of different reactor facilities, the NRC staff believes that the delay by GE and EXXON in completing the necessary evaluation models and submitting the required analyses constitutes good cause for extension of the current March 31, 1975, deadline for the submittal of the information required by 10 CFR 50.46.

The licensee's schedule for completing the necessary analyses and reviews set forth in its request is reasonable. However, a number of subsidiary portions of the evaluation, which make up the required evaluation, are to be completed by GE and EXXON and provided to CPCo before the scheduled submittal of the complete evaluation to the Commission. In order to assure that the Commission is provided relevant information at the earliest possible opportunity, CPCo shall submit to the Commission copies of the various portions of the evaluation as soon as they are received from GE and EXXON.

In connection with the August 5, 1974 Determination, the Commission concluded that there was reasonable assurance that the variance from the requirements of the Commission's Interim Acceptance Criteria (IAC) concerning the schedule for installation of certain equipment, would not adversely affect the health and safety of the public. With respect to the extension of time to file an evaluation of ECCS performance in accordance with 10 CFR 50.46, from August 5, 1974 until March 31, 1975, granted by the August 5, 1974 Determination, the licensee was required to submit a preliminary evaluation which provided a conservative assessment of ECCS performance under the Commission's Acceptance Criteria. Upon submission the licensee was required to operate in conformity with such preliminary evaluation and all limitations previously imposed. A preliminary evaluation was submitted by CPCo on October 31, 1974. In a subsequent letter dated January 3, 1975, the licensee provided a more conservative GE preliminary evaluation which lowered the Maximum Average Planar Linear Heat Generating Rate (MAPLHGR) limits. In this submittal, Technical Specifications were proposed and implemented which bring reactor operation into conformance with the more conservative GE preliminary analysis. The considerations set forth in the August 5, 1974 Determination with respect to the variance from the IAC, are still applicable and provide the bases for continued facility operation. The additional requirements and operating restrictions which will continue for the period of time until the required evaluation is submitted and evaluated by the NRC staff, provide further assurance that the extension granted by this Determination will not adversely affect the health and safety of the public.

In addition, the reactor will be shutdown during a significant portion of the requested extension time to evaluate and to test certain ECCS instruments which are to function in a Loss of Coolant Accident (LOCA) environment. The facility was shutdown by the licensee on January 16, 1975, and will remain shutdown until the end of April 1975 or later. The plant will not resume operations until after such test results and analyses are reviewed by the NRC staff.

Accordingly, based on the foregoing considerations and for good cause shown, the Commission hereby grants an extension of time to the licensee which extends the date for compliance with the requirements of 10 CFR 50.46(a)(2)(ii) to July 26, 1975, provided that the licensee shall submit to the Commission copies of the completed analyses from GE and EXXON immediately upon his receipt of these analyses, and that the results of the ECCS instrument test and analyses presently underway at the facility shall be submitted to and reviewed and approved by the staff prior to startup from the present shutdown.

Dated at Bethesda, Maryland, this 1st day of April 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-9172 Filed 4-8-75;8:45 am]

[License No. 29-15775-02E]

FIRETEK CORP.

Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 29-15775-02E to Firetek Corporation, 541 Lexington Avenue, Clifton, New Jersey 07011 which authorizes the distribution of fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR 30.

1. The devices are designed to detect incipient fire by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium-241.

2. The byproduct material incorporated in each detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Development, Inc. (Model A001). The maximum activity contained in the unit is 9.5 microcuries.

3. Each exempt unit will have a label identifying the manufacturer, Firetek Corporation, and the byproduct material, americium-241, contained in the unit and recommending that the unit be returned to Firetek Corporation, for disposal.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

Dated at Bethesda, Maryland, March 31, 1975.

For the Nuclear Regulatory Commission.

CECIL R. BUCHANAN,
Acting Chief, Materials Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-9174 Filed 4-8-75;8:45 am]

[Docket Nos. 50-498 and 50-499]

HOUSTON LIGHTING & POWER CO. (SOUTH TEXAS PROJECT, UNITS 1 AND 2)

Evidentiary Hearing on Environmental Issues

Take notice, an evidentiary hearing on environmental issues (and issues which are safety related to site suitability) will be held at the Oasis Motel Ballroom, on Highway 35, west of Bay City, Texas. The hearing will commence at 1 p.m., local time, on Tuesday, April 22, 1975.

The public is invited to attend the hearing. Limited appearance statements will be accepted at the commencement of the proceeding. Oral presentations will be limited to five (5) minutes each but written statements without limitation on length may be inserted in the record.

It is so ordered.

Dated at Bethesda, Maryland this 3rd day of April 1975.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.75-9176 Filed 4-8-75;8:45 am]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO. (HUMBOLDT BAY POWER PLANT UNIT 3)

For Extension of Time for Submittal of Evaluations for Emergency Core Cooling Systems

In accordance with 10 CFR 50.46(a)(2)(iii), a notice was published in the FEDERAL REGISTER on March 14, 1975 (40 FR 11950), that the Nuclear Regulatory Commission had received and was considering a request dated February 21, 1975, from the Pacific Gas and Electric Company (the licensee) for an extension of time until July 28, 1975, for the submittal of an evaluation consistent with the requirements of Appendix K to 10 CFR Part 50 Acceptance Criteria for Emergency Core Cooling Systems (ECCS) for the Humboldt Bay Power Plant Unit 3 (Humboldt Bay). The notice invited the submission of views and comments by any interested persons on the licensee's request. Comments have not been received.

An extension of time for submittal of the required evaluation has previously been granted from August 6, 1974, until March 31, 1975, by the Commission in its "Determination of Request for Extension of Time for Submittal of Evaluations Required by Acceptance Criteria for Emergency Core Cooling Systems (10 CFR 50.46(a)(2)(iii)), dated August 5, 1974 (39 FR 29034). The basis for a further extension of time is the unavailability of the necessary blowdown evaluation from the NSSS vendor of Humboldt Bay Unit 3 before May 23, 1975, and the fuel heatup evaluation from the fuel suppliers (General Electric and EXXON before June 28, 1975. The Pacific Gas and Electric staff would review and submit the evaluations after receiving the input evaluations from the fuel suppliers on or before July 28, 1975.

Since the original extension of time was granted, substantial modifications and revisions of the evaluation models have been required as a result of NRC's review of the GE models for current plants. Also the review of the EXXON evaluation made for more recent plants is still in the final stages. The additional time involved in these modifications to the basic vendor evaluation models has delayed the development of appropriate modifications required to provide models and analyses suitable to Humboldt Bay which is a plant of older design. General Electric must prepare a separate blowdown evaluation model which is tailored to the Humboldt Bay reactor, which will involve additional time beyond the time estimated for submission of the evaluation models for their newer designs. General Electric and EXXON must prepare separate fuel heatup transient models following the acceptance of the GE blowdown model.

Based upon the NRC staff's experience and its knowledge of the effort on the part of GE and EXXON to develop adequate evaluation models and analyses for a number of different reactor facilities, the NRC staff believes that the delay by GE and EXXON in completing the necessary evaluation models and submitting the required analyses constitutes good cause for extension of the current March 31, 1975, deadline for the submittal of the information required by 10 CFR 50.46.

The licensee's schedule for completing the necessary analyses and reviews set forth in its request is reasonable. However, a number of subsidiary portions of the evaluation, which make up the required evaluation, are to be completed by GE and EXXON and provided to PG&E before the scheduled submittal of the complete evaluation to the Commission. In order to assure that the Commission is provided relevant information at the earliest possible opportunity, PG&E shall submit to the Commission copies of the various portions of the evaluation as soon as they are received by PG&E from GE and EXXON.

The Commission has previously determined that the ECCS system performance would conform to the requirements of the Commission's Interim Acceptance Criteria; these requirements continue to apply to facility operation and provide reasonable assurance that the public health and safety will not be endangered. In addition, the August 5, 1974, Determination granting an extension of time to file an evaluation of ECCS performance in accordance with 10 CFR 50.46 from August 5, 1974, until March 31, 1975, required the licensee to submit a preliminary evaluation which provided a conservative assessment of ECCS performance under the Commission's Acceptance Criteria. Upon submission, the licensee was required to operate in conformity with such preliminary evaluation as well as all limitations previously imposed. The licensee submitted its preliminary analysis on December 11, 1974. The licensee also requested a reduction in authorized power level from 240 MWt to 220 MWt. This change was authorized by license Amendment No. 6 issued on December 24, 1974.

Following our review of the licensee's preliminary evaluation, an Order was issued by the Commission on December 24, 1974, restricting the maximum heat flux for the Humboldt Bay reactor and requiring further analyses of fuel densification phenomenon for the Humboldt Bay reactor fuel.

The required analyses included further evaluation of potential cladding collapse to assure that the effects of densification would not adversely affect the calculated limits on maximum heat flux required to assure conformance with the IAC. The licensee submitted its analyses of fuel densification effects on February 24, 1975. With respect to fuel densification considerations associated with ECCS performance calculations, the analyses presented in the February 24, 1975 submittal adequately assess cladding collapse and, combined with the earlier evaluations discussed in our December 24, 1974, Order, demonstrate that, with the present operating limitations including the additional limitations set forth in our December 24, 1974, Order, the facility will conform to the requirements of the IAC. Other aspects of fuel densification effects covered by the evaluations required by our December 27, 1974, Order, are still under review by the staff. These include consideration of fuel densification effects in assessing operating transients and if required, to establish proper operating limits to protect against the effects of such transients.

The next scheduled refueling outage for the Humboldt Bay reactor is June 1975. Since the facility is to be refueled prior to the scheduled completion of the required evaluation to meet the Commission's Acceptance Criteria for Emergency Core Cooling, the analysis for the Humboldt Bay Power Plant Unit 3 to be submitted by July 28, 1975, will be for the next cycle core and not the core currently operating.

Accordingly, based on the foregoing considerations and for good cause shown, the Commission hereby grants an extension of time to the licensee which extends the date for compliance with the requirements of 10 CFR 50.46(a)(2)(ii) to July 28, 1975, provided that the licensee shall submit to the Commission copies of the complete analyses from GE and EXXON immediately upon his receipt of these analyses.

Dated at Bethesda, Maryland, this 1st day of April, 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-9173 Filed 4-8-75;8:45 am]

NUCLEAR REGULATORY COMMISSION continued on page 16152.

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Miss Cheryl Shawver, 1221 Grant Street, Santa Monica, California 90405.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
A permit to transport two leopards + two tigers (third generation captive USA born) interstate for use in Circus work

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Cheryl Shawver
1221 Grant Street
Santa Monica, Calif 90405
(213) 396-6586

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☒ MISS ☐ MS.	HEIGHT 5' 2"	WEIGHT 120 lb
DATE OF BIRTH 7-27-48	COLOR HAIR Blonde	COLOR EYES brown
PHONE NUMBER WHERE EMPLOYED —	SOCIAL SECURITY NUMBER 564-78-0612	

OCCUPATION: wild animal Trainer

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: —

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: —

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: —

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: —

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Home location: (805) 495-2122
864 Carlisle Road
Thousand Oaks
California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents) —

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $50.00 (Fifty dollars)

10. DESIRED EFFECTIVE DATE: immediately

11. DURATION NEEDED: permanent or renewable yearly

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:
attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Cheryl Shawver — DATE: February 12, 1975

3-200
8/70

Cheryl Shawver

I wish to transport interstate two female leopards (*Panthera pardus*) and two female tigers (*Panthera tigris*) for circus work, as we have always done. You have no specific category for this, so I am including what information I think you would want to know.

These animals are at least third generation captive USA born animals, and in *no way* threaten the wildlife population. In fact, my animals will breed in the future and add to the population.

I have been a professional wild animal trainer for nine years now and earn my living in *no other* manner. If you prevent me from traveling interstate with my animals I will be unable to support myself or my animals.

We stay at our home base in California for approximately four months a year. This compound is inspected by the Federal Department of Agriculture twice a year and meets their requirements. The rest of the year we travel all over the USA with the circus, again meeting their requirements.

In the pasts years I have raised over 40 baby lions, tigers and leopards successfully, and cared for hundreds of adults. I am experienced and qualified to own and transport my animals. Demonstrating this is the fact that I am on the Board of Advisors of the Moorpark College Wild Animal program, and my animals and I give demonstrations and lectures there.

I can see no reason why you should not issue this permit for me to be able to continue by line of work with long captive animals that reflect in no manner on the wildlife population.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 9, 1975.

Dated: April 1, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-9163 Filed 4-8-75;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

Applicant:
Jackson Zoological Park, 2918 West Capitol Street, Jackson, Mississippi 39209.
Robert O. Wagner, Director.

OMB NO. 42-R1370

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
To import from West Germany 1 male and 1 female POLAR BEAR, legally caught in Greenland (Denmark), legally and temporarily exported to West Germany for public display and propagation at institution mentioned in Item 5, via the Port of New Orleans, Louisiana, by ocean vessel from West Germany (see Item 12).

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Jackson Zoological Park
2918 West Capitol Street
Jackson, Mississippi 39209, USA
Robert O. Wagner, Director

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Jackson Zoological Park is a municipally operated public zoo, operated entirely by the City of Jackson, Jackson, Mississippi. Annual public visitation is approximately 400,000.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Robert O. Wagner, Director
(601) 354-5211

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
does not apply

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from West Germany to USA via ocean vessel via the Port of New Orleans, Louisiana, to the Jackson Zoological Park, Jackson, Mississippi.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Scientific collecting, #4-SC-541-9
RENEWABLE, Effective 1-1-75 to 12-31-77

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Danish Government Permit attached, the German Government has no restrictions.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ previously submitted

10. DESIRED EFFECTIVE DATE
A. S. A. P.

11. DURATION NEEDED
3 months

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
CFR Title 50 18.31 Sections (a) (2), (3), and (6)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY BE SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) | TITLE | DATE
Robert O. Wagner | Director | 18 February 1975

3-200
10-74

Robert O. Wagner, Director

FEBRUARY 17, 1975.

Mr. A. EUGENE HESTER,
Special Agent in Charge—Permits, U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20240.

DEAR MR. HESTER: Enclosed please find the completed condensed application form you requested.

Please note you had previously received the requested check, as well as all necessary information. Apparently, I had failed to discuss the feeding of the bears while in transit. Therefore, I would appreciate you adding this information:

The Polar Bear will be fed an appropriate diet twice daily. Obviously, they will be fed in the crates and any remaining food would of course be flushed out. They will be watered as often as necessary. There will be either a qualified zookeeper to accompany these animals or an especially taught crew member who will be properly instructed in these matters in charge of the bears during their transit.

You must be aware that these animals are the same two animals that were requested by the Columbia Zoological Park which park later withdrew their request. You have available to you a *complete* file on these animals which even includes photographs of the crates to be used.

I trust this is sufficient information for you to proceed with the necessary publication in the FEDERAL REGISTER.

Best regards,

ROBERT O. WAGNER.

DECEMBER 27, 1974.

DIRECTOR,
U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

DEAR SIR: Please accept this as an application to import a pair of animals as required under the Marine Mammal Act, Title 50, Part 15, Subpart D, as proposed in Volume 39, Number 38, Part 2 of the FEDERAL REGISTER on 25 February 1974. This permit is for the public display of these animals at the Jackson Zoological Park, 2918 West Capitol Street, Jackson, Mississippi 39209. The animals are one male and one female Polar Bear, *Thalarctos maritimus groenlandicus.*

THE NAME AND ADDRESS OF THE APPLICANT:

Jackson Zoological Park, City of Jackson, 2918 West Capitol Street, Jackson, Mississippi 39209, United States of America.

THE NUMBER OF SPECIMENS AND THE COMMON AND SCIENTIFIC NAMES (GENUS AND SPECIES—SUBSPECIES) OF EACH SPECIES OR SUBSPECIES OF FISH OR WILDLIFE PROPOSED TO BE IMPORTED:

One (1) pair—one (1) male and one (1) female Polar Bear, *Thalarctos maritimus groenlandicus.* Presently held in captivity in Europe.

COMPLETE STATEMENT OF THE PURPOSE OF SUCH IMPORTATION:

The pair of Polar Bears for which we seek approval of importation are currently held in captivity by Mr. L. Ruhe in Alfeld, West Germany, where they were transfered from the Copenhagen Zoological Park, Copenhagen, Denmark, which zoo had been holding these animals since their original arrival on the Danish Mainland from Greenland for cosignment to and for the account of Count Knuth at Knuthenborg, Bandolm, Denmark (who originally arranged for the importation of these animals from Greenland).

I am enclosing a copy of a letter from the Ministry for Greenland in Copenhagen, certifying that the Polar Bears were legally captured on 23 May 1973 near Kulusuk, Greenland, and certifying further that the export from Denmark is legal.

Additionally, I enclose copies of statements by Copenhagen Zoo Director, Mr. Arne S. Dyhrberg, dated 9 April 1974 and a certificate issued by Dr. Eric Eriksen, DVM, Royal Veterinary School, Copenhagen dated 20 February 1974—both German and English translations—clarifying and corroborating the exact history and status of these animals.

You are aware that these documents were previously submitted to you upon application for import by the Columbia Zoological Park, Columbia, South Carolina. Further, you are aware that the Director at Columbia Zoological Park withdrew said application, for reasons of insufficient space.

We wish to import these animals in the hope that they will reproduce for us in our present enclosure. We feel our facility is more than adequate and our staff is most anxious to attempt captive propagation of these magnificent specimens.

Because the animals are already long-term captives and are now available to us, and are not now in a potentially reproductive situation, it would appear they are qualified for export to our facility. This would in no way cause a hardship on the extant wild populations of Polar Bears.

IF LIVE FISH OR WILDLIFE ARE INVOLVED, INDICATE A DETAILED DESCRIPTION OF THE TYPE, SIZE AND CONSTRUCTION OF THE CONTAINER, ARRANGEMENTS FOR FEEDING, WATERING, AND OTHERWISE CARING FOR THE FISH OR WILDLIFE IN TRANSIT, AND ARRANGEMENTS FOR CARING FOR THE FISH OR WILDLIFE ON ENTRY INTO THE UNITED STATES:

The pair of Polar Bears in question shall be transported directly by ship to a USA East Coast or Gulf Port area to be selected later, depending upon available steamship service at the time the permit is granted. They will depart to the USA from Hamburg or Bremen, West Germany. They shall be contained in standard shipping crates which measure approximately 151 by 63 by 91 centimeters. The crates shall have barred fronts with vertical sliding doors to the rear. The barred end of the unit shall be equipped with a slot to enable cleaning, feeding, and watering of the animals.

Immediately upon arrival and necessary clearance at port of arrival, the bears shall be transported directly to the Jackson Zoological Park, Jackson, Mississippi by Jackson Zoological Park personnel. We intend to use a heavy duty van-type truck to facilitate this transport. F. J. Zeehandelaar, Inc. of New Rochelle, New York, through whom arrangements for the transaction of these animals will be made, has had considerable experience with sea transportation and the subsequent importation of many exotic species including Polar Bear. However, the importer of record in this case is the Jackson Zoological Park and not F. J. Zeehandelaar, Inc.

THE ADDRESS AND COMPLETE DESCRIPTION OF THE FACILITIES WHERE SUCH FISH OR WILDLIFE WILL BE KEPT:

As previously stated, the pair of Polar Bear will be housed at the Jackson Zoological Park, Jackson, Mississippi 39209, USA. The exhibit is a dry-moated enclosure and is bilevel. The dimensions of the public viewing area are 62 feet by 20 feet and 10 feet by 30 feet for the upper level. This gives the bears a total of 1,540 square feet, in addition to climbing areas, steps, large simulated boulders, etc. The entire enclosure is constructed of gunite and is complete with simulated snow-capped peaks. The moat is 14 feet wide and 18 feet deep. There is a 30 percent incline from the bears display area to where the public will be standing to view the exhibit. The public is further restrained by a 36-inch chain link fence, complete with a guard rail. This fence is situated 44 inches from the outer most wall of the enclosure. The center of the Polar Bear Exhibit is equipped with a bathing pool 18 feet long 7 feet wide and 7 feet deep.

Inside the enclosure and isolated from the public viewing area are three cubbing dens, each of which is 8 feet wide, 15 feet long, and 8 feet high.

A STATEMENT, IF APPLICABLE, OF THE APPLICANT'S QUALIFICATIONS AND PREVIOUS EXPERIENCE IN CARING FOR AND HANDLING CAPTIVE WILDLIFE

The animal collection at the Jackson Zoological Park is under the guidance of the Director, Robert O. Wagner; the Zoo Operations' Supervisor, Don D. Kitchens; and Zookeeper Supervisor, O. C. Dickens. The keeper of the bears at our facility is Sherman Johnson. Dr. James W. Vinson is the part-time Staff Veterinarian. All of these individuals have had extensive experience with exotic wildlife and including Polar Bears. Robert Wagner has been in the Zoological Park Profession for nearly twenty years and has been the Director at the Jackson Zoological Park for more than ten years. Don Kitchens has had nearly fifteen years experience with exotic wildlife, all of which was achieved at the Jackson Zoological Park. O. C. Dickens has a Bachelor of Science Degree and nearly two years of experience at the Jackson Zoological Park. Dr. James W. Vinson is a licensed practicing veterinarian and a graduate of Auburn University, and has many years experience with exotic wildlife. The Keeper, Sherman Johnson, has been working with bears and captive felines for more than fifteen years.

A COPY OF THE CONTRACT OR OTHER ARRANGEMENTS UNDER WHICH SUCH FISH OR WILDLIFE IS TO BE IMPORTED, SHOWING THE NAME AND ADDRESS OF THE SELLER OR CONSIGNOR, DATE OF CONTRACT, CONTRACT PRICE, NUMBER AND WEIGHT (IF AVAILABLE), AND DESCRIPTION OF THE ITEMS

Payment for these animals will be on an exchange basis. The Jackson Zoological Park shall furnish F. J. Zeehandelaar, Inc. several antelope born at the Jackson Zoological Park in exchange for the Polar Bears. The Polar Bears are valued at approximately $11,000.00, the pair, delivered to a USA ocean port. The antelope shall be 1.3 Sitatunga and 3.4 Nilghai or something of similar value. The exchange value of our antelope are not yet finalized and will be determined as soon as a definite date of arrival of the Polar Bears is set.

A CERTIFICATION:

I hereby certify that the foregoing information is complete and accurate, to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a Marine Mammal Permit and that any false statements herein may be subject to the criminal penalties of 18 United States Code 1001.

THE SIGNATURES OF THE APPLICANTS:

Robert O. Wagner, *Director;* Don D. Kitchens, *Zoo Operations Supervisor;* Sherman Johnson, *Keeper in charge;* James W. Vinson, *Doctor of Veterinary Medicine;* O. C. Dickens, *Zookeeper Supervisor.*

PLEASE SEE LIST OF ATTACHMENTS:

(1) Copies of a statement from the Ministry for Greenland certifying the Polar Bears were legally captured (in the Danish language and translated in English).

(2) Health Certificate from Dr. Eric Eriksen, Royal Veterinary and Agriculture University of Copenhagen (written in German and translated into English).

(3) A letter of certification from Arne S. Dyhrberg, Managing Director of the Zoo in Copenhagen, Denmark.

(4) Brochure of the Jackson Zoological Park, Jackson, Mississippi.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 9, 1975.

Dated: April 2, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-9191 Filed 4-8-75;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant:

Louisville Zoological Garden, 1100 Trevilian Way, Louisville, Kentucky 40213.
Robert B. Bean Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of two polar bears from Canada for propagation, public education and exhibition in a non-profit scientific institution.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Louisville Zoological Garden
1100 Trevilian Way
Louisville, Kentucky 40213
502/459-2181

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Public, non-profit zoological institution.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Robert B. Bean Director 502/459-2181
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:
Kentucky

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Louisville Zoological Garden
1100 Trevilian Way
Louisville, Kentucky 40213

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
None required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:
$ 50.00

10. DESIRED EFFECTIVE DATE:
As soon as possible

11. DURATION NEEDED:
permanent

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 13.12(a) Veterinarian Certification
Attached 50 CFR 18.31

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In full): Robert B. Bean — DATE: March 10, 1975

3-200
(6/74) Robert B. Bean

March 10, 1975.

Re Polar Bear Permit Application Reference Code FWS/LE PRT 9-15-C.

U.S. Department of the Interior,
Fish & Wildlife Services,
Washington, D.C. 20240.

Dear Sir: Following the format outlined in your document 50CFR13 Section 13.12(a):

1. Louisville Zoological Garden
   1100 Trevilian Way
   Louisville, Kentucky 40213
   502/459-2181
2. Does not apply
3. Robert B. Bean, Director
   Louisville Zoological Garden
   100 Trevilian Way
   Louisville, Kentucky 40213
4. Louisville Zoological Garden
   (same as above)
5. Section #13.12(a)—Marine Mammal Permit CFR18 18.31
6. Dependent upon approval of USDI issuance of Marine Mammal Permit under section 18.31.
7. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter 1 of Title 50, and I further certify that the information submitted in this application for permit is complete and accurate to the best of my knowledge and belief. I understand that false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.
8. The earliest possible date permitted under law.
9. March 10, 1975
10. Robert B. Bean, Director
11. The information pertaining to sub part B of the Marine Mammal Permit 18.31. Public display and propagation.

March 10, 1975.

U.S. Department of the Interior,
Fish and Wildlife Services,
Washington, D.C. 20240.

Re Additional information pertaining to 18 CFR subpart D 18.31 as required by the Department of the Interior, Marine Mammal Act, February 24, 1974, Volume 39 #38 part 2, Federal Register.

Dear Sir: 1. One male and one female juvenile polar bear (Thalarctos maritimus) are presently being held in captivity at the Calgary, Alberta, Canada Zoo, for the Louisville, Kentucky Zoo. Upon permit approval by U.S.D.I. these animals will be transported to and housed at the Louisville Zoo for the purpose of propagation, education and public exhibition at a non-profit scientific institution.

The male polar bear was captive born at the Calgary Zoo in November, 1973. The female polar bear was orphaned in the wild as a cub and was rescued by the Canadian Government Wildlife Authorities. This animal was made available to all qualified Canadian Zoos through bid purchase. The Calgary Zoo obtained the animal, and now both of these animals are available via sale agreement to the Louisville Zoo pending permit approval by your agency.

Since the male bear was captive born and the female would have perished had it not been rescued as a cub, we feel that there is no detrimental effect on the wild populations pertaining to our request for receipt of these young bears.

2. One male and one female polar bear (Thalarctos maritimus), approximately sixteen (16) months of age, in apparent good condition, with an estimated body weight presently of 250 lbs. each.

3. Transportation to be implemented by appropriate size rental truck driven by persons experienced with polar bears to accompany animals the entire route from Calgary, Alberta, Canada to Louisville, Kentucky, U.S.A. The animals will be maintained, fed, watered, etc. and checked frequently enroute for proper ventilation and behavioral adjustment. Entry into the U.S.A. anticipated at Customs Port Sweetgrass, Montana.

Artificial environment to be constructed of ¾" plywood reinforced with angle iron frame and galvanized metal lined for strength. Metal will be rolled to prevent injury. The crate will possess steel frame doors with galvanized nine gauge mesh for proper ventilation. These doors will be vertical, slide in tracks to allow for feeding, watering, feces removal and disinfecting. There will be steel water bowls secured to the floor of the crates to assure fresh clean water at all times. These crates will be custom built per individual bear depending upon the size of the animal at the time of permit approval.

The crates will allow room for animals to eat, lie, stand and move about comfortably. (Veterinary certification enclosed).

4. Does not apply.

5. Does not apply.

6. Animals will be displayed in a public, non-profit zoological institution, located in Louisville, Kentucky. They will be on display at all times with the exception of off-display reasons, such as cubbing, medication of animals, etc. Approximately 400,000 people annually will view this display with appropriate educational labeling. Lectures, tours and scientific observation and analyses to be conducted by Zoo staff and the zoological community, i.e. University of Louisville, University of Kentucky, etc.

7. The Louisville Zoological Garden is a modern, well designed zoological institution

which places special emphasis on animal propagation and attractive naturalistic exhibits. The combined experience of the Director, Assistant Director and General Curator encompasses 40 years. The Director and Assistant Director have previously been assigned at other institutions which have bred many rare and endangered species including polar bears. The institution is strongly supported by the academic community and utilized by the students of the surrounding universities. The Louisville Zoo possesses U.S. Dept. of Agriculture accreditation (#61CB) and the Zoo has never received anything less than an excellent rating with regard to animal maintenance and housing through that department's periodic inspection. I believe that this institution is fully qualified to possess the permit that we seek. We would be happy to have an official of the U.S.D.I. visit our facility for the purpose of inspection at any time.

ROBERT B. BEAN,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 9, 1975.

Dated: April 3, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-9192 Filed 4-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

[CGD 75 080]

Coast Guard

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items if lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from February 4, 1975 to February 18, 1975 (List No. 6-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/38/0, M-S-A Ammonia Mask, Part No. 84869 having the OVAL Ammonia Canister and the Clearvue Facepiece Assembly, or Part No. 86199 having the All-Vision Facepiece Assembly, or Part No. 86200 having the All-Vision Speaking Diaphragm Assembly which may be used in conjunction with M-S-A Maskfone; Bureau of Mines Approval No. BM-14F-58; dwg. Nos. C-84869, Rev. 2 dated May 22, 1970, and B-86197, Rev. 4 dated December 7, 1970, manufactured by the Mine Safety Appliances Company, 201 North Braddock Avenue, Pittsburgh, Pennsylvania 15208, effective February 4, 1975. (It is an extension of Approval No. 160.011/38/0 dated April 7, 1970.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/198/1, Type SS 2801 survival capsule launching system (winch-type); approved as an alternate to a lifeboat davit for a maximum working load of 11,000 lbs. on a single fall; identified by general arrangement drawing SS 3801, revision B dated January 28, 1975, electrical system acceptable in Class I, Group D hazardous locations as defined by 46 CFR 111.80-5, approved for installation with Lake Shore, Inc. lifeboat winches either Model LS-111-E (Approval No. 160.015/102/2) or Model LS-111-DS (Approval No. 160.015/107/0) for use on artificial islands, fixed structures, and drilling rigs, both self-propelled semisubmersible and nonself-propelled, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective February 4, 1975. (It supersedes Approval No. 160.032/198/0 dated August 23, 1974 to provide for minor design changes.)

LIFEBOATS

Approval No. 160.035/475/0, 26.25' x 8.85' x 3.6' fibrous glass reinforced plastic (FRP), totally enclosed (covered), motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 44-Person capacity, identified by general arrangement dwg. No. 8EL-101 Rev. 6 dated November 19, 1974, 46 CFR 160.035-13 (c) Marking, Weights: Condition "A"—7,500 pounds; Condition "B"—15,697 pounds, manufactured by Watercraft America Inc., P. O. Box 307, Mims, Florida 32754, effective February 13, 1975.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/11/0, group approval for rectangular and trapezoidal kapok buoyant cushions, manufactured in accordance with U.S.C.G. Specification Subpart 160.048 and UL/MD report file No. MQ 80, Type IV PFD, manufactured by Gladding Corporation, Flotation Division, P. O. Box 8277, Station A, Greenville, South Carolina 29604 formerly Style-Crafters, Inc., effective February 14, 1975. (It is an extension of Approval No. 160.048/11/0 dated May 19, 1970 and change of name of manufacturer.)

Approval No. 160.048/117/0, group approval for rectangular and trapezoidal kapok buoyant cushions, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 98, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type IV PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647 formerly Ero Manufacturing Company, effective February 14, 1975. (It is an extension of Approval No. 160.048/117/0 dated May 19, 1970 and change of name and address of manufacturer.)

INFLATABLE LIFE RAFTS

Approval No. 160.061/54/0, 6-person inflatable life raft; identified by general arrangement drawing SPC-MM-6002 (Rev. 7) dated June 24, 1974, and drawing list SPC-MM-6, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/54/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/55/0, 8-person inflatable life raft; identified by general arrangement drawing SPC-MM-8002(Rev. 10) dated June 18, 1974, and drawing list SPC-MM-8, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/55/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/55/0, 8-person inflatable life raft; identified by general arrangerangement drawing SPC-LRC-1002 (Rev. 10) dated June 18, 1974, and drawing list SPC-MM-10, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/56/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/57/0, 15-person inflatable life raft; identified by general arrangement drawing SPC-LRC-15002(Rev. 9) dated June 17, 1974, and drawing list SPC-MM-15, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/57/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/58/0, 20-person inflatable life raft; identified by general arrangement drawing SPC-MM-20002(Rev. 9) dated June 13, 1974, and drawing list SPC-MM-20, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/58/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/59/0, 25-person inflatable life raft with "Ocean Service Equipment"; identified by general arrangement drawing SPC-MM-25002(Rev. 11) dated Jan-

uary 8, 1975 and drawing list SPC MM 25, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, inflation system requires two(2) aluminum cylinders as shown on Dwg. SPC-LRC-1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975.

Approval No. 160.051/60/0, davit-launched inflatable life raft, 20-person capacity, Type 20 MC MK3; identified by drawing RFD-US-1121 (Sheets 1 and 2), revision B dated December 26, 1974 and Specification RFD-US-500, revision No. 3 dated December 27, 1974, single-point suspension raft, packed in a fabric valise, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective February 13, 1975.

Approval No. 160.051/61/0, 25-person inflatable life raft with "Limited Service Equipment"; identified by general arrangement drawing SPC-MM-25002(Rev. 11) dated January 8, 1975 and drawing list SPC-MM 25, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, inflation system can use either steel or aluminum cylinders as shown on Dwg. SPC-LRC-1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/31/0, unicellular plastic foam work vest as per military specification MIL-17653, U.S.C.G. Specification Subpart 160.053, drawing No.'s WVO-101, WVO-102, WVO-103 and WVO-104 dated November 20, 1974 and bill of materials dated December 16, 1974, factory location: 1415 N. Water Street, Corpus Christi, Texas, Type V PFD, manufactured by Billy Pugh Company, Inc., P.O. Box 802, Corpus Christi, Texas 78403, effective February 13, 1975.

LAUNCHING DEVICE FOR INFLATABLE LIFE RAFTS

Approval No. 160.063/1/0, Type R-50-B single-armed davit with W-50-H pedestal winch; approved for a maximum working load of 5,000 lbs. by a one-part fall; identified by general arrangement drawing D1-E-267, revision A dated January 21, 1975 and drawing lists (2), revision A dated January 21, 1975, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective February 13, 1975.

MARINE BUOYANT DEVICE

Approval No. 160.064/379/0, child medium, Model No. TDV-4, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/379/0 dated February 26, 1973 to show change in name of distributor.)

Approval No. 160.064/380/0, adult, Model No. TDV-5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/380/0 dated February 26, 1973 to show change of name of distributor.)

Approval No. 160.064/381/0, adult, Model No. TDV-6, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975 (It supersedes Approval No. 160.064/381/0 dated February 26, 1973 to show change of name of distributor.)

Approval No. 160.064/382/0, adults, Model No. TDV-7, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/382/0 dated February 26, 1973, to show change of name of distributor.)

Approval No. 160.064/382/0, adult, Model No. TDV-8, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/383/0 dated February 26, 1973 to show change of name of distributor.)

Approval No. 160.064/384/0, adult ladies, Model TLV-5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/384/0 dated February 26, 1973 to show change of name of distributor.)

Approval No. 160.064/446/0, child medium, Model No. 1, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/446/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/447/0, adult small, Model No. 2, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/447/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/448/0, adult medium, Model No. 3, viny dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/448/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/449/0, adult large, Model No. 4, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/449/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/450/0, adult X-large, Model No. 5, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/450/0 dated December 15, 1972 to show change in model No.)

Approval No. 106.064/623/0, adult, Model No. 4156, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective February 11, 1975. (It supersedes Approval No. 160.064/623/0 dated December 30, 1974 to show change in model No.)

Approval No. 160.064/624/0, child medium, Model No. 4161, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective February 11, 1975. (It supersedes Approval No. 160.064/624/0 dated December 30, 1974 to show change in model No.)

Approval No. 160.064/625/0, child small, Model No. 4166, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective February 11, 1975. (It supersedes Approval No. 160.064/625/0 dated December 30, 1974 to show change in model No.)

Approval No. 160.064/676/0, Model No. 8404, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type IV PFD, manufactured by American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, effective February 11, 1975.

Approval No. 160.064/715/0, child medium, Model No. 8308, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/715/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/716/0, adult, Model No. 8309, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No.

160.064/716/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/717/0, adult, Model No. 8310, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/717/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/718/0, adult, Model No. 8311, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/718/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/719/0, adult, Model No. 8312, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/719/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/720/0, child small, Model No. 8321, cloth covered unicellular plastic foam "Boating Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/720/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/721/0, child small, Model No. 8322, cloth covered unicellular plastic foam "Boating Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/721/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/722/0, child medium, Model No. 8323, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/723/0, adult medium, Model No. 8324, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/724/0, adult large, Model No. 8325, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/725/0, adult X-large, Model 8326, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/726/0, adult SX-large, Model No. 8327, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/735/0, adult medium, Model No. 8344 or 8357, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/736/0, adult large, Model No. 8345 or 8358, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/737/0, adult X-large, Model No. 8346 or 8359, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/738/0, adult SX-large, Model No. 8347 or 8360, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/790/0, adult medium, Model No. 8340, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/740/0, adult large, Model No. 8341, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/741/0, adult X-large, Model No. 8342, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective January 11, 1975.

Approval No. 160.064/742/0, adult SX-Large, Model No. 8343, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/771/0, child medium, Model No. 8350, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/772/0, adult medium, Model No. 8351, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/773/0, adult large, Model No. 8352, vinyl dipped unicellular plastic foam "Water Ski Vest", manucatured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/774/0, adult X-large, Model No. 8353, vinyl dipped unicellular plastic foam "Water Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/792/0, child medium, Model Junior, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective February 11, 1975.

Approval No. 160.064/793/0, child medium, Model Junior, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective February 11, 1975.

Approval No. 160.064/802/0, child medium, Model No. 6308, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/803/0, adult, Model No. 6309, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/804/0, adult, Model No. 6310, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/805/0, adult, Model No. 6311, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173,

Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/806/0, adult, Model No. 6312, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/807/0, child medium, Model No. 6350, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/808/0, adult medium, Model No. 6351, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/809/0, adult large, Model No. 6352, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/810/0, adult X-large, Model No. 6353, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/826/0, child medium, Model No. VSC Youth, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/827/0, adult, Model No. VSC Medium, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/828/0, adult, Model No. VSC Large, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/829/0, adult, Model No. VSC X-L, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/830/0, adult, Model No. VSC XX-L, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/831/0, child medium, Model No. SVS, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective February 11, 1975.

Approval No. 160.064/832/0, adult medium, um, Model No. SVM, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective February 11, 1975.

Approval No. 160.064/833/0, adult large, Model No. SVL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective February 11, 1975.

Approval No. 160.064/834/0, adult X-large, Model No. SVXL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Taperflex of America, 558 Library Street, San Francisco, California 91341, effective February 11, 1975.

Approval No. 160.064/850/0, adult X-large, Model No. HP-70, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective February 11, 1975.

Approval No. 160.064/851/0, adult large, Model No. HP-60, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective February 11, 1975.

Approval No. 160.064/852/0, adult medium, Model No. HP-50, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective February 11, 1975.

Approval No. 160.064/866/0, adult small, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by America's Cup, Inc., So. El Monte, California 91733 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/867/0, adult medium, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by America's Cup, Inc., So. El Monte, California 91733 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/868/0, adult large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by America's Cup, Inc., So. El Monte, California 91733 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/869/0, adult X-large, Model No. 505 cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by America's Cup, Inc., So. El Monte, California, 91733 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/50/0, "Insulite I", perlite aggregate oxychloride cement deck covering, identical to that described in E. H. O'Neill Floors Co. letter dated October 29, 1963, approved for use without insulating material as meeting Class A-60 requirements in a 1-inch thickness, manufactured by E. H. O'Neill Company, Inc., 5515 Belair Road, Baltimore, Maryland 21206, effective February 14, 1975. (It supersedes Approval No. 164.-006/50/0 dated November 4, 1974 to show change in name of product.

Dated: April 1, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-9240 Filed 4-8-75;8:45 am]

[CGD 75-079]

MISSISSIPPI RIVER IN THE VICINITY OF THE PORT OF NEW ORLEANS

Mooring of Barges and Vessel Operations and Control Barge Breakaways; Cancellation of Amendment

Notice is given that paragraph 4c (Standby towboats) and paragraph 4d (Transfers in the fleet) in Special Order 3-74 are made effective on February 12, 1975 by cancelling the amendment to Special Order 3-74 (39 FR 19974;

June 5, 1974). The amendment revoked paragraphs 4c and 4d.

The Coast Guard regulates barges on the Mississippi River in the vicinity of New Orleans under Special Order 3–74, published February 19, 1974 (39 FR 6137). Paragraphs 4c and 4d are made effective, thereby making the entire Special Order effective during the spring when the level of the Mississippi River is high.

At 6 p.m. c.s.t., February 12, 1975 paragraphs 4c and 4d of Special Order 3–74 are in effect.

Dated: April 2, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-9239 Filed 4-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

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

RTCM ASSEMBLY

Notice of 1975 annual meeting, Monday, Tuesday, Wednesday, April 28–30, 1975. Business meeting: Monday, April 28, 10:30 a.m., Grand Salon, Hilton Inn, 10330 Natural Bridge Road, St. Louis, Missouri. Commissioner R. E. Lee, FCC, Chairman, RTCM.

AGENDA

1. Introductory remarks.
2. Election of Chairman.
3. Committee reports: (a) Executive Committee; (b) Special Committees.
4. Report of the Executive Secretary.
5. Status report—RTCM organizational developments.
6. Election of Assembly Member applicants.
7. Other business.

SPECIAL COMMITTEE No. 68

"Marine Radiotelephone Operator Education", notice of 5th meeting, Monday, April 28, 1975—7:45 a.m. (Working breakfast meeting), Salon d'Or, West, Hilton Inn, St. Louis, Missouri.

AGENDA

1. Call to order; Chairman's report.
2. Adoption of agenda; Confirmation of Secretary.
3. Discussion on scope and content of "Marine Radio Telephony".
4. Other business.
5. Establishment of next meeting date.

A. Newell Garden, Chairman, SC–68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173, phone: (617) 862–6600 (Ext. 414).

SPECIAL COMMITTEE No. 66

"Receiver Standards for the Maritime Mobile Service", notice of 30th meeting, Tuesday, April 29, 1975—7:45 a.m. (Working breakfast meeting), Salon d'Or, West, Hilton Inn, St. Louis, Missouri.

AGENDA

1. Call to order; Chairman's report.
2. Adoption of agenda; Appointment of rapporteur.
3. Discussion on scope and content of MF/HF SSB receiver standards.
4. Other business.
5. Establishment of next meeting date.

H. R. Smith, Chairman, SC–66, ITT Mackay Marine, 441 US Highway #1, Elizabeth, New Jersey 07202, phone: (201) 527–0300.

To comply with the advance meeting notice requirements of Pub. L. 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each meeting are available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone: (202) 632–6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc.75-9179 Filed 4-8-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Retraction of Notice of Establishment and Notice of Meeting

The Notice of Establishment of Special Committee 130 of the Radio Technical Commission for Aeronautics, as published in the FEDERAL REGISTER of April 2, 1975 (vol. 40, no. 64, p. 14805), is erroneous. The establishment of Special Committee 130 has not been approved by the Federal Communications Commission. Accordingly, the notice of a May 22–23 meeting of Special Committee 130, also published in the FEDERAL REGISTER of April 2, 1975 (p. 14806), is not applicable and is hereby rescinded.

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

[FR Doc.75-9180 Filed 4-8-75;8:45 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on May 15, 1975, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(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 May 14, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on May 14, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: April 1, 1975.

Released: April 3, 1975.

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

BP–19732	KDOL, Mojave, Calif. Golden Desert Broadcasting Corp. Has: 1340 kHz, 250 W, 500 W–LS, U Req: 1340 kHz, 250 W, 1 kW–LS, U.
BP–19830	NEW, Reidsville, Ga. Reidsville Broadcasting Corp. Req: 1390 kHz, 500 W, Day.
BP–19843	KIPA, Hilo, Hawaii Big Island Broadcasting Co. Ltd. Has: 620 kHz, 1 kW, U Req: 620 kHz, 5 kW, U.
BP–19853	KBBS, Buffalo, Wyo. KBBS, Inc. Has: 1450 kHz, 250 W, U Req: 1450 kHz, 250 W, 1 kW–LS, U.
BP–19856	NEW, Manti, Utah Sanpete County Broadcasting Co. Req: 1340 kHz, 250 W, 1 kW–LS, U.

[FR Doc.75-9181 Filed 4-8-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

MARKET SHARES QUESTIONNAIRES

Proposed Questionnaire

Notice is hereby given that the Federal Energy Administration proposes to issue a monthly questionnaire for the collection of (1) market share information pursuant to the requirements of section 4(c)(2)(A) of Pub. L. 93–159 (Emergency Petroleum Allocation Act of 1973) and (2) additional data as authorized by sections 5 and 13 of Pub. L. 93–275 (Federal Energy Administration Act of 1974).

The proposed monthly questionnaire (Form FEA P314–M–0) will collect information on distillate and residual fuel oil sales to ultimate consumers for January 1975 and succeeding months. Form FEA P314–M–0 is a follow-on questionnaire to Form FEA P308–S–0 which was recently mailed to refiners, importers, and resellers/retailers to collect market share and product distribution information over the period January 1972 through December 1974. There is no category of information on Form FEA P314–M–0 which was not also on Form FEA P308–S–0.

The proposed monthly questionnaire, a copy of which is appended to this notice, has been sent to the General Accounting Office for clearance. Once approved, the proposed monthly questionnaire will be printed and mailed to a sample, selected by the Federal Energy Administration of those retailers of distillate and residual fuel oil, which are required to complete Form FEA P308–S–0. It is anticipated that the proposed monthly questionnaire will be mailed in May 1975 to about 1,500 respondents. Respondent burden is estimated to range from 1 to 160 man-hours with an average burden of 40 man-hours.

Written comments on the proposed monthly questionnaire are invited from all interested persons, organizations, public interest groups, and affected businesses. Comments must be received, in five (5) copies, by April 23, 1975, and should be addressed to: Federal Energy Administration, Executive Communications, Room 3309, Box CM, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461.

Dated: April 3, 1975.

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

FEDERAL ENERGY ADMINISTRATION

[FEA P314–M–0]

MONTHLY SURVEY OF DISTILLATE AND RESIDUAL FUEL OIL SALES TO ULTIMATE CONSUMERS

INSTRUCTIONS

PURPOSE

Form FEA–P314–M–0 provides the means to: Enable FEA to comply with the provisions of section 4(c)(2)(A) of Pub. L. 93–159 (Emergency Petroleum Allocation Act of 1973) which requires monthly reporting to Congress on changes in the aggregate shares of independent and other marketers of refined petroleum products.

Collect additional information on these products as authorized by the provisions of sections 5 and 13 of Pub. L. 93–275 (Federal Energy Administration Act of 1974).

I. WHO MUST SUBMIT

All applicable parts of Form FEA–P314–M–0 must be completed by a sample of firms, as selected by the Federal Energy Administration (FEA), which sell distillate and/or residual fuel oil directly to ultimate consumers. If the recipient no longer sells distillate and/or residual fuel oil directly to ultimate consumers, a letter to this effect must be returned with the uncompleted questionnaire to the Federal Energy Administration, Code 3000, Washington, D.C. 20461.

II. TO WHOM

Form FEA–P314–M–0 should be submitted to: Federal Energy Administration, Code 3000, Washington, D.C. 20461.

Additional copies of the reporting form may be obtained from the above address. Indicate the number of copies needed and the address to which they should be sent.

III. WHEN

Form FEA–P 314–M–0 should be submitted no later than the last day of the month following the reporting period (e.g. the report for June must be received by July 31, 1975).

V. DEFINITIONS

"Commission Agent" means an agent who wholesales or retails a refined petroleum product under a commission arrangement. Typically, he does not take title to the product but receives a percentage of the wholesale or retail margin for serving as the agent.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a firm, whether through the ownership of voting securities, by contract, or otherwise. This definition includes the terms "controlling", "controlled by" and "under common control with."

"Distillate Fuel Oil" means a fuel oil of a petroleum fraction which, when produced in conventional distillation operations, has a boiling range from 10 percent point at 300°F. to 90 percent at 675°F. Included are products known as American Society for Testing and Materials (ASTM) grades No. 1, No. 2, and No. 4 fuel oils and diesel fuels. For purposes of this report, distillate fuel oil is further subdivided into the categories of No. 2 Distillate Fuel Oil, and Other Distillate Fuel Oil.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity, however organized, including charitable, education, or other eleemosynary institution, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. For purposes of this report, a firm includes a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

"No. 1–D Diesel Fuel" means diesel fuel grade No. 1 as defined in American Society for Testing and Materials (ASTM) D975–71.

"No. 1 Heating Oil" means heating oil grade No. 1 as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 2–D Diesel Fuel" means fuel grade No. 2, as defined in American Society for Testing and Materials (ASTM) D975–71.

"No. 2 Distillate Fuel Oil" means a petroleum distillate which meets the specifications for No. 2 Heating Oil as defined in ASTM D396–71 and/or the specifications for No. 2–D Diesel Fuel as defined in ASTM D975–71.

"No. 2 Heating Oil" means heating oil grade No. 2, as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 4–D Diesel Fuel" means diesel fuel grade No. 4 as defined in American Society for Testing and Materials (ASTM) D975–71.

"No. 4 Fuel Oil" means fuel oil grade No. 4 as defined in American Society for Testing and Materials (ASTM) D396–71.

"Other Distillate Fuel Oil" means, for purposes of this report, all distillate fuel oil except No. 2 Distillate Fuel oil (see definition).

"Parent" means a firm which directly or indirectly controls another entity.

"Refiner" means a firm that owns, operates, or controls the operation of one or more refineries.

"Refiner Company Brand" means a trademark, trade name, service mark, or other identifying symbol, or name owned by a refiner.

"Refinery" means, for purposes of this report, an industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing refined petroleum products, except when such plant is a petrochemical plant or natural gas processing plant.

"Reporting Period" means, for purposes of this report, a calendar month. Monthly reports are required for January 1975 and each subsequent month, or from the time at which the current owners acquired the reporting firm if later than January 1975.

"Reseller" means, for purposes of this report, a firm or that part of such a firm which carries on the trade or business of purchasing distillate fuel oil and/or residual fuel oil and reselling them without substantially changing their form to purchasers other than ultimate consumers.

"Residual Fuel Oil" means, for purposes of this report, the fuel oil commonly known as: (a) No. 5, and No. 6 fuel oils; (b) Bunker C; (c) Navy Special Fuel Oil; (d) Crude Oil when burned directly as a fuel; and all other fuel oils which have a 50 percent boiling point over 700°F in the ASTM D–86 standard distillation test.

"Retailer" means, for purposes of this report, a firm (other than a refiner or reseller) or that part of such a firm which carries on the trade or business of purchasing distillate fuel oil and/or residual fuel oil and reselling them to ultimate consumers without substantially changing their form.

"Sales" means, for purposes of this report, all sales in the United States, including U.S. possessions and U.S. territories, of distillate fuel oil and/or residual fuel oil made by the reporting firm during the reporting period, regardless of whether the material so sold was acquired by manufacture, domestic or foreign purchase exchange, or otherwise. Sales include all transfers of ownership of product, whether for cash or other consideration, except that exchanges are included only to the extent that the amount transferred exceeds the amount received in an exchange. All military sales, including those directed to Post Exchanges, are to be considered as part of sales to ultimate consumers. Exclude intra-firm transfers.

VI. GENERAL INSTRUCTIONS

Review all instructions and definitions carefully before completing the form. If there are any questions, please call (202) 964–6507.

Report all requested data on an aggregated basis covering the sales (for each product) made by all divisions, branches, and other entities such as Commission Agents, under the direct or indirect control of the parent firm filing this report.

On top of all pages, enter, as indicated, the reporting firm's Control Number (obtained from the mailing label on the envelope which contained the questionnaire); the reporting firm's IRS Employer Identification Number (EIN); the reporting firm's name; and the date of this report by month, day and year. The information requested is required for computer processing and must be provided as indicated.

VII. SPECIFIC INSTRUCTIONS

A. *Part I—Identification Data. Item No. 1: Date of Report.* In Item 1, enter the date this report was completed by month, day, and year. For example, October 15, 1975 would be entered as 10-15-75.

Item No. 2: Type of Report. In Item 2, check the applicable box to indicate whether the report is an original or a revision to an earlier report. If an Original Report, enter the month and year of the period covered by the report. If the report is a revision to an earlier submission, indicate the reference date of the initial report by month and year. Provide such a revised report only when data submitted on an earlier report should be corrected or updated based on information which was unknown when the initial report was completed.

Item No. 3: Firm Identification. In Item 3(a), enter the firm's Control Number obtained from the upper left portion of the mailing label on the envelope which contained this questionnaire.

In Item 3(b), enter the reporting firm's IRS Employer Identification Number.

In Item 3(c), enter the reporting firm's name.

In Item 3(d) through 3(g), enter the reporting firm's complete address, including ZIP Code.

In Item 3(h) and 3(i), enter the name and telephone number, including area code, of an official of the reporting firm who can be contacted to answer questions regarding the submitted FEA-P314-M-0.

Complete Item 3(j) as indicated on the face of the form. Ensure correct information is provided in Item 3(a) through 3(g).

B. *Part II—Volume Data.* Enter in Part II, the firms total volume of sales made directly to ultimate consumers during the Reporting Period. Exclude sales to resellers and/or retailers.

Enter the State and State Code in which the sales were made. A list of codes to be used in Column (A) for each State is provided in Appendix A.

Sales volume should be entered in thousands of gallons. Round numbers to the nearest thousand, e.g. enter 6,500 as 7, enter 6,400 as 6.

Only complete the columns (Products) for which you had sales, leave the rest blank.

Exclude from sales, intra-firm transfers and product consumed directly by the reporting firm.

Enter in Column (B) all sales of No. 2 Distillate Fuel Oil (see definition) made to ultimate consumers during the reporting period.

Enter in Column (C) all sales of Other Distillate Fuel Oil (see definition) made to ultimate consumers during the reporting period.

Enter in Column (D) all sales of Residual Fuel Oil (see definition) made to ultimate consumers during the reporting period.

Important Note: Procedure for Providing Additional Information. If additional copies of the chart in Part II are required, they may be obtained by reproducing enough copies from one of the blank charts provided. The total number of attachments of the same Part II item should be annotated on each like page in the box provided.

C. *Part III*—Section VIIE herein provides instructions for completing Part V of FEA P314-M-0. The data in Part V is required to update FEA records. A change need only be submitted once.

If there have been no changes to the information covered in Part V which have not been previously reported to the FEA on this monthly report, check the box following the statement "Not required."

If there has been a change in the information covered in Part V which has not been reported to the FEA on this monthly report, check the box following the statement "Required and is attached." Part V of the form should be completed and attached as indicated in Section VIIE herein.

D. *Part IV—Certification.* Type the name and title of the individual who has signed the certification, and the date of signing, in the spaces provided on the form. The individual who signs and certifies this form must be the Chief Executive Officer of the parent or such other executive officer of the entity as authorized by the Chief Executive Officer to sign for him for this purpose. In the latter case, the reporting firm must file with the addressee office, a letter of authorization signed by the Chief Executive Officer which identifies other officials authorized to certify forms for the firm. A sample format for this letter is available from any FEA regional office.

Title 18, U.S. Code 1001, makes it a crime for any person knowingly and willfully to make to any agency or department of the United States, any false, fictitious, or fraudulent statement as to any matter within its jurisdiction.

E. *Part V—Report Change Information. Item No. 1. Important Note:* The information in Part V constitutes a revision to that data submitted originally on FEA Form P308-S-0 (Historical Survey of Propane, Distillate Fuel Oil, and Residual Fuel Oil Sales to Ultimate Consumers), or on previous submittals of this monthly report (FEA Form P314-M-0). Part V need only be submitted when a revision is required.

Complete Item 1, if required, by providing the information requested on the face of the form. State Codes may be taken from the listing provided as Appendix A.

Note: Procedure for Providing Additional Information. If additional copies of the chart are required, they may be obtained by reproducing enough copies from the blank chart provided. The total number of attachments of the same Part V item should be annotated on each like page in the box provided at the bottom of the page.

Item No. 2. Complete Item 2, if required, by answering the questions relative to your current operations, using the definitions provided in Section V of these instructions.

APPENDIX A

NUMERIC STATE CODES

(Source: FIPS 5-1)

State	*Code*
Alabama	01
Alaska	02
Arizona	04
Arkansas	05
California	06
Colorado	08
Connecticut	09
Delaware	10
District of Columbia	11
Florida	12
Georgia	13
Hawaii	15
Idaho	16
Illinois	17
Indiana	18
Iowa	19
Kansas	20
Kentucky	21
Louisiana	22
Maine	23
Maryland	24
Massachusetts	25
Michigan	26
Minnesota	27
Mississippi	28
Missouri	29
Montana	30
Nebraska	31
Nevada	32
New Hampshire	33
New Jersey	34
New Mexico	35
New York	36
North Carolina	37
North Dakota	38
Ohio	39
Oklahoma	40
Oregon	41
Pennsylvania	42
Rhode Island	44
South Carolina	45
South Dakota	46
Tennessee	47
Texas	48
Utah	49
Vermont	50
Virginia	51
Washington	53
West Virginia	54
Wisconsin	55
Wyoming	56

Territories and Possessions	*Code*
American Samoa	60
Canal Zone	61
Canton and Enderbury Islands	62
Caroline Islands	63
Cook Islands	64
Gilbert and Ellice Islands	65
Guam	66
Johnson Atoll	67
Line Islands—Southern	68
Marianas Islands	69
Marshall Islands	70
Midway Islands	71
Puerto Rico	72
Ryukyu Islands—Southern	73
Swan Islands	74
Tokelau Islands	75
U.S. Misc. Caribbean	76
U.S. Misc. Pacific Islands	77
Virgin Islands	78
Wake Island	79

PEA P314-M-0

FEDERAL ENERGY ADMINISTRATION
Code 3000
Washington, D.C. 20461

APPROVED BY GAO
B-
EXPIRES: _/_/__

MONTHLY SURVEY OF DISTILLATE AND RESIDUAL FUEL OIL SALES TO ULTIMATE CONSUMERS

READ INSTRUCTIONS CAREFULLY BEFORE ATTEMPTING TO COMPLETE THIS FORM

This report is mandatory under Public Laws 93-159 and 93-275.

Part I - Identification Data

1. Date of Report ☐☐☐☐☐☐ (Mo Day Yr)

2. Type of Report
a. ☐ Original for ☐☐☐☐ (Mo Yr)
b. ☐ Revision to Report for ☐☐☐☐ (Mo Yr)

FEA Use Only
Trans. ☐
Status ☐☐
No. of Pages ☐☐☐

3. Firm Identification
a. Control Number ☐☐☐☐☐☐ b. EIN ☐☐☐☐☐☐☐☐☐

c. Firm Name

d. Address

e. City f. State g. ZIP Code ☐☐☐☐☐

h. Contact Person i. Telephone No. (☐☐☐)-☐☐☐-☐☐☐☐

j. ☐ Check if Firm Identification data has changed during the past month.

Part II - Volume Data

Enter the firm's total volume of sales for each State, which were made directly to ultimate consumers during the Reporting Period.

	STATE	STATE CODE (A)		SALES VOLUME TO ULTIMATE CONSUMERS (1,000's of Gallons) No. 2 Distillate Fuel Oil (B)	Other Distillate Fuel Oil (C)	Residual Fuel Oil (D)
10102						
10104						
10106						
10108						
10110						
10112						
10114						
10116						
10118						
10119	Total Volume-All States listed on this page					

If additional copies of the above chart have been completed to provide the requested information, enter the number of copies attached. ☐

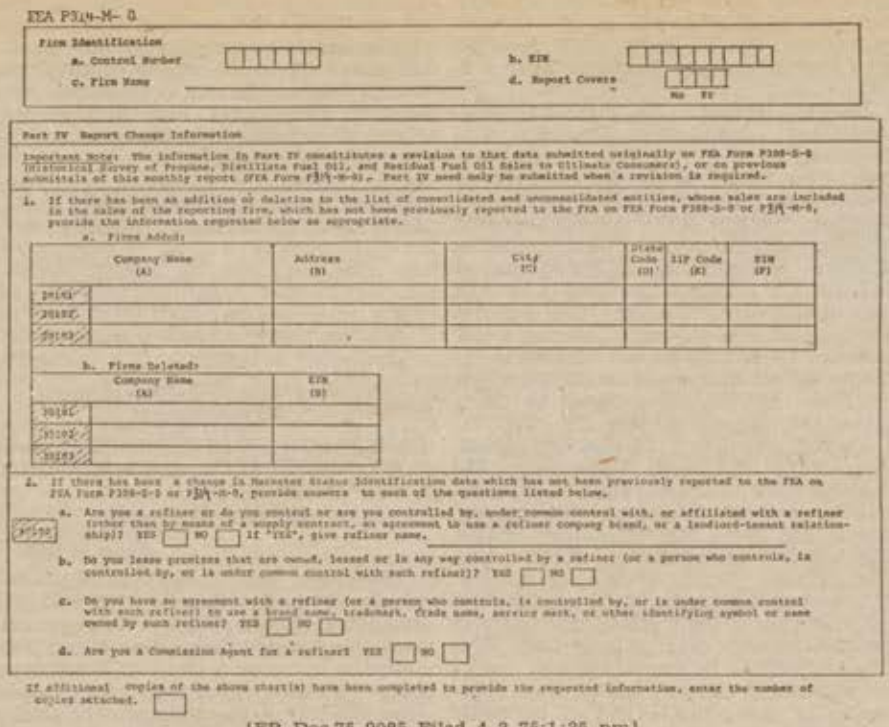
Part III - Part V, Report Change Information, is: (Check One)

Not required ☐ Required and is attached ☐

Part IV - Certification

I certify that the information submitted on this form is factually accurate and complete to the best of my knowledge.

Name	Date	Signature
Title		



FEA P314-M- 0

Firm Identification

a. Control Number

b. EIN

c. Firm Name

d. Report Covers

Mo Yr

Part IV Report Change Information

Important Note: The information in Part IV constitutes a revision to that data submitted originally on FEA Form P306-S-0 (Historical Survey of Propane, Distillate Fuel Oil, and Residual Fuel Oil Sales to Ultimate Consumers), or on previous submittals of this monthly report (FEA Form P314-M-0). Part IV need only be submitted when a revision is required.

1. If there has been an addition or deletion to the list of consolidated and unconsolidated entities, whose sales are included in the sales of the reporting firm, which has not been previously reported to the FEA on FEA Form P306-S-0 or P314-M-0, provide the information requested below as appropriate.

a. Firms Added:

	Company Name (A)	Address (B)	City (C)	State Code (D)	ZIP Code (E)	EIN (F)
30140						
30150						
30160						

b. Firms Deleted:

	Company Name (A)	EIN (B)
30180		
30190		
30200		

2. If there has been a change in Reporter Status Identification data which has not been previously reported to the FEA on FEA Form P306-S-0 or P314-M-0, provide answers to each of the questions listed below.

a. Are you a refiner or do you control or are you controlled by, under common control with, or affiliated with a refiner (other than by means of a supply contract, an agreement to use a refiner company brand, or a landlord-tenant relationship)? YES ☐ NO ☐ If "YES", give refiner name. 30190

b. Do you lease premises that are owned, leased or in any way controlled by a refiner (or a person who controls, is controlled by, or is under common control with such refiner)? YES ☐ NO ☐

c. Do you have an agreement with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a brand name, trademark, trade name, service mark, or other identifying symbol or name owned by such refiner? YES ☐ NO ☐

d. Are you a Commission Agent for a refiner? YES ☐ NO ☐

If additional copies of the above sheet(s) have been completed to provide the requested information, enter the number of copies attached. ☐

[FR Doc.75-9085 Filed 4-3-75;1:35 pm]

DEPARTMENT OF STATE

Agency for International Development

AID RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee Meeting on May 8-9, 1975, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, NW, Conference Room "C," to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning proposals for research contracts in the fields of food and nutrition, health and population and selected development problems. The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. This meeting will be open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 2201 C Street, NW, Washington, D.C. 20523, or call area code 202-632-3800.

Dated: March 27, 1975.

CURTIS FARRAR,
Acting Assistant Administrator for Technical Assistance.

[FR Doc.75-9260 Filed 4-8-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF OREGON ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before April 29, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00408-33-46040. Applicant: University of Oregon Health Sciences Center, 3181 S. W. Sam Jackson Place Road, Portland, Oregon 97201. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for the investigation of the basic causes of ocular diseases such as the following: retinitis pigmentosa, macular degenerations, and retinal detachments; diseases of the anterior segment of the eye such as cataract, glaucoma and corneal ulcers. In addition basic underlying mechanisms responsible for the maintenance of normal ocular structure and function are also under investigation, e.g. the molecular basis for active transport of ionic constituents of the aqueous humor by the ciliary processes; the biochemical and ultrastructural basis for vitamin A storage and transport by the pigment epithelium of the retina; analysis of cell surface characteristics of rod and cone outer segments and pigment epithelial cells; factors that facilitate recognition of worn-out photoreceptor and bring about their subsequent phagocytosis and digestion by the pigment epithelial cell; study of intracellular mechanisms that affect cell movements during repair of corneal ulcers or surgical wounds. The article will also be used to aid in the teaching of the course Cell Organization and Function for first year medical students and a course in ultrastructure of the human eye for Ophthalmology residents. Application received by Commissioner of Customs: March 4, 1975.

Docket Number: 75-00409-98-54800. Applicant: University of Cincinnati, Department of Physics, Mail Location #11, Cincinnati, Ohio 45221. Article: Optical Benches and Accessories. Manufacturer: Precision Tool and Instrument Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used for the investigation of the problem of phonons and phonon transport at low temperatures in amorphous insulators by the technique of laser light scattering. Experiments performed are part of the training of graduate students seeking their Ph.D. degree in experimental physics. The course is designed for students to develop the capacity for original thinking and to allow them to complete a research project which contributes significantly to the advancement of physics. Application received by Commissioner of Customs: March 4, 1975.

Docket Number: 75-00411-33-46040. Applicant: Louisiana State University Medical School, 1542 Tulane Avenue, New Orleans, Louisiana 70112. Article: Electron Microscope, Model EM 201 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for ultrastructural studies of cell-virus interactions and the response of the host to virus infection. The materials studied will con-

sist of specimens of normal and virus infected cell cultures embedded in a variety of materials and are subjected to thick and ultra-thin sectioning by ultramicrotomy. Advanced graduate students who have an interest in learning techniques of ultrastructural research will be instructed in the use of the article. Application received by Commissioner of Customs: March 4, 1975.

Docket Number: 75-00412-33-46500. Applicant: Papanicolaou Cancer Research Institute, 1155 N.W. 14th Street, Miami, Florida 33136. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of thin sections and freeze-etch replicas of mammalian lungs. Studies will also be done on pulmonary endothelial cells grown in culture. Research will be conducted to find the subcellular site of the enzyme responsible for the conversion of angiotensin I to angiotensin II (the most potent hypertensive substance known) and the metabolism of bradykinin (a hypotensive substance) which may lead to an understanding of blood pressure homeostasis at the molecular level. In addition, the article is to be used in the instruction of postdoctoral, pre-doctoral and high school students in electron microscopic techniques. Application received by Commissioner of Customs: March 6, 1975.

Docket Number: 75-00413-33-46500. Applicant: Howard University, College of Medicine, Department of Microbiology, 520 W Street, N.W., Washington, D.C. 20059. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of the ontogeny of the fungal spore wall as well as the study of mature spore topography. Experiments will be done to disclose the role of subcellular organelles on the development of spore wall layering. In addition to these studies other studies will be conducted to determine systematic relationships existing between fungi usually placed in a specific taxo but having characteristics which lend themselves to other taxonomic groupings. Application received by Commissioner of Customs: March 6, 1975.

Docket number: 75-00414-33-46500. Applicant: Louisiana State University, School of Medicine in Shreveport, P.O. Box 3932, Shreveport, Louisiana 71130. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological tissues from experimental animals. The principle project involves the study of normal and experimentally altered intracardiac ganglia. The experiment will involve the embeddment and sectioning of heart muscle containing the cardiac ganglia which have been subjected to various histochemical procedures. Findings in normal ganglia will be compared to the findings in experimentally altered tissues to determine (1) the source of the nerve fibers that synapse in these ganglia, and (2) the function of the ganglia in normal and pathologic hearts. Application received by Commissioner of Customs: March 6, 1975.

Docket number: 75-00415-33-66700. Applicant: College of Medicine and Dentistry of NNJ, P.O. Box 101, Piscataway, New Jersey 08854. Article: Weibel Projection Unit for Stereology Anatomisches Institut with Interchangeable Screens. Manufacturer: Anatomisches Institut, Switzerland. Intended use of article: The article is intended to be used for quantitative electron miscroscopic study of adrenal tissue to determine any possible alterations in cell structures induced by adrenocorticotrophic hormone (ACTH). Application received by Commissioner of Customs: March 6, 1975.

Docket Number: 75-00417-01-46040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, California 94304. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the examination of DNA, RNA, proteins, and protein-nucleic acid interactions. The experiments to be conducted and objectives pursued concern isolation of fragments of the genetic DNA of bacterial cells, studying their behavior both in vivo (transformation) and in vitro (expression), seeking the origins of new cellular organelles. These studies encompass interactions with different proteins and fine substructure of these proteins. The article will also be used by undergraduate resident assistants, medical, graduate, and post-graduate students who will make some use of an electron microscope to answer specific scientific questions in connection with their work being carried out in various laboratories in this department. Application received by Commissioner of Customs: March 10, 1975.

Docket number: 75-00418-01-47500. Applicant: University of California, Department of Physiology, California College of Medicine, Irvine, California 92664. Article: High Tensity Monochromator, Used. Manufacturer: Ontario Cancer Institute, Canada. Intended use of article: The article is intended to be used in the investigation of wavelength dependence (or action spectra) for the creation of pyrimidine dimers in solution and/or in DNA and action spectra for monomerization of dimers by PRE or parts thereof. Kinetics of the above reactions will also be investigated. Application received by Commissioner of Customs: March 10, 1975.

Docket number: 75-00419-01-46040. Applicant: Duke University Medical Center, Department of Biochemistry, Durham, North Carolina 27710. Article: Electron Microscope, Model JEM-100C with Side Entry Goniometer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studying membrane proteins in solution, and, in particular attempting to obtain such proteins in a state as close as possible to the "native" state. These studies involve the visualization of particle shape or mode of aggregation, the interaction of specific compounds with specific membranes and determining. Application received by Commissioner of Customs: March 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-9197 Filed 4-8-75;8:45 am]

National Oceanic and Atmospheric Administration

FISHERY MARKET NEWS REPORTS TO BE ON SUBSCRIPTION BASIS BEGINNING JULY 1, 1975

Notice of Availabilty

APRIL 4, 1975.

Beginning July 1, 1975, the National Marine Fisheries Service (NMFS) will make the Fishery Market News reports available on a subscription basis. This action is based on a General Accounting Office (GAO) recommendation which cites Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a). This Act specifies that the Federal Government should charge for reports prepared for specific audiences, such as persons or companies in a particular industry. This policy was implemented through the Office of Management and Budget (OMB) Circular A-25, dated September 23, 1959. GAO has determined that fishermen, wholesalers, and processors benefit directly from the Fishery Market News reports and, therefore, recommend that they be charged for the report.

Proceeds from subscription sales will be used by NMFS to recover the expenses of printing, distributing, and mailing the reports. Collection of the data will continue to be conducted through the use of appropriated funds.

On January 14, 1975, the Director, National Marine Fisheries Service (NMFS), placed a notice in the FEDERAL REGISTER requesting comments on format and organization of current Market News reports, frequency and timeliness of the reports, coverage of products, accuracy of price and landings data and other matters. Comments were submitted to the NMFS Regional Directors, who evaluated the comments and provided recommendations to the Director of NMFS. Following is a summary of comments received on the different subjects:

Frequency. Comments were mixed depending on the use to which the report is put; recommended frequency varied from "daily" for most fishermen and fresh fish dealers, to "once a week" for most fish processors and frozen fish dealers.

Format. Comments were favorable, with most respondents indicating that the manner of presentation is acceptable.

Coverage. Most respondents feel the reports have good market coverage. Some respondents indicated a need for a wide variety of additional information but not at the expense of data now reported. Examples of data requested include exvessel prices for certain New England ports; landings and exvessel prices for South Atlantic, Northern California, Oregon, and Alaska ports; wholesale prices of fresh water seafood; wholesale prices of certain products in California, Alaska, British Columbia, and Japan; and additional breakout of imports. Again, these requests were not at the expense of data now being reported.

Accuracy of information. A majority of the respondents said that accuracy of the information is acceptable, although some respondents indicated that an attempt should be made to improve accuracy of wholesale price data reported in the Boston and New York reports. NMFS will continue to improve accuracy where needed.

An overwhelming number of respondents opposed paying for Market News reports. On the other hand, paying for the reports was acceptable to some respondents because of benefits the reports provide.

Based on the comments and other available information, the following subscription plans have been developed:

Reports will be issued from Boston, New York, New Orleans, Terminal Island, and Seattle. Each of these offices will issue reports on Monday, Wednesday, and Friday. In addition to daily information, the Friday report will contain a summary of information for the week. Subscribers will have the choice of taking the "full service" (3 reports per week) or only the weekly summary from any one office. Annual subscriptions rates will be:

Three (3) reports per week, which includes the weekly summary on Friday (full service) $35

One (1) weekly summary issued Friday (which also contains daily information for Friday) $15

Subscription orders will be accepted after publication of this notice in the FEDERAL REGISTER. For orders received before July 1, 1975, the subscription period is July 1, 1975, to June 30, 1976. For orders received after July 1, 1975, the subscription period will be 1 year beginning the first of the month following receipt of the order.

No discounts will be given for multiple copies of a particular report, or for subscriptions to two or more different reports. No rebates will be given for cancellations. As in the past, reports will be sent via surface mail.

With the exception of a limited number of designated recipients of free copies, all users will be required to pay for the report. Designated recipients of free copies will include:

(1) Individuals or firms who are certified by NMFS as contributors to the Market News program will each receive upon request one subscription to a full service (three reports per week which will include the weekly summary in the Friday report) or a weekly summary of his or her choice. A contributor is a legal entity (individual or firm) which contributes data or information to the Market News Program on a regular periodic basis. Each Market News contributor will receive from NMFS a certification notice which can be used as a voucher to obtain either the full service or weekly summary reports.

(2) Depository libraries will receive subscriptions to full service or weekly summaries of their choice if they agree to maintain a historical file for use of the public.

(3) Each State fisheries agency cooperating with NMFS will receive one subscription to a weekly summary of its choice.

(4) Certain Federal and local Government agencies will receive one subscription to a weekly summary of their choice.

(5) Fisheries departments of universities will receive one subscription to a weekly summary of their choice.

(6) Each newspaper, magazine, radio and TV station which agrees to disseminate information from the Market News reports will receive full service or a weekly summary of each report they agree to publicize.

To order Market News reports, send your name, address, report wanted (Boston, New York, New Orleans, Terminal Island and/or Seattle; and type of service desired (full service or weekly summary)), together with a check for the correct amount or a contributor voucher to:

U.S. Department of Commerce—NOAA
National Marine Fisheries Service (F2x1)
Page Building 2, Room 404
Washington, D.C. 20235

Make check payable to the U.S. Department of Commerce, NOAA.

Any questions concerning the Market News reports, subscription rates or any other matter relating to the Market News subscription service can be sent to the above address.

The Market News Program will be evaluated after six months of operation under the above subscription plan. At that time, we will again solicit comments on the program from the public.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-9270 Filed 4-8-75;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 499,104: Nonswelling Alloy; filed 20 August 1974; PC $3.25/MF $2.25.

Patent application 499,221: X-Ray Laser; filed 21 August 1974; PC $3.25/MF $2.25.

Patent application 499,222: Chemical Isolation of 82SR from Proton-Irradiated Mo Targets; filed 21 August 1974; PC $3.25/MF $2.25.

Patent application 501,020: A New Interrogation, and Detection System; filed 27 August 1974; PC $3.75/MF $2.25.

Patent 3,823,325: X-Ray Laser; filed 23 July 1973; not available NTIS.

Patent 3,827,427: Apparatus for Measuring Radioactivity in the Human Eye; filed 8 January 1973; patented 6 August 1974; not available NTIS.

Patent 3,827,946: Method for the Disposal of Combustible and Dilute Aqueous Wastes; filed 5 June 1972; patented 6 August 1974; Not available NTIS.

Patent 3,829,391: Submarged Arc Crystal Growth Process for Growing Transparent Alkaline Earth Oxide Single Crystals; filed 19 September 1972; patented 13 August 1974; not available NTIS.

Patent 3,830,292: Flow Distribution for Heat Exchangers; filed 1 May 1972; patented 20 August 1974; not available NTIS.

Patent 3,832,426: Syntactic Carbon Foam; filed 19 December 1972; patented 27 August 1974; not available NTIS.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, CHIEF, PATENT BRANCH, BETHESDA, MARYLAND 20014.

Patent application 503,817; Solid Phase Synthesis of Peptides with Carboxyl-terminal Amides; filed 6 September 1974; PC $3.25/MF $2.25.

Patent application 523,334; Process of Preparing 1.3-BIS (2-Chloroethyl)-1-Nitrosoures; filed 13 November 1974; PC $3.25/MF $2.25.

Patent application 529,397; Salt-Induced Chromatography of Biological Macromolecules; filed 4 December 1974; PC $3.25/MF $2.25.

Patent application 532,822; Long-Acting Narcotic Antagonist Salt Complexes; filed 16 December 1974; PC $3.25/MF $2.25.

Patent 3,853,765; Droplet Counter Current Chromatography; filed 2 July 1973; patented 10 December 1974; not available NTIS.

Patent 3,855,795; Heat Engine; filed 30 January 1973; patented 24 December 1974; not available NTIS.

DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, ARLINGTON, VA. 22217.

Patent 3,778,635; Liquid Parametric Optical Mixing Device; filed 8 June 1972; patented 11 December 1973; not available NTIS.

Patent 3,784,235; Tubular Adhesive Joint with Snap Lock; filed 8 October 1971; patented 8 January 1974; not available NTIS.

Patent 3,784,766; Positive Lock Toggle Guard; filed 9 February 1973; patented 8 January 1974; not available NTIS.

Patent 3,784,805; Sonar Image Converter; filed 4 October 1972; patented 8 January 1974; not available NTIS.

Patent 3,784,924; Multi-Input Loop Filter with Independent Bandwidth and Response Characteristics; filed 31 January 1972; patented 8 January 1974; not available NTIS.

Patent 3,785,313; Spherical Module Connectors; filed 14 August 1972; patented 15 January 1974; not available NTIS.

Patent 3,785,595; System for Sensing and Compensating for the Disturbance Forces on a Spacecraft; filed 13 November 1972; patented 15 January 1974; not available NTIS.

Patent 3,786,139; Hydrogen Gas Generating Composition and method for the same; filed 26 April 1972; patented 15 January 1974; not available NTIS.

Patent 3,786,343; Battery Monitor System; filed 19 March 1973; patented 15 January 1974; not available NTIS.

Patent 3,786,363; Voltage-Controlled Low-Pass Filter; filed 5 January 1973; patented 15 January 1974; not available NTIS.

Patent 3,786,403; Underwater Acoustical Detection System; filed 10 May 1968; patented 15 January 1974; not available NTIS.

Patent 3,786,481; Digital Television Character Generator; filed 19 April 1972; patented 15 January 1974; not available NTIS.

Patent 3,786,508; High Speed Angle Gate; filed 9 September 1969; patented 15 January 1974; not available NTIS.

Patent 3,786,553; Method of Assembling Transducer Acoustically Coupled by Silicone Grease; filed 24 November 1972; patented 22 January 1974; not available NTIS.

Patent 3,786,633; Propellant Immobilizer and Resonance Suppression System; filed 29 January 1973; patented 22 January 1974; not available NTIS.

Patent 3,786,658; Restrictive Manipulation Limited Try Mechanism for a Combination Lock; filed 23 June 1972; patented 22 January 1974; not available NTIS.

Patent 3,787,186; Calcium Hydride Gas Generator; filed 2 February 1972; patented 22 January 1974; not available NTIS.

Patent 3,787,234; Method of Producing a Thin Film Laser; filed 18 July 1969; patented 22 January 1974; not available NTIS.

Patent 3,787,279; Shock and Fire Attenuating Fuel Tank; filed 22 May 1972; patented 22 January 1974; not available NTIS.

Patent 3,787,619; Wide Angle Display System; filed 7 June 1972; patented 22 January 1974; not available NTIS.

Patent 3,787,740; Delay Timer; filed 4 October 1972; patented 22 January 1974; not available NTIS.

Patent 3,787,752; Intensity Control for Light-Emitting Diode Display; filed 28 July 1972; patented 22 January 1974; not available NTIS.

Patent 3,787,817; Memory and Logic Module; filed 21 June 1972; patented 22 January 1974; not available NTIS.

Patent 3,787,846; Close-In Ranger System; filed 10 August 1972; patented 22 January 1974; not available NTIS.

Patent 3,787,871; Terminator for Spiral Antenna; filed 3 March 1971; patented 22 January 1974; not available NTIS.

Patent 3,788,126; Pulsed End-Burning T-Burner; filed 28 March 1973; patented 29 January 1974; not available NTIS.

Patent 3,788,227; Jet Ignition Device for a Pyrotechnic Fuze; filed 5 January 1973; patented 29 January 1974; not available NTIS.

Patent 3,788,255; Expendable Submarine Receiving Antenna; filed 26 April 1960; patented 29 January 1974; not available NTIS.

Patent 3,788,262; Recovery Hook Assembly; filed 4 December 1972; patented 29 January 1974; Not available NTIS.

Patent 3,788,393; Heat Exchange System; filed 1 May 1972; patented 29 January 1974; not available NTIS.

Patent 3,788,543; Uniform Size Particle Generator; filed 14 September 1972; patented 29 January 1974; not available NTIS.

Patent 3,788,680; Ordnance Handling Device; filed 21 June 1972; patented 29 January 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, Washington, D.C. 20546.

Patent application 521,007: Growth of Gallium Nitride Crystals; filed 5 November 1974, PC $3.25/MF $2.25.

Patent application 527,728: Process for Making Anhydrous Metal Halides; filed 27 November 1974; PC $3.25/MF $2.25.

Patent application 527,790: Turnstile and Flared Cone UHF Antenna; filed 27 November 1974; PC $3.25/MF $2.25.

Patent application 531,575: Real Time Analysis of Voiced Sounds; filed 11 December 1974; PC $3.25/MF $2.25.

Patent 3,847,115: System for Depositing Thin Films; patented 12 November 1974; not available NTIS.

Patent 3,849,875: Hall Effect Magnetometer; patented 26 November 1974; not available NTIS.

Patent 3,851,162: Continuous Fourier Transform Method and Apparatus; patented 26 November 1974; not available NTIS.

Patent 3,851,250: Remote Platform Power Conserving System; patented 26 November 1974; not available NTIS.

[FR Doc.75-9189 Filed 4-8-75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) of microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545.

Patent 3,823,146: Application of Electrically Conductive Coatings to Insulating Tubes of Switching Magnets for Particle Accelerators; filed 5 July 1972; patented 2 July 1974; not available NTIS.

Patent 3,823,350: Protective Carrier for Semiconductor Chips; filed 5 September 1973; patented 9 July 1974; not available NTIS.

Patent 3,823,981: Situ Leaching Solvent Extraction-Process; filed 4 April 1973; patented 16 July 1974; not available NTIS.

Patent 3,824,456: Magnetometer Flowmeter Using Permanent Magnets and Magnetometer Elements Aligned with the Flow; filed 23 February 1973; patented 16 July 1974; not available NTIS.

Patent 3,824,457: Method of Making a Solid-State Superconducting Electromagnetic Radiation Detector; filed 4 April 1973; patented 16 July 1974; not available NTIS.

Patent 3,824,512: Magnetic Self-Latching Pressure Switch; filed 14 November 1973; patented 16 July 1974; not available NTIS.

Patent 3,825,325: Light Trap; filed 14 February 1973; patented 23 July 1974; not available NTIS.

Patent 3,826,561: Laser Pulse Tailoring Method and Means; filed 3 May 1973; patented 30 July 1974; not available NTIS.

Patent 3,826,921: Monitor for Radiation-Induced Heating; filed 26 April 1973; patented 30 July 1974; not available NTIS.

Patent 3,828,197: Radioactive Waste Storage; filed 17 April 1973; patented 6 August 1974; not available NTIS.

Patent 3,829,313: Brazing Alloy; filed 7 March 1973; patented 13 August 1974; not available NTIS.

Patent 3,832,439: Method for the Suppression of Hydrogen During the Dissolution of Zirconium and Zirconium Alloys; filed 10 January 1973; patented 27 August 1974, not available NTIS.

Patent 3,834,256: Ultrasonically Controlled Thickness Machining; filed 15 August 1973; patented 10 September 1974; not available NTIS.

Patent 3,834,687: Workpiece Support; filed 16 January 1973; patented 10 September 1974; not available NTIS.

Patent 3,835,331: Stable Pulsed Light Source; filed 26 September 1973; patented 10 Septemper 1974; not available NTIS.

Patent 3,836,834: Machine Protection System; filed 13 November 1973; patented 17 Septemper 1974; not available NTIS.

DEPARTMENT OF COMMERCE, Assistant General Counsel for Administration, Washington, D.C. 20230.

Patent application 469,728: Light Scattering Method and Apparatus for the Chemical Characterization of Particulate Matter; filed 13 May 1974; PC $3.25/MF $2.25.

Patent application 476,646: Self-Balancing, D.C.-Substitution Measuring System; filed 5 June 1974; PC $3.25/MF $2.25.

Patent application 493,004: Improved Direct Reading Microwave Refractometer; filed 30 July 1974; PC $3.25/MF $2.25.

Patent application 495,754: Exponential Dilution Flask; filed 8 August 1974; PC $3.25/MF $2.25.

Patent application 499,102: Color Subcarrier Frequency, Comparator; filed 20 August 1974; PC $3.75/MF $2.25.

Patent application 523,951: Mercurous Chloride Prism Polarizers; filed 14 November 1974; PC $3.25/MF $2.25.

Patent application 525,430: Electrolytic Stripping Cell and Method; filed 20 November 1974; PC $3.25/MF $2.25.

Patent application 540,471: Tunnel Diode Pulse Generator; filed 13 January 1975; PC $3.25/MF $2.25.

Patent application 547,075: Radiation Flux Averaging Device of High Efficiency; filed 4 February 1975; PC $3.25/MF $2.25.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Arlington, Va. 22217.

Patent 3,793,731: Angle Position Indicator; filed 12 July 1972; patented 26 February 1974; not available NTIS.

Patent 3,793,823: Method of Making Compliant Suspension Cable; filed 26 July 1972; patented 26 February 1974; not available NTIS.

Patent 3,794,079: Combination Strength/Hydraulic Cable; filed 27 August 1971; patented 26 February 1974; not available NTIS.

Patent 3,794,528: Thermomechanical Method of Forming High-Strength Beta-Titanium Alloys; filed 17 August 1972; patented 26 February 1974; not available NTIS.

Patent 3,794,818: Automatic Memory Test and Correction System; filed 3 July 1972; patented 26 February 1974; not available NTIS.

Patent 3,795,213: Diver Operated Propulsion System for an Underwater Vehicle; filed 1 October 1971; patented 5 March 1974; not available NTIS.

Patent 3,795,432: Method for Eliminating Degradation of Crossed-Field-Amplifier Performance; filed 3 February 1972; patented 5 March 1974; not available NTIS.

Patent 3,795,544: Pressure Balanced Fuel Cell System for Underwater Vehicle; filed 30 March 1972; patented 5 March 1974; not available NTIS.

Patent 3,795,759: Buoyant Electrical Cable; filed 5 October 1970; patented 5 March 1974; not available NTIS.

Patent 3,795,772: Synchronization System for Pulse Orthogonal Multiplexing Systems; filed 1 May 1972; patented 5 March 1974; not available NTIS.

Patent 3,795,873: Multichannel Noise Simulator; filed 1 February 1973; patented 5 March 1974; not available NTIS.

Patent 3,795,879: Composite Dispersive Filter; filed 4 April 1973; patented 5 March 1974; not available NTIS.

Patent 3,796,001: Mosquito Trap; filed 27 November 1972; patented 12 March 1974; not available NTIS.

Patent 3,797,018: Means for Enhancing the Target Detection Capability of a Radar Receiver; filed 22 September 1967; patented 12 March 1974; not available NTIS.

Patent 3,797,907: Fresnel Lens Scatter Plate for Data Reduction Holography; filed 18 September 1972; patented 19 March 1974; not available NTIS.

Patent 3,798,312: Process for Preparation of Chlorine Nitrate; filed 24 September 1971; patented 19 March 1974; not available NTIS.

Patent 3,798,454: Device for Counting Accelerations, Measuring Magnitudes Thereof, Recording and Classifying the Same According to Magnitude; filed 25 April 1972; patented 19 March 1974; not available NTIS.

Patent 3,798,647: High Frequency Passive Radio Range Finder, filed 25 May 1972; patented 19 March 1974; not available NTIS.

Patent 3,798,919: Deep Submergence Ambient Pressure Cryogenic Storage Apparatus; filed 24 November 1972; patented 26 March 1974; not available NTIS.

Patent 3,799,812: Transpiration Radiometer; filed 22 August 1972; patented 26 March 1974; not available NTIS.

Patent 3,800,125: Omni-Converter with Digital Phase Shifter; filed 24 October 1972; patented 26 March 1974; not available NTIS.

Patent 3,800,128: True Wind Speed Computer; filed 14 March 1972; patented 26 March 1974; not available NTIS.

Patent 3,800,164: Redundant Logic Circuit; filed 2 January 1969; patented 26 March 1974; not available NTIS.

Patent 3,800,248: Unidirectional Surface Wave Transducer Device; filed 31 October 1972; patented 26 March 1974; not available NTIS.

Patent 3,800,272: Rotating Acoustic Scanner System for Positioning Objects on the Ocean Floor; filed 8 August 1972; patented 26 March 1974; not available NTIS.

Patent 3,800,273: Portable Sonar System; filed 6 May 1970; patented 26 March 1974; not available NTIS.

Patent 3,800,275: Acoustic Image Conversion Tube; filed 2 September 1960; patented 26 March 1974; not available NTIS.

Patent 3,800,276: Acoustic Image Conversion Tube; filed 28 October 1960; patented 26 March 1974; not available NTIS.

Patent 3,800,507: Low Pressure Air Dehydrator; filed 23 June 1970; patented 2 April 1974; not available NTIS.

Patent 3,800,594: Laser Accelerometer; filed 2 July 1973; patented 2 April 1974; not available NTIS.

Patent 3,800,601: See Sensor and Descriptor System; filed 12 November 1970; patented 2 April 1974; not available NTIS.

Patent 3,801,882: Thermo-Electric Mounting Method for RF Silicon Power Transistors; filed 11 January 1973; patented 2 April 1974; not available NTIS.

Patent 3,801,917: Time Interval Memory Device; filed 22 March 1965; patented 2 April 1974; not available NTIS.

Patent 3,801,918: Low-Phase-Shift Incremental FM Demodulator; filed 15 September 1972; patented 2 April 1974; not available NTIS.

Patent 3,801,981: Remote Clock Synchronization System; filed 23 April 1971; patented 2 April 1974; not available NTIS.

Patent 3,801,983: Radar Receiver Noise Ratio Detector; filed 24 April 1972; patented 2 April 1974; not available NTIS.

Patent 3,802,088: Guidance System for Underwater Swimmers; filed 14 June 1971; patented 9 April 1974; not available NTIS.

Patent 3,802,761: Optical Waveguide Edge Coupler Using Graded Index Profile; filed 7 December 1972; patented 9 April 1974; not available NTIS.

TENNESSEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, Alabama 35660.

Patent 3,861,897: Stabilization of Polyphosphate Fertilizer Solutions; filed 13 October 1972; patented 21 January 1975; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, Washington, D.C. 20546.

Patent application 531,568: Insulation Foil and Method of Making; filed 11 December 1974; PC $3.25/MF $2.25.

Patent application 531,576: Sun Angle Calculator; filed 11 December 1974; PC $3.25/MF $2.25.

Patent application 534,265: Highly Efficient Antenna System Using a Corrugated Horn and Scanning Hyperboloid Reflector; filed 19 December 1974; PC $3.25/MF $2.25.

Patent application 536,762: A Deployable Flexible Tunnel; filed 27 December 1974; PC $3.25/MF $2.25.

Patent application 537,025: A Method and a System for Extinguishing a Fire within a Sealed Battery; filed 27 December 1974; PC $3.25/MF $2.25.

Patent 3,856,402: Clear Air Turbulence Detector; patented 24 December 1974; not available NTIS.

Patent 3,856,471: Amino Acid Analysis; patented 24 December 1974; not available NTIS.

Patent 3,856,534: Anti-Fog Composition; patented 24 December 1974; not available NTIS.

Patent 3,857,031: Automatic Focus Control for Facsimile Cameras; patented 24 December 1974; not available NTIS.

Patent 3,857,045: Four Phase Logic Systems; patented 24 December 1974; not available NTIS.

Patent 3,859,119: Method of Producing a Storage Bulb for an Atomic Hydrogen Maser; patented 7 January 1975; not available NTIS.

[FR Doc.75-9190 Filed 4-8-75;8:45 am]

Office of the Secretary

ECONOMIC ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, May 15, 1975 from 10 a.m. to 3 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established by the Secretary of Commerce on October 5, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

Discuss the outlook for overall economic activity through 1976 in terms of:

1. Output.
2. Employment.

Discuss monetary and fiscal policy and the outlook for prices and interest rates.

Discuss specific industry situations in terms of:

1. Consumer spending.
2. Construction.
3. Business spending.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion; additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should advise Miss Cathy Young, telephone (202) 967-3727, by May 12, 1975.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. Dominic R. Quinn, Special Assistant to the Assistant Secretary for Economic Affairs, Room 4850, Department of Commerce, Washington, D.C. 20230 (Telephone (202) 967-3728).

JAMES L. PATE,
Assistant Secretary for Economic Affairs.

[FR Doc.75-9269 Filed 4-8-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[APP-4-05-0:D:T LB]

COUNTERVAILING DUTY PETITION AND INITIATION OF INVESTIGATION

Notice of Receipt

A petition in satisfactory form was received on February 26, 1975, alleging

that payments or bestowals, conferred by the Government of the Philippines upon the manufacture, production or exportation of glazed ceramic wall tile from the Philippines constitute the payment or bestowal of a bounty or grant within the meaning of the Countervailing Duty Law as amended (19 U.S.C. 1303).

Pursuant to section 303(a)(4) of the Tariff Act of 1930 (19 U.S.C. 1303(a)(4)) the Treasury Department is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the Countervailing Duty Law within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than August 26, 1975, as to whether or not the alleged payments or bestowals, conferred by the Government of the Philippines upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of the Countervailing Duty Law. A final determination will be issued no later than February 26, 1975.

(Sec. 303 Tariff Act of 1930, as amended by Trade Act of 1974 (19 U.S.C. 1303), § 159.47 (c) of the Customs regulations (19 CFR 159.47(c)).)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: April 4, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-9195 Filed 4-8-75;8:45 am]

[T.D. 75-88]

FOREIGN CURRENCIES

Certification of Rates

MARCH 31, 1975.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 75-24 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Belgium franc:	
Mar. 17, 1975	$0.029110
Mar. 18, 1975	.029215
Mar. 19, 1975	.029295
Mar. 20, 1975	.029210
Mar. 21, 1975	.029125
France franc:	
Mar. 17, 1975	.2382
Mar. 18, 1975	.2390
Mar. 19, 1975	.2393
Mar. 20, 1975	.2386
Mar. 21, 1975	.2381
Germany deutsche mark:	
Mar. 19, 1975	.4347
Netherlands guilder:	
Mar. 17, 1975	.4211
Mar. 18, 1975	.4235
Mar. 19, 1975	.4252
Mar. 20, 1975	.4228
Mar. 21, 1975	.4218
Norway krone:	
Mar. 17, 1975	.2029
Mar. 18, 1975	.2037
Mar. 19, 1975	.2044
Mar. 20, 1975	.2034
Mar. 21, 1975	.2040
Sweden krona:	
Mar. 19, 1975	.2564

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.75-9177 Filed 4-8-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the National Advisory Council on Equality of Educational Opportunity will convene at 9 a.m. on Friday, May 16 until 5 p.m. and reconvene at 8 a.m. on Saturday, May 17 until 1 p.m. at the Channel Inn, 650 Water Street, SW, Washington, D.C.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The meeting will be a working session developed around the recommendations from the Report Writing Committee for the Council's final report to Congress. There will be a status report on the Emergency School Aid Program by the Associate Commissioner for Equal Educational Opportunity, U.S. Office of Education.

Signed at Washington, D.C. on April 4, 1975.

HERMAN R. GOLDBERG,
Associate Commissioner for Equal Educational Opportunity.

[FR Doc.75-9258 Filed 4-8-75;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION IX

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete sections 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713) 6/13/74. Section 1E80, Assistant Regional Director for Human Development (38 FR 17262) 6/29/73, is retained and redesignated 1R95. New sections are added for the several regions. Section 1E8901 reflects the official organization of the Office of the Regional Director, Region IX, whose headquarters is San Francisco, California. The new Chapter reads as follows:

SECTION 1E89.00 *Mission.* The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

SEC. 1E89.10 *Organization.* The Office of the Regional Director, Region IX, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary, and consists of the following: Deputy Regional Director; Office of the Regional Attorney; Office of Equal Employment Opportunity; Executive Secretariat; Office for Civil Rights; Office of Audit; Office of ARD for Public Affairs; Office of ARD for Planning and Evaluation; Office of ARD for Intergovernmental Affairs; Office of ARD for Financial Management; Office of ARD for Administration and Management; Office of ARD for Human Development; and Office of Long Term Care Standards Enforcement.

SEC. 1E89.20 *Functions.* A. Regional Director (1E8901). The functions of the Regional Director are:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and ensures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exhange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start Program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, including major disasters under Public Law 865; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. Deputy Regional Director (1E8902). Serves as Acting Regional Director in the absence or disability of the Regional Director or in the event of a vacancy in the Office of Regional Director. The Deputy Regional Director performs other duties and functions at the request of the Regional Director.

C. Executive Secretariat (1E8905). Monitors the decision-making process for the Regional Director, facilitates the internal processes of coordination and communication, and ensures timely and quality staff work in response to all action requests, as follows:

a. Controls Regional Director's correspondence, assigns responsibility or advises the Regional Director on the assignment of responsibility on action correspondence. Reviews prepared correspondence for timeliness, technical accuracy, responsiveness, appropriate clearances, and consistency with the Regional Director's and Department's objectives.

b. Serves as the coordinating point for all official matters which require the attention or approval of the Regional Director. Assigns responsibility for action requests. Reviews and analyzes memoranda and other communication for adequacy of coordination and clearances, clarity and conciseness of presentation, timeliness, necessary followthrough, and other elements of completed staff action.

c. Operates a comprehensive system for tracking action items to ensure timely and quality input from all Regional Office components for the Regional Director. Works with all appropriate offices to improve the quality of decision papers and correspondence, and monitors the document control and flow systems to identify problem areas for communication systems improvement.

d. Communicates decisions and monitors their implementation for the Regional Director by obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, and highlights problem areas for renewed Regional Director attention. Attends Regional Director's meetings to record decisions and action requests and follows through to ensure implementation.

D. Office of the Regional Attorney (1E8903). The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the region. On all matters within the competence of the legal profession the Regional Attorney is subject to the supervision of the General Counsel; on all other matters he is subject to the supervision of the Regional Director.

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. Office of Equal Employment Opportunity (1E8904). Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish-Surnamed Program. Monitors the OS EEO complaint system and issues proposed dispositions on all OS formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. Office of Long Term Care Standards Enforcement (1E8971). Performs these functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the Issuance of Title XVIII time limited agreements; for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other proyisions of physical environment standards as

they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establish and maintain close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and ICFs. Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' Implementation of the ICF regulations.

3. Participate in the negotiations of budgets with State survey agencies for their services and review those portions of the State agency budget relative to SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommend to the Social Security Administration (SSA), Regional Commissioner and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participate with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participates in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develop and implement procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provide technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assist State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assist States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Review complaints received by the Regional Directors concerning State agency and SNF/ICF activities and initiate appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate, provide information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, make recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provide data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provided reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Work with and provide information as requested to, the Social Security Administration, on the following SNF related activities:

a. Utilization review processes of SNFs;

b. Change of provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNFs as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Work with, and provide information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Work with, and provide information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinate with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinate, under the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinate, under the direction of the Regional Director, with regional personnel of the Office of Facilities Engineering and Property Management on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinate with the Department of Housing and Urban Development in implementation of Public Law 93-204.

G. Office of the Assistant Regional Director for Public Affairs (1E8951). Serves as a principal advisor to the Regional Director in the formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward inter-agency coordination and Departmental control.

2. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

3. Serves as a central point of communication with the press, radio and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

4. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

5. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared with

the Region for release through Government channels.

6. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

H. Office of the Assistant Regional Director for Planning and Evaluation (1E9961). (Reserved.)

I. Office of the Assistant Regional Director for Intergovernmental Affairs (1E8941). (Reserved.)

J. Office of the Assistant Regional Director for Financial Management (1E8902).

1. Provides financial management support to the Regional Director and Regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with State and local government and HEW grantees to include indirect cost negotiation, single letter of credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs Regional accounting and reporting activities: accounting, comptrolling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: Prepares the Regional budget for activities for which the Regional Director has delegated authority, and assists other Regional staffs in developing their budgets; prepares consolidated Regional budget estimates and justifications and assists the Regional Director and Regional agency heads in advocating program budget priorities for centralizing and decentralizing programs based on Regional needs and characteristics; supervises budget execution in the Region including the recording and distribution of budget resources based on allocations, allotments and allowances for Regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other Regional activities, reviews these plans, and provides comments to the Regional Director and other Regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for Regional programs; and receives Regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller, to develop the single letter of credit system within the Region; and assists the Regional Director and Regional agency heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. Office of the Assistant Regional Director for Administration and Management (1E8911).

1. Serves as the principal adviser to the Regional Director on and directs or participates actively in all aspects of administrative management.

2. Plans, develops, coordinates and implements internal regional policy regarding administrative services and management practices with the agencies in the Regional Office. These include policies in the following areas: office space, allocation, travel, personnel actions, management surveys, organization, management information, security, travel, natural disaster, procurement, duplicating services and a variety of other key administration and management policies.

3. Administers the following operations related to provision of regional administration and management services to the agencies:

a. Regional Personnel Division;

b. Office Services Division;

c. Management Analysis Division;

d. Management Information Division.

4. Administers the following operations which provide program support to Regional agencies:

a. Surplus Property Division;

b. Facilities Engineering and Property Management Division;

c. Environmental Affairs Division.

5. Represents the Regional Director in labor-management relations including contract negotiations and consultation with regional labor union representatives.

6. Provides advice and counsel to all regional managers on administration and management concerns in the region.

Section 1E89.30 Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff. Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

Section 1E89.40 Order of Succession. In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

Section 1E89.50 Delegation of Authority. The delegations of authority to the Regional Director to operate programs are:

A. *Long Term Care Standards Enforcement.*

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State agency survey reports (including reports of follow-up reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of Section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861 (j) (13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j) (15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

B. *Office of Surplus Property Utilization.*

1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set for in applicable regulations of the Department, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property where less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)(a) above; except in those cases provided for in A 1a(3).

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), (a)(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representative: the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the usability of an need for surplus personal property by educational or health institutions and civil defense organizations;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction to any other regional jurisdiction and to take the actions set forth in (1) (b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1) (b), (c), and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for educational, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes:

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State agencies for surplus property: Provided, however, That disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization; the authority may be redelegated in writing to the Assistant Regional Representative;

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State agency.

C. *Office of Human Development.*

1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 511 of the Community Services Act of 1974 (Project Head Start)., except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him. Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make grants and contracts for Urban Indian Projects under the authority of section 803 of the Community Services Act of 1974.

d. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b" and "c" above and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: April 2, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

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OFFICE OF THE REGIONAL DIRECTOR, REGION II

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete sections 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713) 6/13/74. Section 1E80, Assistant Regional Director for Human Development (38 FR 17262) 6/29/73, is retained and redesignated 1R95. New sections are added for the several regions. Section 1E82 reflects the official organization of the Office of the Regional Director, Region II, whose headquarters is New York, New York. The new chapter reads as follows:

SECTION 1E82.00 *Mission.* The Regional Director represents the Secretary in Region II. Under the Regional Director's direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

SEC. 1E82.10 *Organization.* The Office of the Regional Director, Region II, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary, and consists of the following:

1. Regional Director
2. Deputy Regional Director
3. Executive Secretariat
4. Office of the Regional Attorney
5. Office of Equal Employment Opportunity
6. Office of Long Term Care Standards Enforcement
7. Office of the Assistant Regional Director for Public Affairs
8. Office of the Assistant Regional Director for Planning and Evaluation
9. Office of the Assistant Regional Director for Intergovernmental Affairs
10. Office of the Assistant Regional Director for Program Coordination
11. Office of the Assistant Regional Director for Management & Finance
    a. Regional Personnel Office
    b. Regional Office Service Office
    c. Regional Office of Surplus Property Utilization
    d. Regional Office of Facilities Engineering & Construction
12. Office of the Assistant Regional Director for Human Development
13. Special Assistant to the Regional Director for Program & Policy Analysis
14. Regional Audit Agency
15. Regional Office for Civil Rights

SEC. 1E82.20 *Functions.* A. *Regional Director (1E8201).* The Regional Director:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on

them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region; in consultation with these representatives engages in the development of plans for concerted activities aimed at fulfilling both their objectives and those of the Office of the Regional Director.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of the Federal Regional Council seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers those programs operated in the region for which authority for such administration has been delegated.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of the Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, maintains a plan for regional response to natural disasters, including emergencies and major disasters under the Disaster Relief Act of 1974, Pub. L. 93-288; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. *Deputy Regional Director (1E8202).*

The Deputy Regional Director, under the guidance and direction of the Regional Director, shares the responsibility for carrying out the Department's policies and for managing the overall administration of the Department's programs in the region. The Deputy provides direct support to the Regional Director in his role as the Secretary's representative and general manager of the region.

1. In the absence of the Regional Director, the Deputy Regional Director serves as Acting Regional Director. He promotes established policies with full responsibility, and he administers all activities of the Regional Office.

2. The Deputy Regional Director assumes a major responsibility for establishing avenues of communication and coordination among all components of the Regional Office and assists the Regional Director with interdepartmental, intergovernmental and community responsibilities.

3. The Deputy Regional Director assists the Regional Director in developing Regional policy. He reports significant internal and external developments which would be helpful to the Regional Director in the decision making process.

C. *Executive Secretariat (1E8205).*

The Executive Secretariat monitors the decision-making process for the Regional Director and facilitates the internal processes of coordination and communication, as follows: 1. Screens Regional Director's correspondence and filters out those items which require immediate attention by the Regional Director and Regional Director's staff, as well as the assignment of time deadlines for Regional Director's action items. Takes appropriate action to clarify issues and instructions before a request for information is forwarded to the appropriate action office. Provides current and consolidated information or indicates where such information may be obtained for all policy issues and projects in the Region.

2. Operates a comprehensive system for tracking action items and ensures that the Region Director has timely and quality input from all appropriate offices on which to base his decisions. Assures that all outgoing correspondence are quality products that represent the best possible presentation of the Regional Director's views; synthesizes detailed responses from various offices into a single document for outgoing correspondence going to the Secretary and other Headquarters units, and for Regional Director's decision memoranda.

3. Provides for feedback to the Regional Director on the impact of his decisions. By obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, highlights problem areas for renewed Regional Director's attention, and develops an ever current supply of data for management conferences and for responding to incoming requests from the Secretary, various elected officials, and regional staff.

D. *Office of the Regional Attorney (1E8203).* The Regional Attorney serves as the legal adviser to the Regional Director and as chief legal officer for the DHEW programs and activities served by the Office of the Regional Director. On all matters within the competence of the legal profession, the Regional Attorney is subject to the supervision of the General Counsel; on all other matters, he is subject to the supervision of the Regional Director.

The office of the Regional Attorney:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the region;

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. Attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. *Office of Equal Employment Opportunity (1E8204)*. The Regional Office of Equal Employment Opportunity serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish-Surnamed Program. Monitors the Regional Equal Employment Opportunity Complaint System and issues proposed dispositions on all Office of the Secretary formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. *Office of Long Term Care Standards Enforcement (1E8271)*. The Regional Office of Long Term Care Standards Enforcement: 1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the issuance of Title XVIII time-limited agreements for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establishes and maintains close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and Intermediate Care Facilities (ICFs). Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' implementation of the ICF regulations.

3. Participates in the negotiations of budgets with State survey agencies for their services and reviews those portions of the State agency budget relative to SNF/ICF certification and the provision of State consultative services to SNFs and ICFs and recommends to the Social Security Administration (SSA), Regional Commissioner and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participates with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participates in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develops and implements procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provides technical assistance for the professional training of State agency personnel on their duties in surveys/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assists State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICF's on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assists States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Reviews complaints received by the Regional Director concerning State agency and SNF/ICF activities and initiates appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate, provides information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs, and ICFs, makes recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provides data and reports to ONHA on SNF/ICF survey/certification activities, on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provide reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Works with and provides information as requested to, the Social Security Administration, on the following SNF related activities: a. Utilization review processes of SNFs;

b. Change of provider status in the Medicare Program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNFs as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Works with, and provides information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities: a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Works with, and provides information as requested to, the Public Health Service on the following SNF and ICF related activities: a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provides improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinates with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinates, under the Office for Civil Rights, in monitoring the implementation of Title VI of the Civil Rights

Act of 1964 with respect to SNFs and ICFs.

18. Coordinates, under the direction of the Regional Director, with the personnel of the Regional Office of Facilities Engineering and Construction on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinates with the Department of Housing and Urban Development in implementation of Public Law 93-204.

G. *Office of the Assistant Regional Director for Public Affairs (1E8251).* The Office of Assistant Regional Director for Public Affairs:

1. Serves as principal advisor to the Regional Director in the formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for public affairs activities, in line with the Secretary's policies and the trend toward interagency coordination and centralization of Public Affairs activities in the Region.

2. Provides briefing material and other intelligence for visits to the region by the President, Vice President, the Secretary, the Under Secretary, and other top officials, including members of Congress; advances the Secretary and travels with him in the region; handles external public affairs affecting national and international organizations; handles special assignments for the President and his aides and the Secretary and his aides.

3. Works closely with national and international news media, national book and magazine publishers and freelance writers, serves as Regional Representative in initially meeting and dealing with groups demonstrating in Region II in connection with policies and programs of HEW; maintains close liaison with groups outside the Federal government including constituent agencies in State and local government, major health, education and welfare organizations, Governor's offices, Mayors of various cities and Congressmen from Region II, for public affairs purposes.

4. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

5. Serves as a central point of communication with the press, radio and television news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

6. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustration and related materials. Serves as chairman of the Region II Communications Committee.

7. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared within the Region for release through Government channels.

8. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

9. Serves as the initial denial authority for all regional documents requested under the Freedom of Information Act.

H. *Office of the Assistant Regional Director for Planning and Evaluation (1E8261).* The Assistant Regional Director for Planning and Evaluation: 1. Serves as the principal advisor to the Regional Director in identifying and directing regional office activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal, State, local and voluntary human resource programs within the Region; identifies needs, opportunities and mechanisms for Regional Office interagency coordination in planning and evaluation in order to achieve regional office goals and objectives; provides comments and recommendations in the development of headquarters and regional agency planning and evaluation efforts; organizes, directs and coordinates with other Regional staff, a Regional planning and evaluation technical assistance effort with state and local public and voluntary human resource agencies.

2. Organizes, directs and coordinates regional activities related to the Operational Planning System. In this regard, establishes and maintains a regional planning process designed to achieve mission-related objectives within the framework of Departmental goals and regional priorities. Through this process: a. identifies and analyzes regional needs, incorporating these into Regional Issue papers which are statements of regional planning priorities and/or regional recommendations for headquarters policies;

b. establishes regional long and short term objectives and plans which address identified needs;

c. participates in HEW Master Planning Calendar activities, the forward planning process and development of preliminary budgets in conjunction with Regional agencies.

3. Establishes and maintains an issues identification and resolution process in coordination with other Regional staff. In this process: a. identifies issues needing policy clarification;

b. translates policy into service systems to be provided including budget and resource allocation and reallocation; recommends matters for legislative redress to more effectively implement such policy and;

c. analyzes the implications of such implementation to determine necessary adjustments in line with regional characteristics and needs.

4. Coordinates with other Regional staff, a review and comment process that: a. ensures analysis of proposed national policies, legislation and regulations, especially in light of regional observations of needs and;

b. ensures dissemination of these proposals and Regional reactions to them to all constituencies within the Region.

5. Coordinates a Regional evaluation process which: a. identifies methods for reporting and evaluating accomplishments and program effectiveness in relation to Departmental goals and Regional priorities, keeping appropriate units focused on shared objectives;

b. identifies information needed to describe program progress and information needs pertinent to Regional decision making;

c. develops instruments and techniques for measuring progress in reaching program goals;

d. ensures dissemination of evaluation results within the Region to all interested groups and;

e. is in consonance with headquarters evaluation processes.

6. Works with Regional Agencies and the Audit Agency to improve evaluation and monitoring capabilities within the Region.

7. Establishes in coordination with other Regional staff, procedural and substantive criteria for the management review of those project grants covered by the Regional Director Review and Sign-off System, the A-95 System, and the HEW procedures established under Title I of the Housing and Community Development Act.

8. Reviews grant and contract proposals covered under the aforementioned system for adherence to regional priorities and management soundness and exercises regional sign-off authority as appropriate.

9. Develops and maintains a geographic profile of needs in the Region including those relating to target or special concerns groups, develops demographic indices, descriptions of available resources and the current regional distribution of HEW assistance.

I. *Office of the Assistant Regional Director for Intergovernmental Affairs (1E8241).* The Office of the Assistant Regional Director for Intergovernmental Affairs: 1. Serves as principal representative to the Regional Director and supervises a staff unit to accomplish the Department's intergovernmental technical assistance mission in the region. Provides leadership, direction, cooperation and coordination for the Department in the Federal Regional Council, Federal Executive Board and other interagency groups.

2. Serves as the Regional Director's representative in establishing and maintaining contacts with the offices of governors, Congressmen, State legislators, county executives, mayors, other Federal agencies, private voluntary agencies and public interest organizations. Recommends alternative methods for achieving

methods for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local general purpose governments.

3. In connection with the foregoing, establishes and maintains a process for the identification of intergovernmental issues; refers these issues to appropriate Regional officials for proper analysis and resolution, and coordinates the dissemination of information on problems that have been resolved to State and local governments and representatives of private interest groups.

4. Develops and monitors procedures for securing timely State and local general purpose government review and comment on appropriate policies, legislation and regulations; keeps regional office and headquarters staff informed about major current developments concerning major new human resource legislation and policies at the State and local levels.

5. Identifies, and brings to the attention of the regional staff problems and issues in the States that may be amenable to DHEW evaluation efforts; facilities, in coordination with the appropriate regional staff, the communication of significant human resource evaluation and monitoring findings, to and from State and local governments.

6. Provides technical assistance to Governors' executive staffs and state agency heads in carrying out regional and national policies with the cooperation of other Regional staff, insures that the regional office role in the implementation of DHEW policies, through such systems as the Operational Planning System, is clearly spelled out to State and local general purpose governments; attempts to insure that State and local governments institute adequate mechanisms for implementing major common operational objectives.

7. Obtains and analyzes information about problems and needs of State and local officials as they involve the programs and activities of HEW regional offices. Coordinates the planning and delivery of technical assistance to assist States and local general purpose government in the accomplishment of common program objectives.

8. Identifies interagency or interdepartmental program areas requiring joint planning and implementation and assists in developing agreements and procedures. Provides for an exchange of information and relationships with other departments where interdepartmental efforts are required to implement policies.

9. Provides supervision of and guidance to members of his staff for Regional Council and Federal Executive Board activities, with particular concern given to operations and activities of the Council and Federal Executive Boards as they require coordination with State and local governments; has responsibility for maximizing HEW's involvement in Federal Regional Council and Federal Executive Board programs for improving the quality and effectiveness of intergovernmental operations.

10. Ensures that the provisions of the National Environmental Policy Act are carried out. Monitors the preparation of environmental impact statements by appropriate agencies.

J. *Office of the Assistant Regional Director for Program Coordination (1E8281)*. The establishment of this position in Region II reflects a special emphasis on our responsibilities to foster interrelationships among HEW and related programs. The position serves to identify those special needs of our constituencies which can be better addressed by such an emphasis. The Assistant Regional Director for Program Coordination: 1. Serves as principal advisor to the Regional Director and supervises a staff unit to ensure the coordination of HEW programs; works with the public and voluntary sectors to improve capacity building and promote integration of services at the delivery level.

2. Develops cooperative relationships among the principal HEW Regional components in order to promote the coordination of resources to accomplish regional program priorities.

3. Is responsible for resolving cross-programmatic issues and stimulating interaction among and across categorical program lines in order to improve the effectiveness and efficiency of human resource activities; plans and carries out studies of regional program operations for the purpose of advising the Regional Director and other regional officials of ways to encourage the meshing of Federal, State and local resources.

4. Develops a regional capacity building plan that includes the following activities: a. identifies and assesses the constraints which impede current and/or potential participants from preparing effective program designs;

b. develops strategies for eliminating constraints; and

c. plans for the provision of technical assistance to general purpose governments in the development of HEW integrated services and management systems.

5. Develops and manages special coordination projects at the Regional Office and local delivery level in support of capacity building and services integration goals.

6. It is responsible for the management of activities with respect to special concerns groups. Develops and maintains systematic contact with the principal representatives of special concerns groups, and assures that their needs are taken into consideration in HEW programs.

K. *Office of the Assistant Regional Director for Management and Finance (1E8221)*. This position in Region II encompasses the functions previously held by the Assistant Regional Directors for Financial Management and Administration and Management. The primary purpose for establishing a single position is to have all of the responsibilities for the business-side of the Regional Office under one manager so the Regional Director may look to this one individual on both financial and administrative management matters related to DHEW Regional operations. The Office of the Assistant Regional Director for Management and Finance:

1. Advises the Regional Director and operating program managers on financial and administrative management matters and interprets financial and administrative management policy as established by the Secretary; Under Secretary; Assistant Secretary, Comptroller; Assistant Secretary for Administration and Management; or Regional Director.

2. Provides financial management support to the Regional Director and Regional Agency Heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with state and local government and HEW grantees to include indirect cost negotiations, single letter of credit implementation, technical assistance audit follow up.

3. Receives from the Office of the Secretary and operating agencies all Regional budget and fiscal data, including allowances and allotments, budgeted positions authorized, and employment ceiling allocations; makes recommendations to the Regional Director on the management of budgetary resources for Regional programs maintaining close contact with counterparts, at the agency level and in the Office of the Comptroller to coordinate questions of Departmental financial management policy; represents the Regional Director with Treasury Department, the HEW Audit Agency, GSA, and GAO on financial management matters.

4. Performs Regional accounting and financial reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services. Is responsible for the recording and reporting of all financial transactions of HEW Regional Office and Agency operations through the maintenance of a standardized Regional Accounting System.

5. Is responsible for the financial administration and management of OS Working Capital Fund and Departmental Management allotments or allowances issued to the Regional Director.

6. Maintains status reports on and provides accounting services for single letter of credit activities in the Region.

7. Performs budget activities as follows: prepares consolidated regional budget estimates and justifications for activities for which the Regional Director has been delegated authority; assists the Regional Director and Regional Agency Heads in advocating program budget priorities for centralized and decentralized programs based on Regional needs and characteristics; assesses Regional impact of Agency budget proposals for use of the Regional Director in providing comments to the Secretary on the Department budget; supervises

budget execution in the Region, including the recording and distribution of budget resources based on allocations, allotments, and allowances for regional activities; receives regional personnel ceiling allowances; prepares recommended allowances and manpower allocations for submission to the Regional Director; and monitors recruitment and employment against these allowances. Develops and implements a budget data system capable of monitoring financial operating plans and of maintaining current information of fund availability for Regional programs; provides assistance to the Regional planning offices in formulating a Regional plan, overseeing the development of financial operating plans for other Regional activities, reviewing these plans and providing comments to the Regional Director and other Regional personnel; certifies to the availability of funds for all expenditures based on allotments and allowances issued to the Regional Director and Regional Agency Heads.

8. Carries on cost allocation and payment system activities as follows: pursuant to delegation of authority from the Regional Director, is responsible for indirect cost rate negotiations (including state and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to state and local governments, and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller to develop the single letter of credit system within the Region; and assists the Regional Director and Regional Agency Heads in assuring effective followup of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

9. Serves as the principal advisor to the Regional Director and directs or participates actively in all aspects of administrative management, including organization, procedures, personnel management, office services, management information systems, manpower and other management surveys and studies, paperwork management, and grants and contracts management; identifies needed administrative and programmatic linkages to assure coordinated HEW thrust; and maintains records of delegations of authority.

10. Has been designated responsibility for the management of grants and contracts making (if centralized in the Region).

11. Provides leadership in the establishment, maintenance, and effective use of management information and the systems related thereto.

12. Administers all activities related to Regional Manpower Utilization Surveys and Work Measurement Studies.

13. Directs the operation of the Regional Personnel Office through the Regional Personnel Officer; serves as the principal advisor to the Regional Director on all aspects of personnel management, including the classification of positions, the staffing and processing of appointments, selected on-the-job training activities, and employee relations.

14. Directs the operation of Office Services through the Office Services Manager; provides office services to all activities in and near the Regional headquarters location, including: mail pick up and delivery, procurement, stocking and distribution of common supplies, maintenance of the official Regional files, printing and reproduction services, moving and storage services; establishes a system of effective property management including item and financial property accounts and the maintenance of subsidiary property records.

15. Directs the activities of the Office of Surplus Property Utilization and the Regional office of Facilities Engineering and Construction through the managers of those offices; conducts periodic inspections of Regional components' space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

L. *Office of the Assistant Regional Director for Human Development.* (See Chapter 1R95, HEW Organization Manual (38 FR 17262 6/29/73) (formerly numbered as 1E80).

M. *Special Assistant to the Regional Director for Program and Policy Analysis (1E8291).* The Special Assistant acts as a "trouble shooter" for the Regional Director in connection with HEW program and policy work in the region. He serves as the focal point for all contacts when the Regional Director is designated by the Under Secretary to represent the regions as "Lead Regional Director."

SEC. 1E82.30 *Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff.*

Agency regional staffs, Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organization. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

SEC. 1E82.40 *Order of Succession.* In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence of both the Regional Director will appoint an acting Regional Director. In the event of a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

Sec. 1E82.50 *Delegation of Authority.* The delegations of authority to the Regional Director to operate programs are:

A. *Long Term Care Standards Enforcement.*

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement: a. To approve or disapprove certifications made by State agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of Section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State agency survey reports (including reports of followup reviews), and statements of deficiencies based upon official survey reports, relating to the certication of skilled nursing facilities for compliance with the applicable provisions of section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as

amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861 (j) (13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(h) of the Social Serity Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under Section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

B. *Office of Surplus Property Utilization.*

1. Regional Directors have been delegated certain authority which may not be redelegated as follows: a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property where less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)(a) above; except in those cases provided for in A 1a(3).

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representative: the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the useability of a need for surplus personal property by educational or health institutions and civil defense organizations:

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction to any other regional jurisdiction and to take the actions set forth in (1)(b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1)(b) (c) and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in

possession of State agencies for subsequent donation for educational, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes:

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recomend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State agencies for surplus property: Provided, however, That disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization: the authority may be redelegated in writing to the Assistant Regional Representative;

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State agency.

C. *Office of Human Development.*

1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 511 of the Community Services Act of 1974 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make grants and contracts for Urban Indian Projects under the authority of section 803 of the Community Services Act of 1974.

d. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b" and "c" above and to issued audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: April 2, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

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OFFICE OF THE REGIONAL DIRECTOR, REGION III

Statement of Organization, Functions, and Delegations of Authority

SECTION 1E83.00 *Mission.* The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

SEC. 1E83.10 *Organization.* The Office of the Regional Director, Region III, is under the direction and control of the Regional Director who reports to the Secretary and Under Secretary, and consists of the following:

Regional Director
Deputy Regional Director
Office of the Regional Attorney
Office of Equal Employment Opportunity
Executive Secretariat
Office for Civil Rights
Office of Audit
Office of ARD for Public Affairs
Office of ARD for Planning and Evaluation
Office of ARD for Intergovernmental Affairs
Office of ARD for Financial Management
Office of ARD for Administration and Management
Office of ARD for Human Development
Office of Long Term Care Standards Enforcement

SEC. 1E83.20 *Functions.* A. *Regional Director.*—The functions of the Regional Director are:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and

analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, including major disasters under Public Law 865; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. *Deputy Regional Director.*

Serves as Acting Regional Director in the absence or disability of the Regional Director or in the event of a vacancy in the Office of Regional Director. The Deputy Regional Director performs other duties and functions at the request of the Regional Director.

C. *Executive Secretariat.*—Monitors the decision-making process for the Regional Director and facilitates the internal processes of coordination and communication, as follows:

1. Screens Regional Director's correspondence and filters out those items which require immediate attention by the Regional Director and Regional Director's staff, as well as the assignment of time deadlines for Regional Director's action items.

Takes appropriate action to clarify issues and instructions before a request for information is forwarded to the appropriate action office. Provides current and consolidated information or indicates where such information may be obtained for all policy issues and projects in the Region.

2. Operates a comprehensive system for tracking action items and ensures that the Regional Director has timely and quality input from all appropriate offices on which to base his decisions. Assures that all outgoing correspondence are quality products that represent the best possible presentation of the Regional Director's views; synthesizes detailed responses from various offices into a single document for outgoing correspondence going to the Secretary and other Headquarters units, and for Regional Director's decision memoranda.

3. Provides for feedback to the Regional Director on the impact of his decisions. By obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, highlights problem areas for renewed Regional Director's attention, and develops an ever current supply of data for management conferences and for responding to incoming requests from the Secretary, various elected officials, and regional staff.

D. *Office of the Regional Attorney.*—The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the region; on all matters within the competence of the legal profession the Regional Attorney is subject to the supervision of the General Counsel; on all other matters he is subject to the supervision of the Regional Director.

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. Attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. *Office of Equal Employment Opportunity.*

Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish Surnamed Program. Monitors the Regional EEO complaint system (and issues proposed dispositions on all formal complaints within the immediate Office of the Secretary). Prepares the Regional Annual Affirmative Action Plan.

F. *Office of Long Term Care Standards Enforcement.*—Performs these functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the Issuance of Title XVIII time limited agreements; for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNF's which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establish and maintain close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and ICFs. Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' Implementation of the ICF regulations.

3. Participate in the negotiations of budgets with State survey agencies for their services and review those portions of the State agency budget relative to

SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommend to the Social Security Administration (SSA), Regional Commissioner and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participate with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participated in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develop and implement procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provide technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assist State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assist States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Review complaints received by the Regional Directors concerning State agency and SNF/ICF activities and initiate appropriate action for investigation and resolution.

10. With SSA, SRS, and the Public Health Service (PHS), as appropriate, provide information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, make recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS, and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provide data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provide reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Work with, and provide information as requested to the Social Security Administration, on the following SNF related activities; e.g.,

a. Utilization review processes of SNF's;

b. Change of provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or necessary services, or withdrawal from program);

c. Certification of SNF's as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Work with, and provide information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNF's;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Work with, and provide information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinate with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinate, under the Office of Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinate, under the direction of the Regional Director, with regional personnel of the Office of Facilities Engineering and Property Management on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinate with the Department of Housing and Urban Development in implementation of Pub. L. 93-204.

G. *Office of the Assistant Regional Director for Public Affairs.*

1. Serves as a principal advisor to the Regional Director in the formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward inter-agency coordination and Departmental control.

2. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

3. Serves as a central point of communication with the press, radio and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental Headquarters.

4. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

5. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared with the Region for release through Governmental channels.

6. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

H. *Office of the Assistant Regional Director for Planning and Evaluation.*

1. Serves as a principal advisor to the Regional Director in identifying and directing activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal Regional Council and state and local general purpose government programs.

2. Establishes and maintains a regional intergovernmental planning process which:

a. facilitates the identification of issues needing policy clarification;

b. analyzes the implications of implementing policies in the Region to determine needed regional deviations from a national norm; and

c. identifies and analyzes regional needs, program-by-program and issue-by-issue, and incorporates these issues into a Regional Memorandum in order to establish regional planning priorities.

3. Develops and maintains a geographic profile of needs in the Region

with a special emphasis on target or special concern groups, develops demographic indices, descriptions of available resources and of the current regional distribution of HEW assistance.

4. Establishes a review and comment process in order to:

a. analyze proposed regional objectives and compare to existing Department and regional policies/objectives for consistency;

b. analyze current and proposed national policy for regional implications, especially in light of regional observations of needs; and

c. participate in Master Planning Calendar activities, including the forward planning process, development of program memorandum and preliminary budgets, and model state legislation.

5. Translates policy into services to be provided, budget proposals/resource allocation/re-allocation plans, and the legislative specifications needed to effectively implement the policy.

6. Develops a regional capacity-building plan to include the following activities:

a. identify and assess the constraints which impede current and/or potential participants from preparing effective program designs;

b. develop strategies for eliminating constraints; and

c. plan for the provision of technical assistance to general purpose governments in the development of comprehensive human resources planning systems that are compatible with HEW planning.

7. Establishes procedural and substantive criteria for the management review of:

a. those programs covered by the RDRS system;

b. programs delegated to the RD and those of a developmental assistance nature; and

c. agency efforts at reviewing state plans.

8. Assists in the improvement and coordination of Regional Office monitoring activities, and plans for the systematic collection and analysis of data generated by program monitoring audits. Civil Rights reviews, A-95 and NEPA reviews, and evaluation results for utilization in subsequent planning activities.

9. For programs directly delegated to the RD, identifies the information needed to describe program progress and then develops instruments and techniques for measuring progress in reaching program goals.

10. For HEW programs:

a. identifies information needs for regional decisionmaking that can be provided by program evaluations;

b. prepares a regional office research, evaluation and statistical data plan for developing, implementing and utilizing evaluations;

c. participates in central office evaluation process to secure funds and to comment on relevance of agency evaluation plans to regional decisionmaking needs;

d. ensures the dissemination of evaluation results; and

e. works with regional agencies and Audit to improve program evaluation capabilities within the region.

I. *Office of the Assistant Regional Director for Intergovernmental Affairs.*

1. Serves as principal staff to the Regional Director in accomplishing the Department's intergovernmental, technical assistance and program coordination mission in the region. Utilizes comprehensive knowledge of program activities and information from data and resources which must be evaluated to determine the approach to be taken toward regional intergovernmental relations.

2. Serves as the Regional Director's representative at conferences and in establishing and maintaining contracts with the offices of governors, county executives and mayors. Recommends alternative methods for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local purpose government to operational and forward planning and for information systems.

3. Establishes for the Regional Director operational methods for principal officials of Federal, State and local agencies and other public and nonprofit organizations and institutions to integrate their resources and interests toward common goals of the Department.

4. Identifies needs, tools and opportunities for productive interagency coordination, programming and operations to accomplish goals and objectives that can be shared by multiple agencies of the Department to bring about more effective delivery of services to State and local governments in the region. This involves providing planned technical assistance designed to enable appropriate officials of cities, States and the Regional Office to plan together for the accomplishment of common program objectives.

5. Participates from time to time in interagency or interdepartmental studies with responsibility for factfinding, analysis, and making recommendations to top level policy making officials about national and intergovernmental program planning.

6. Develops, in concert with other DHEW representatives, the ARD for Planning and Evaluation and officials of State and local jurisdictions, necessary procedures to insure appropriate input on regional needs and issues which will affect the Department's budget, legislative and policy development processes in accordance with master calendar cycles.

7. Provides guidance and staff support to the Federal Regional Council in connection with operations and activities that require coordination with Federal, State and local governments. This includes responsibility for maximizing the Federal Regional Council's potential for improving the quality and effectiveness of intergovernmental operations.

8. Has lead responsibility within the Regional Office, as assigned by the Regional Director, for such major intergovernmental initiatives as manpower coordination, services integration and capacity-building. Is responsible for pulling together full regional resources in the accomplishment of such initiatives.

9. The Regional Environmental Office, located in the Office of Intergovernmental Affairs, is managed by the RD's environmental representative, the Regional Environmental Officer (ARD/IGA). Supportive assistance to the REO is provided by the Environmental Program Analyst.

The Regional Environmental Office is responsible for the Regional Administration of the implementing of the National Environmental Policy Act of 1969 (NEPA). Regional administration of NEPA includes the following broad functions:

a. Serving as a liaison between DHEW's Office of Environmental Affairs in Washington and the Regional agency program staff relative to existing and proposed policies, regulations, etc.;

b. Providing assistance (through guide materials, individual project assessments, etc.) to Regional program staff relative to national Regional DHEW procedures and review criteria;

c. Reviewing Environmental Impact Statements prepared by other Federal departments; and

d. Serving as a point of environmental contact for other Federal departments, state agencies (such as environmental agencies and the State Clearinghouses), and the general public.

J. *Office of the Assistant Regional Director for Financial Management.*

1. Provides financial management support to the Regional Director and Regional Agency Heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following Financial Management functions: accounting and financial reporting, budget formulation and execution, and work with State and local government and HEW grantees to include indirect cost negotiation, single letter of credit implementation, technical assistance, and Audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs Regional accounting and reporting activities: accounting, comptrolling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: Prepares the Regional budget for activities for which the Regional Director has delegated authority and assists other Regional staffs in developing their budgets; prepares consolidated Regional budget estimates and justifications and assists the Regional Director and Regional Agency Heads in advocating program budget priorities for centralizing

and decentralizing programs based on Regional needs and characteristics; supervises budget execution in the Region including the recording and distribution of budget resources based on allocations, allotments and allowances for Regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other Regional activities, reviews these plans, and provides comments to the Regional Director and other Regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for Regional programs; and receives Regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the office of the Assistant Secretary, Comptroller to develop the single letter of credit system within the Region; and assists the Regional Director and Regional Agency Heads in assuring effective follow up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. *Office of the Assistant Regional Director for Administration and Management.*

1. Serves as the principal advisor to the Regional Director on and directs or participates actively in all aspects of administrative management, including organization, procedures, management systems, delegations of authority, management surveys and studies, and paperwork management.

2. Serves as the principal advisor to the Regional Director on all aspects of personnel management. Administers the Regional program, including the classification of positions, the processing of appointments, and selected on-the-job training activities.

3. Reviews grants and contracts proposals for general adherence to program goals and management soundness and exercises Regional sign-off authority as appropriate.

4. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

5. Administers the Regional Surplus Property Utilization program.

6. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

7. Conducts periodic inspections of Regional space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

8. Provides office services to all activities in and near the regional headquarters location, including mail pick-up and delivery; procurement, stocking, and distribution of common supplies; maintenance of the official regional files; printing and reproduction services, moving and storage services.

9. Assures the delivery of the total architectural/engineering services in support of HEW grant and loan and direct Federal construction programs and of HEW owned and utilized facilities.

L. *Office of the Assistant Regional Director for Human Development.* (See Chapter 1R95, HEW Organizaton Manual (38 FR 17262 6/29/73) (formerly numbered as 1E80).)

SEC. 1E83.30 *Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff.* Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

SEC. 1E83.40 *Order of Succession.* In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

SEC. 1E83.50 *Delegation of Authority.* The delegations of authority to the Regional Director to operate programs are:

A. *Long Term Care Standards Enforcement.*

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in Section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of Section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in Section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State agency survey reports (including reports of follow-up reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

B. *Office of Surplus Property Utilization.*

1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property where less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)(a) above; except in those cases provided for in A 1a(3).

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representatives: the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction to any other regional jurisdiction and to take the actions set forth in (1)(b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1)(b)(c) and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for educational, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes:

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions

which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State agencies for surplus property: Provided, however, That disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization: the authority may be redelegated in writing to the Assistant Regional Representative;

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State agency.

C. *Office of Human Development.*

1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 511 of the Community Services Act of 1974 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make grants and contracts for Urban Indian Projects under the authority of section 803 of the Community Services Act of 1974.

d. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b" and "c" above and to issued audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: April 2, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-9236 Filed 4-8-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

HAWAII STATE ADVISORY COMMITTEE

Amendment to Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii State Advisory Committee (SAC) to this Commission originally scheduled for April 28, 1975, has been cancelled. The meeting will be at 7:30 p.m., on April 25, 1975, at the Ala Moana Hotel, 410 Atkinson Drive, Board Room, Honolulu, Hawaii 96814.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting will be a business and planning meeting of the Hawaii Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 4, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-9227 Filed 4-8-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on May 1, 1975, in the Board Room, 163 Madison Street, Detroit, Michigan 48226.

Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting will be to report on contacts with potential new members; 2. Discussion of impact of first interim community development project report; 3. Discussion of plans for second community development project open hearing (planned for June); 4. Other old and new business; 5. Input from the public (if requested). The order of agenda items may vary.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-9228 Filed 4-8-75;8:45 am]

MISSISSIPPI STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Mississippi State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on April 30, 1975, at the Jackson Hilton, 1750 North State St., Victoria Room (2nd floor).

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to discuss and plan study activities for remainder of FY 75 and next fiscal year.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-9229 Filed 4-8-75;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission originally scheduled to be held at the Neil House, 41 S. High Street, Columbus, Ohio has been changed to 600 East Broad Street, Columbus, Ohio 43215, still to convene at 10 a.m. on April 26, 1975.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to finalize plans for press conference to release the Ohio Prison study report. Discuss education project proposal draft.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 4, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-9230 Filed 4-8-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 6 p.m. on April 30, 1975 at the Holiday Inn, 113 W. Missouri El Paso, Taxes 79901.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to discuss the status of school finance reform in Texas, in particular the bills that have been introduced in the Texas Legislature will be reviewed. Other parts of the conference will consider the overall problem in school finance reform in Texas.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-9231 Filed 4-8-75;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Amendment to Notice of Meeting

Notice is hereby given, pursuant to the rules and regulations of the U.S. Commission on Civil Rights, that the notice of meeting Published in the FEDERAL REGISTER on March 31, 1975 on page 14355 (FR Doc. 75-8180) be amended to read: "Planning meeting will convene at 7 p.m. on April 24, 1975 and press conference will convene at 10 a.m. on April 25, 1975 both will be held in the Governor's Board Room, Salt Lake City, Utah."

Dated at Washington, D.C., April 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-9232 Filed 4-8-75;8:45 am]

FEDERAL MARITIME COMMISSION

PUERTO RICO MARINE MANAGEMENT, INC. AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

PUERTO RICO MARINE MANAGEMENT, INC. AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed by:

E. J. Sheppard, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue, NW., Washington, D.C. 20036.

By orders dated October 15, 1974, December 23, 1974, and February 21, 1975, the Commission has approved Agreement No. DC-75, in each case for terms not to exceed sixty (60) days from the dates of said orders. The agreement, which is between Sea-Land Service, Inc., (Sea-Land) and Puerto Rico Marine Management, Inc., (PRMM) as approved by the Puerto Rico Maritime Shipping Authority (Authority), is an interim services and facilities subcontract wherein Sea-Land will provide PRMM with virtually any services it would require for the performance of its contract to manage the Authority's recently-inaugurated common carrier service between U.S. Atlantic and Gulf coast ports and Puerto Rico. Included within the scope of Agreement No. DC-75 are facilities for providing berthing and terminal services, repair and maintenance services and A & G functions.

Current Commission approval of Agreement No. DC-75 expires April 22, 1975. The parties to the agreement have advised us, however, that despite their progress to date toward the goal of self-sufficiency in performing all aspects of the Authority's common carrier service, there remain essentially three areas in which the Authority and PRMM must continue to contract with Sea-Land on an interim basis: (1) operations of the Puerto Nuevo terminal facilities at San Juan; (2) operations of a New Orleans terminal; and (3) terminal facilities at Port Elizabeth, New Jersey. Accordingly, the parties have requested that we extend our approval of this agreement for these limited purposes for an additional period of not more than sixty (60) days.

By Order of the Federal Maritime Commission.

Dated: April 7, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9328 Filed 4-8-75;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP71-7, RP73-77; PGA75-4A]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

MARCH 19, 1975.

Take notice that on February 28, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Eighth Revised Sheet No. 3-A and Substitute Eighth Revised Sheet No. 3-A. These revised tariff sheets are proposed to become effective as of March 15, 1975.

Alabama-Tennessee states that the sole purpose of such revised tariff sheets is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on March 15, 1975, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheets provide for the following rates:

Rate schedule	8th revised sheet No. 3-A	Substitute 8th revised sheet No. 3-A
G-1:		
Demand	$3.04	$3.01
Commodity (cents)	62.29	60.92
SG-1: Commodity (cents)	84.50	82.91
I-1: Commodity (cents)	64.29	62.92

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 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.75-9198 Filed 4-8-75;8:45 am]

[Docket No. E-9340]

BOSTON EDISON CO., ET AL.

Notice of Application

APRIL 1, 1975.

Take notice that on March 24, 1975, Boston Edison Company (Boston Edison), Central Maine Power Company (Central Maine), New England Power Company (NEPCO), Public Service Company of New Hampshire (Public Service), The United Illuminating Company (United Illuminating) and Western Massachusetts Electric Company (WMECO) tendered for filing an application for the granting of an easement in the switchyard facilities at the Pilgrim Units No. 1 and 2 site to the Joint Owners of Pilgrim Unit No. 2. Boston Edison states that the purpose of the easement is to allow the Joint Owners the use of these facilities for the purpose of transmitting the energy from Pilgrim Unit No. 2 to the transmission system of each Joint Owner. The consideration to be paid for these easement rights is based on the proration of Pilgrim Unit No. 2's share of the switchyard facilities from which each Joint Owner's cost of the 40% interest being acquired by the Joint Owners is then derived according to each ownership share in the Unit.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9199 Filed 4-8-75;8:45 am]

[Docket No. CI75-284]

CINCO EXPLORATION CO. (OPERATOR), ET AL.

Withdrawal and Cancellation of Hearing

MARCH 19, 1975.

On February 21, 1975, Cinco Exploration Company filed a withdrawal of its application for a limited term certificate in the above-designated matter which was set for hearing by order issued February 14, 1975.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective March 24, 1975. The hearing schedule for April 1, 1975, is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9200 Filed 4-8-75;8:45 am]

[Docket No. CP74-324]

CITIES SERVICE GAS CO.

Order on Reconsideration After Statutory Hearing

APRIL 1, 1975.

On June 17, 1974, Cities Service Gas Company (Cities) filed in Docket No. CP74-324 an application, as supplemented on September 8, 1974, and November 11, 1974, pursuant to sections 7(c) and 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for permission and approval to abandon certain facilities and service on its transmission system, all as more fully set forth in the application, as supplemented, in this proceeding. Cities proposes to abandon facilities and construct replacement facilities as described below in eight individual projects:

(1) Abandon in place approximately 3.70 miles of 5-inch gas pipeline and construct approximately 3.70 miles of 2-inch gas pipeline in the DeMalorie 5-inch pipeline, Greenwood County, Kansas;

(2) Abandon in place approximately 0.23 miles of 6-inch gas pipeline and replace by constructing 0.23 mile of 2-inch gas pipeline in the Santa Fe Shops 6-inch pipeline, Neosho County, Kansas;

(3) Abandon in place approximately 0.03 mile of 4-inch and 4.66 miles of 6-inch, abandon by reclaim approximately 0.56 miles of 3-inch and 0.54 mile of 6-inch gas pipeline and construct approximately 5.79 miles of 3-inch gas pipeline in the South Mound pipeline, Neosho and Labette Counties, Kansas;

(4) Abandon in place approximately 0.45 miles of 4-inch and 6-inch gas pipeline and construct approximately 0.45 mile of 3-inch gas pipeline in the Carl Junction 4 and 6-inch pipeline, Jasper County, Missouri;

(5) Abandon by reclaim ten 170 horsepower compressor units at Applicant's Pierce City Compressor Station in Lawrence County, Missouri;

(6) Abandon by reclaim 1.62 miles of 3-inch gas pipeline and replace by constructing 1.62 miles of 2-inch gas pipeline in the Nelagoney 3-inch pipeline, Osage County, Oklahoma;

(7) Abandon by reclaim approximately 0.85 miles of 2-inch and 3-inch gas pipeline and replace by constructing 0.85 mile of 2-inch gas pipeline in the Pershing 2 and 3-inch pipeline, Osage County, Oklahoma; and

(8) Abandon by reclaim approximately 7.20 miles of 20-inch gas pipeline and construct approximately 0.40 mile of 3-inch gas pipeline in the Pampa 20-inch pipeline, Sedgwick County, Kansas.

The Commission's order issued February 10, 1975, set this matter for hearing because of two protests received concerning Item 8. By its motion filed with the Commission on February 24, 1975, Cities asked that the Commission reconsider its February 10, 1975, order insofar as the order sets for hearing the projects described in Items 1 through 7 of Cities' application. No petition to intervene, notice of intervention or protest to the granting of authorizations relating to Items 1 through 7 has been filed. The issues to be considered at the formal hearing set by the Commission's February 10, 1975, order relate solely to Item 8.

On February 27, 1975, Cities filed a motion for a continuance requesting that the procedural dates set for the filing of its direct case and for the formal hearing be continued pending Commission action on the motion for reconsideration and pending Cities' preparation and filing of an amendment to the application relating solely to Item 8.[1] Cities states that circumstances occurring since the filing of the application necessitate amending that portion relating to Item 8 regarding the protests which have been filed.

Cities' motion for reconsideration states that all of the projects described in the application as Items 1 through 7 are proposed to be accomplished without abandonment of any service. Each of those projects, except for Item 5 is necessitated because the portion of the pipeline to be abandoned is now in a deteriorated condition and must be replaced by new facilities needed to efficiently and economically meet changing operating conditions. The project described in Item 5 contemplates the abandonment by reclaim of ten compressor units which are now obsolete and incapable of operation due to increasing operating pressure of Cities' Springfield system.

The Commission finds that approval of this proposal as related to Items 1

[1] On March 3, notice was issued deferring the procedural dates in this matter until further action by the Commission.

through 7 would not constitute a major Federal action significantly affecting the quality of the human environment because the construction would affect only small areas of land with no significant effect on the long-term productivity of the disturbed areas.

At a hearing held on March 27, 1975, its own motion received and made a part of the record in this proceeding all evidence including the application and exhibits thereto, submitted in support of the authorization sought for Items 1 through 7 herein, and upon consideration of the record.

The Commission finds: (1) Applicant, Cities Service Gas Company, a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, is a "natural-gas company" within the meaning of the Natural Gas Act as heretobefore found by the Commission in its order of December 28, 1943, in Docket No. G-298 (4 FPC 471).

(2) The facilities hereinbefore described in Items 1, 2, 3, 4, 6, and 7, fully described in the application in this proceeding, are to be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the construction and operation thereof by Cities are subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Cities is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities for Items 1, 2, 3, 4, 6, and 7, by Cities are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) The facilities and services to be abandoned, as hereinbefore described in Items 1 through 7, are subject to the jurisdiction of the Commission and the abandonment thereof is subject to the requirements of Subsection (b) of Section 7 of the Natural Gas Act.

(6) The proposed abandonment of facilities and service described by Cities in Items 1 through 7 is permitted by the public convenience and necessity, and approval thereof should be granted as hereinafter ordered.

The Commission orders: (A) Upon the terms and conditions of this order a certificate of public convenience and necessity is issued authorizing Cities to construct and operate the proposed facilities for the transportation of natural gas as hereinbefore described in Items 1, 2, 3, 4, 6, and 7, and as more fully described in the application in this proceeding.

(B) Upon the terms and conditions of this order, permission for and approval of the abandonment by Cities of the facilities hereinbefore described in Items 1 through 7, all as more fully described in the application in this proceeding, are granted.

(C) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon Cities' compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the terms and conditions set forth in paragraphs (a), (c) (3), (c) (4), (e), (f), and (g) of § 157.20 of such regulations.

(D) The facilities authorized by paragraph (A) above shall be constructed and placed into actual operation, as provided by paragraph (b) of § 157.20 of the regulations under the Natural Gas Act, within one year from the date of this order.

(E) Cities shall notify the Commission of the date of abandonment of the facilities within 10 days thereof.

(F) The procedural dates set by the Commission order of February 10, 1975 in this proceeding are vacated to allow time for the filing by Cities of its proposed amendment relating to Item 8 of its application. If Cities does not file such amendment within thirty days, that portion of its application will be subject to dismissal by the Commission.

By the Commission.

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

[FR Doc.75-9201 Filed 4-8-75;8:45 am]

[Docket No. RP75-62]

CITIES SERVICE GAS CO.

Order Accepting for Filing and Suspending Tariff Sheets, Setting Formal Hearing and Granting Interventions

APRIL 1, 1975.

On February 10, 1975, Cities Service Gas Company (Cities) tendered for filing six tariff sheets,[1] providing for: (1) the establishment of curtailment procedures for any reason, including but not limited to inadequate gas supply, lack of system capacity or storage injection requirements; (2) adjustment to curtailment to meet emergency conditions, including environmental emergencies and irreparable injury to life or property; (3) an overrun penalty and (4) reporting end-use data by its customers. The proposed effective date of all sheets is June 23, 1975.

Cities states that it has served a copy of its filing on all customers and affected state commissions and requests waiver of Section 154.22 of the Regulations in order to permit the filing more than 60 days prior to the proposed effective date.

The proposed Cities' plan provides for a new Article 13, *Priority of Service*, which establishes procedures to be used during both short and long-term supply interruptions.

Although Section 2, *Priority Categories*, of the proposed tariff, sets forth end-use categories as set forth in Order No. 467-B, Cities' plan deviates in some respects from that order. Cities Second Revised Sheet No. 33-A sets forth an eight-category priority system based upon end-use considerations. The proposed categories do not distinguish between customers served under a firm or interruptible contract. Cities asserts that this variance from Order No. 467-B is based upon historical market developments and that Cities' obligations under its FPC Gas Tariff and direct sale contracts constitute firm service under definitions promulgated in Commission Order Nos. 493 and 493-A.

Category 2 of the Cities priority system includes commercial requirements between 1000 and 3000 Mcf per month, small industrial requirements (up to 3,000 Mcf per month), commercial and industrial requirements for plant protection and pipeline storage injection requirements. Large commercial requirements of 3000 Mcf per month or more are included in Category 3 with industrial feedstock and process uses.

In support of its subdivision of Order No. 467-B Category 2, Cities states that customers in its proposed Categories 1 and 2 have never been curtailed or required to have alternate fuel capability. However, those commercial customers placed in proposed Category 3 have historically been curtailed and do have the required alternate fuel capability. Cities states that administrative reasons also support this breakdown since there are only 350 customers with large volumes in its proposed Category 3 whereas there are approximately 1900 customers with smaller volumes in its Category 2.

Pursuant to due notice issued February 21, 1975, and published February 27, 1975, in the FEDERAL REGISTER, (40 FR 8384) timely petitions to intervene have been filed by Midwest Gas Users Association and Armco Steel Corporation, (jointly), Ideal Basic Industries, Inc., The Gas Service Company, Kansas City Terminal Railway Company, General Motors Corporation, Owens Corning Fiberglas Corporation, Missouri Public Service Company, Armco Steel Corporation, Farmland Industries, Inc., and W. S. Dickey Clay Manufacturing Co.

Petitions to intervene out of time were received from Pet Incorporated, City of Independence, Missouri Power and Light Division, Kansas City Power and Light Company, Chemagro Agricultural Division Mobay Chemicals Corporation, Wilson & Co., Inc., St. Joseph Light & Power Company, Board of Public Utilities of Kansas City, Kansas and City of Kansas City, Kansas and Kansas City Power & Light Company.

The proposed tariff sheets have not been shown to be just and reasonable and thus may be unjust and unreasonable, discriminatory or otherwise unlawful. In the hearing hereinafter ordered, we will permit Cities to file supporting evidence and testimony to show the justness and reasonableness of its proposed curtailment plan.

The Commission finds: (1) The intervention of the above-named parties may be in the public interest.

[1] Seventh Revised Sheet No. 33, Second Revised Sheet No. 33-A, and Original Sheet Nos. 33-B, 33-C, 33-D and 33-E to Second Revised Volume 1 of its FPC Gas Tariff.

(2) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

(3) It is necessary and appropriate for the purposes of the Natural Gas Act, particularly Sections 4, 5, and 16 thereof, that the operations of the revised tariff sheets tendered by Cities February 10, 1975, and designated in footnote 1, *supra* be suspended and the use thereof deferred as hereinafter ordered.

(4) That the requirements of § 154.22 of the Commission's Regulations be waived.

The Commission orders: (A) Pursuant to authority under the Natural Gas Act, particularly Sections 4, 5, and 16 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act, a public hearing shall be held on May 19, 1975, at 10 a.m. in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issues raised by the instant filing.

(B) The tariff sheets tendered by Cities on February 10, 1975, designated in Footnote 1, *supra* are hereby accepted for filing.

(C) Pending hearing and decision the revised tariff sheets tendered by Cities on February 10, 1975, are hereby suspended and the use thereof deferred until June 23, 1975, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) On or before April 28, 1975, Cities and other parties in support of its filing shall file with the Commission and serve upon all parties, including Commission Staff, testimony and exhibits in support of their position.

(E) Upon completion of the cross-examination of the direct testimony and exhibits submitted by Cities Service and interveners as their respective cases-in-chief, the Presiding Administrative Law Judge shall convene a conference for establishing procedures for the circulation of a draft environmental impact statement.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and, *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

By the Commission.

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

[FR Doc.75-9202 Filed 4-8-75;8:45 am]

[Docket No. CP73-5]

COLUMBIA GULF TRANSMISSION CO.

Petition To Amend

APRIL 1, 1975.

Take notice that on March 10, 1975, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP73-5 a petition to amend the order issued in the subject docket on October 13, 1972 (48 FPC 841), pursuant to section 7(c) of the Natural Gas Act by authorizing an increase in the daily contract demand of gas transported and delivered by Petitioner for Texas Gas Transmission Corporation (Texas Gas) in the offshore Louisiana area, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of October 13, 1972, Petitioner was authorized, *inter alia,* to transport and deliver for Texas Gas a contract demand of 35,700 Mcf of gas (14.73 psia) from Eugene Island Block 250 through Petitioner's 3.5-mile, 20-inch pipeline to a point of connection with the Offshore Header of the Blue Water Project in Eugene Island Block 227. Petitioner was further authorized to transport the aforestated volumes plus volumes received from Texas Gas from its sources in the Vermilion Area up to an aggregate quantity of 51,000 Mcf per day through the Offshore Header and the Western Shore Line of the Blue Water Project to a point of delivery at the Egan terminus of the Western Shore Line.

Petitioner states that due to declining gas deliverability in the Vermilion Area, Texas Gas is unable to meet contract demand of 51,000 Mcf of gas per day. Petitioner requests that the Commission amend the certificate issued in the October 13, 1972, order to increase the contract demand from 35,700 Mcf of gas per day to 43,860 Mcf of gas per day from the Block 250 area. Petitioner states that such increase in contract demand will allow Texas Gas to offset declining deliveries from the Vermilion area for ultimate disposition to the consuming public.

Petitioner states that no new facilities are required to implement its proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9203 Filed 4-8-75;8:45 am]

[Docket No. E-9343]

COLUMBUS & SOUTHERN OHIO ELECTRIC CO.

Filing of Rate Schedule

APRIL 2, 1975.

Take notice that Columbus and Southern Ohio Electric Company, on March 27, 1975 tendered for filing proposed changes in its F.P.C. Electric Service Tariff, Rate Schedule No. 22. The proposed changes would increase revenues from jurisdictional sales and service by $181,758 based on the twelve-month period ending June 30, 1974. The fuel adjustment clause contained in the proposed rate schedule has been prepared to conform with present Commission regulations concerning the form of such clauses.

The Company has been serving at wholesale the City of Columbus, Ohio pursuant to a contract which terminated on December 31, 1974, which contract and rates are contained in Commission Rate Schedule No. 22. The rates contained in the new rate schedule tendered for filing to supersede Commission Rate Schedule No. 22 are contained in a bid contract submitted by the Company to the City and accepted by the City effective March 1, 1975.

The Company requests waiver of the notice requirements contained in §§ 35.3 and 35.13 of the Commission's regulations, and asks that the rate schedule be made effective March 1, 1975. The Company states that the additional revenue is needed to help to offset increases in the cost of providing electric service as well as increases in the cost of facilities and capital required to provide such services.

A copy of the filing has been served upon the City of Columbus, Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Streeet, NE. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9204 Filed 4-8-75;8:45 am]

[Docket No. RP75-46]

EASTERN SHORE NATURAL GAS CO.

Order Accepting for Filing

APRIL 2, 1975.

Eastern Shore Natural Gas Company (Eastern Shore) on December 24, 1974, tendered for filing revised and original tariff sheets to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective as of January 1, 1975.[1]

Eastern Shore states that the purposes of this rate filing are (1) to provide for demand charge adjustments under the curtailment plan provisions of its tariff, and (2) to set forth the procedures for reimbursement to Eastern Shore, through changes in its commodity charges, for the demand charge credits granted to customers. Eastern Shore further states that the proposed revisions are in the public interest because its customers will not be required to pay demand charges for that portion of contract demand not supplied by reason of gas shortage curtailment, and Eastern Shore will not be precluded from recovering its cost of service. Eastern Shore avers that the operation of the proposed tariff changes will not result in any net increase in its revenues.

Eastern Shore requests waiver of the thirty-day notice provisions of the Natural Gas Act and the Commission's Rules and Regulations in order that the proposed tariff sheets may become effective as of January 1, 1975. Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and to interested State commissions. Notice of the filing was issued by the Commission on February 14, 1975 and no comments or protests have been filed.

A review of the provisions of Eastern Shore's tariff as modified by the proposed decand and commodity charge provisions indicates that the currently effective tariff provides for a demand charge adjustment only in case of *force majeure* conditions. The proposed adjustments are related to curtailment of gas supply for which Transcontinental Gas Pipe Line Corporation (Transco) is Eastern Shore's sole supplier and Transco is currently under heavy curtailment.

Our review of Eastern Shore's proposed demand charge adjustment provision indicates that it is appropriate and in the public interest. Accordingly, we shall accept for filing and make effective Eastern Shore's proposed clause. For good cause shown, we shall also grant waiver of § 154.38(d)(3) of the Regulations to permit the clause in Eastern Shore's FPC Gas Tariff.

Eastern Shore also requests waiver of the 30-day notice requirements of Section 4 of the Natural Gas Act to permit a January 1, 1975, effective date. We shall deny this request inasmuch as Eastern Shore has not shown good cause for such waiver and shall make the clause effective as of the date of issuance of this order.

The Commission finds: (1) Good cause exists for waiving the provisions of § 154.38(d)(3) of the Commission's Regulations under the Natural Gas Act in order to permit the tariff sheets tendered for filing by Eastern Shore on December 24, 1974 to become effective as provided herein below.

(2) Good cause has not been shown by Eastern Shore for waiving the thirty-day notice requirements of the Natural Gas Act and of our Regulations.

(3) The proposed tariff sheets filed by Eastern Shore on December 24, 1974, and the rate and charge adjustment provisions therein contained are proper and in the public interest in carrying out the provisions of the Natural Gas Act and should be accepted for filing and made effective as hereinafter provided and ordered.

The Commission orders: (A) The provisions of § 154.38(d)(3) of the Commission's regulations Under the Natural Gas Act are hereby waived and the tariff sheets filed by Eastern Shore on December 24, 1974, described above, are accepted for filing, to become effective on the date of issuance of this order.

(B) Eastern Shore's request for waiver of the thirty-day notice requirements of the Natural Gas Act and of the Regulations thereunder is denied.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9205 Filed 4-8-75;8:45 am]

[Docket No. CP74-192]

FLORIDA GAS TRANSMISSION CO.

Postponement of Hearing

MARCH 26, 1975.

On March 19, 1975, City Gas Company of Florida filed a motion to extend the hearing date fixed by order issued February 2, 1975, in the above-designated matter. On Marchc 26, 1975, Staff Counsel filed an answer in opposition to the above motion.

Notice is hereby given that the hearing date in the above matter is postponed until April 15, 1975, at 10 a.m. (e.d.t.), pending further consideration by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9206 Filed 4-8-75;8:45 am]

[Docket No. RP75-1]

FLORIDA GAS TRANSMISSION CO.

Further Extension of Procedural Dates

APRIL 2, 1975.

On March 24, 1975, Florida Gas Transmission Company filed a motion to extend the procedural dates fixed by order issued July 31, 1974, as most recently modified by notice issued January 8, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony	May 12, 1975
Service of company rebuttal	June 9, 1975
Hearing (10 a.m. e.d.t.)	July 1, 1975

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9207 Filed 4-8-75;8:45 am]

[Docket No. E-9337]

IOWA POWER & LIGHT CO.

Proposed Rate Change

APRIL 2, 1975.

Take notice that Iowa Power and Light Company (Iowa Power) on March 21, 1975, tendered for filing Service Schedule B to the Electric Interchange Agreement between Iowa Power and the City of Indianola, Iowa (now the Indianola Water Works and Electric Light and Power Board of Trustees) dated December 31, 1973. Service Schedule B provides for the January 1, 1975 and January 1, 1976 implementations of increased charges for Base Load Power. Service Schedule B has also been revised to include Cooper Nuclear Generating Station as a generating unit providing Base Capacity and to exclude Des Moines Power Stations Nos. 5 and 6 and Council Bluffs Power Station No. 1.

Iowa Power states that the proposed rate changes effective January 1, 1975 and January 1, 1976 will not produce revenues from jurisdictional sales and service based upon the twelve month periods ending December 31, 1975 and December 31, 1976 which are greater than those based upon the rate in effect during 1974.

Iowa Power further states that the increased rate for Base Load Power in Service Schedule B was necessary because of the inclusion of Cooper Nuclear Generating Station as a generating unit providing Base Capacity under the Schedule and the resulting increase in the weighted average fixed cost of all generating units providing Base Capacity.

With respect to that portion of the rate schedule proposed to become effective January 1, 1975, Iowa Power requests that the Commission waive the prior notice requirements of § 35.3(a) and accept said portion for filing with a retroactive effective date of January 1, 1975 under § 35.11 of the regulations.

With respect to that portion of the rate schedule which is proposed to become

[1] Demand charge adjustment: Third Revised Sheet No. 7 and Second Revised Sheet No. 9D. Commodity Charge adjustment: First Revised Sheet No. 32B, and Original Sheet Nos. 34L and 34M.

effective January 1, 1976, Iowa Power requests that the Commission waive the notice requirements of § 35.3(a) and accept said portion for filing with an effective date of January 1, 1976 under § 35.3 (b) of the regulations.

Iowa Power states that copies of the filing have been served upon the Board of Trustees of Indianola, Iowa, and the Iowa State Commerce Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 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.75-9208 Filed 4-8-75;8:45 am]

[Docket No. E-9342]

JERSEY CENTRAL POWER & LIGHT

Filing of Revised Fuel Clause

APRIL 2, 1975.

Take notice that on March 26, 1975 Jersey Central Power & Light Company (Jersey Central) tendered for filing a fuel adjustment clause and asked that the new clause be allowed to become effective on April 26, 1975.

Jersey Central states that the clause is intended to conform with § 35.14 of the Commission's regulations as amended by Order No. 517. According to Jersey Central the clause would reflect changes in Jersey Central's nuclear and fossil fuel costs per kilowatt hour of sales and contains a provision to reflect changes in New Jersey gross receipts taxes with variations in the fuel adjustment. Jersey Central states that the clause would reflect changes in fuel costs of its own generation and changes in identifiable fuel costs of purchased power and energy related costs of interchange purchased on an economic dispatch basis less the fuel related costs recovered through interchange sold on an economic dispatch basis. According to Jersey Central, the base cost of fuel is derived from 1972 data consistent with the basic energy charge in the presently effective rates accepted by the Secretary's letter of November 19, 1974 in Docket No. E-8424.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before April 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Jersey Central are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9209 Filed 4-8-75;8:45 am]

[Docket No. E-9203]

KANSAS CITY POWER & LIGHT CO.

Filing of Supplemental Agreement

APRIL 1, 1975.

Take notice that on December 31, 1974, Kansas City Power & Light Company (KCPL) tendered for filing a Supplement to Municipal Interconnection Contract between KCPL and the City of Marshall, Missouri, relating to KCPL's FPC Rate Schedule No. 43, to become effective January 1, 1975. The supplemental agreement provides for wholesale firm power service to the City of Marshall.

In its filing, KCPL states that wholesale electric service is being provided under a rate which are KCPL's rates and charges for Municipal Wholesale Firm Power Service as agreed to in the Settlement Agreement approved September 4, 1974, by the Federal Power Commission in Docket No. E-8365. Application is made for a waiver of the 30-day minimum filing notice requirement because the City has requested initial service on January 1, 1975, to alleviate fuel acquisition problems and to allow for increased maintenance of equipment.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9210 Filed 4-8-75;8:45 am]

[Docket No. E-9242, etc.]

KANSAS POWER & LIGHT CO.

Order Denying Rehearing

APRIL 2, 1975.

In the matter of Dockets Nos. E-9242, E-9246, and E-9247.

On January 30, 1975, Kansas Power and Light Company (KP&L), tendered for filing a proposed initial contract for service between it and the City of Horton, Kansas. On January 31, 1975, KP&L tendered for filing proposed initial contracts for service between it and the Cities of Wamego and Minneapolis, Kansas (Collectively Cities). These contracts provide for service between KP&L and Cities to become effective on the date the facilities are constructed, but not later than July 1, 1976. Pursuant to § 35.11 of the Regulations, KP&L requested waiver of the notice requirements of the Regulations.

By certified letter dated February 25, 1975, the Secretary informed KP&L that the filing was deficient in that it does not comply with § 35.14 of the regulations as amended by Order No. 517.[1] KP&L by letter filed March 5, 1975, requested that the filings be assigned a filing date and accepted by the Commission. We shall treat this letter as an Application for Rehearing of the Secretary's letter pursuant to Section 1.34 of the Regulations and, for the reasons set forth hereafter, deny the application.

KP&L states that the filing of these three contracts adds three new customers to be served under KP&L's existing tariff schedule MWH-63 presently on file with the Commission. KP&L further states that it will file a new tariff schedule prior to December 31, 1975 to conform with the new regulations. KP&L argues, however, that providing service to Cities under a different tariff schedule than is on file for service to its other municipal wholesale customers would be discriminatory. KP&L finally argues that since the fuel adjustment clause in the instant filings is not a new fuel adjustment clause, its filings should be assigned a filing date and be accepted by the Commission.

We deny KP&L's request. We cannot pass on the question of whether it would be discriminatory to provide service to Cities under a different tariff than is used for service by KP&L to other wholesale customers until KP&L files the new tariff. We note in this regard that KP&L has requested waiver of the notice requirements of the regulations in order that it be permitted to file these contracts prior to the construction of facilities necessary for the implementation of the contracts. Except for the allegation as to discrimination, KP&L has not made the requisite showing under § 35.11 of the regulations as to how it and the

[1] Docket No. R-479, issued November 13, 1974.

purchasers under the proposed rate schedules would be affected if the notice requirement is not waived and the effects of waiver on other customers. We cannot take lightly an allegation that the requirement of conformity with our regulations would be discriminatory. If our review of the service, rates, and charges of KP&L, after it has filed proposed rate schedules in compliance with our regulations, indicates that undue discrimination exists, we shall act then to remedy the problem. Unless the contrary is clearly demonstrated, we believe that when comparing rate schedules not in conformity with our regulations with rate schedules in conformity with the regulations, it is those rate schedules which do not conform which should be changed if undue discrimination is found.

The language of the new Regulation as promulgated by Order No. 517 does not address the situation when an initial rate schedule containing a fuel clause on file with a separate rate schedule is filed. However, Finding Paragraph (4) specifically states that the amended regulation shall be effective for all initial rates filed on or after January 1, 1975. Ordering Paragraph (A) of Order No. 517 effects this result. Accordingly, although the fuel clause is identical to the fuel clause on file with other rate schedules, it nevertheless must comply with the amended Regulation.

The Commission finds: KP&L's Application for Rehearing raises no new issues of fact or law which justify granting rehearing.

The Commission orders: (A) KP&L's Application for Rehearing is hereby denied.

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

By the Commission.

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

[FR Doc.75-9211 Filed 4-8-75;8:45 am]

[Dockets Nos. RP73-91, PGA75-2]

McCULLOCH INTERSTATE GAS CORP.

Order Accepting for Filing

APRIL 2, 1975.

On February 18, 1975, McCulloch Interstate Gas Corporation (McCulloch), tendered for filing a purchased gas cost adjustment increase [1] pursuant to its PGA clause. The proposed PGA increase reflects a PGA rate increase totalling 27.55¢ per Mcf, which consists of (1) a surcharge of 15.16¢ per Mcf to recover the balance of $434,971 which has accumulated in the Unrecovered Purchased Gas Cost Account as of December 31, 1974, and (2) a 12.93¢ per Mcf increase to reflect increased purchased gas costs resulting primarily from an increase from its major supplier, McCulloch Gas processing. The surcharge is filed pursuant to the one time tracking provisions in Opinion Nos. 699-G and 699-H, and replaces the present surcharge of .54¢ per Mcf. The company proposes an effective date of April 1, 1975.

McCulloch's February 18, 1975, filing was noticed with comments, protests and petitions to intervene due on or before March 10, 1975. To date, no comments, protests or petitions have been received.

Our review of McCulloch's February 18, 1975, filing indicates that it is based in part upon four small independent producer purchases at rates in excess of the rate levels established by Opinion No. 699-H.[2] Therefore, the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the subject filing, suspend it for one day to become effective April 2, 1975, subject to refund. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[3] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further review of McCulloch's filing indicates that the claimed increased costs other than those costs associated with that portion of the small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, McCulloch may file a substitute tariff sheet to become effective April 1, 1975, reflecting increased costs other than that portion of those increased costs associated with small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H referred to in this order.

This approval is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R-389-B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of the respective pipelines' PGA clauses and § 154.38(d)(4) of the regulations.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that:

(1) The proposed filing submitted by McCulloch on February 18, 1975, be accepted for filing, suspended and permitted to become effective April 2, 1975 subject to refund.

(2) The claimed increased costs other than those increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

The Commission orders: (A) McCulloch's Revised Sheet No. 32 to its FPC Gas Tariff, Original Volume No. 1, are hereby accepted for filing, suspended and permitted to become effective April 2, 1975, subject to refund, pending further Commission order in this docket.

(B) McCulloch may file to become effective April 1, 1975, substitute tariff sheets reflecting that portion of McCulloch's rates as filed February 18, 1975, which reflect increased costs other than those increased costs associated with that portion of small producer purchases which are in excess of the rate levels prescribed in Opinion No. 699-H.

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

By the Commission.

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

[FR Doc.75-9212 Filed 4-8-75;8:45 am]

[1] Fourth Revised Sheet No. 32 to FPC Gas Tariff, Original Volume No. 1.

[2] Opinion No. 699-H, Docket No. R-389-B issued December 4, 1974.

[3] *Federal Power Commission* v. *Texaco, Inc., et al.*, Docket Nos. 72-1490 and 72-1491, Opinion issued June 10, 1974.

[Docket No. E-9061]

METROPOLITAN EDISON CO.

Tariff Change

APRIL 2, 1975.

Take notice that Metropolitan Edison Company (Met Ed), on October 15, 1974, tendered for filing a Supplemental Letter Agreement dated October 2, 1974 to the Wheeling and Supplemental Power Agreement, dated November 9, 1973, between Met Ed (Rate Schedule FPC No. 26) and Allegheny Electric Cooperative, Inc.

Met Ed states that the Supplemental Letter Agreement provides for the establishment of an additional delivery point for service to Adams Electric Cooperative, Inc., a member cooperative of Allegheny Electric Cooperative, Inc. The addition of the new delivery point will enable the transfer of a portion of the existing load at the EAST BERLIN delivery point to the new delivery at ROSSVILLE, according to the Company.

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 April 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.75-9213 Filed 4-8-75;8:45 am]

[Dockets Nos. RP71-16, PGA75-5]

MIDWESTERN GAS TRANSMISSION CO.

Order Accepting PGA Rate Increase

APRIL 2, 1975.

Midwestern Gas Transmission Company (Midwestern) on February 28, 1975, tendered for filing two alternative sets of Purchased Gas Cost (PGA) rate increase proposals to reflect its supplier's rate increase pursuant to Opinion Nos. 699-G and 699-H.[1] Midwestern states that the sole purpose of the revised tariff sheets is to reflect an increase of $29,693,186 in its Southern System rates and charges (13.98 cents per Mcf) resulting from an increase in rates filed by its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) that is to become effective as of March 1, 1975.

Midwestern states that due to the short notice period many of its customers have requested it to defer the instant increase until April 1, 1975, to enable them to give sufficient notice to their respective state commissions. In response to these requests Midwestern filed Ninth Revised Sheet No. 5, (reflecting an increase of 17.23 cents per Mcf) proposing to defer the increase until April 1, 1975, coupled with the request that Midwestern could collect carrying charges (estimated to amount to $37,993) on the deferred increase in its PGA surcharges until such carrying charges have been recovered. In the event the Commission does not permit Midwestern to collect such carrying charges for March, 1975, Midwestern also tendered for filing Alternate Ninth Revised Sheet No. 5, (reflecting an increase of 13.98 cents per Mcf) to become effective as of March 1, 1975.

Public notice of Midwestern's February 28 rate filing was issued by the Commission on March 5, 1975 and was published in the Federal Register on March 12, 1975 (49 FR 11642). Comments and petitions for leave to intervene were due to be filed on or before March 21, 1975. Only one party has timely filed a comment and petition for intervention, Northern Illinois Gas Company (NI-Gas).

NI-Gas' petition for leave to intervene supports Midwestern's plan to defer the rate increase until April 1 and to collect carrying charges in its PGA surcharges. NI-Gas states that it may suffer a loss of revenues estimated to amount to $238,000 if Midwestern's increase is made effective as of March 1. If the Commission rejects Midwestern's deferral plan, NI-Gas requests that the Commission set the issue for hearing.

Consistent with our action in rejecting a similar proposal to defer a supplier rate increase, coupled with a carrying charge surcharge, in the Natural Gas Pipe Line case[2] our review of the facts and circumstances alleged by Midwestern and by NI-Gas indicates that "unusual circumstances" do not exist that would justify a departure from our general policy of denying carrying charges on amounts accumulated in pipeline PGA deferred accounts.

We are cognizant of the difficulties that distributors may sometimes encounter in passing through purchased gas costs increases of their wholesale suppliers. Such problems, however, relate to matters not within our jurisdiction and do not constitute grounds for delay in the effective date of just and reasonable rates and charges. Accordingly, we shall reject Midwestern's proposal to defer the rate increase.

We shall grant NI-Gas' petition to intervene. However, since our review of Midwestern's February 28 rate filing indicates that it fully complies with the procedures and policies enunciated in Docket No. R-406 and in Opinion No. 699-H, a hearing as proposed by NI-Gas would serve no useful purpose. NI-Gas' request for a hearing therefore should be denied.

Our review of the costs contained in Midwestern's alternate increase to become effective March 1, 1975, indicates that they are justified under the standards set forth in Docket No. R-406 and Opinion No. 699-H. Accordingly, we shall accept for filing Midwestern's Alternate Ninth Revised Sheet No. 5 to become effective March 1, 1975, as proposed, subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket R-389-B or of any appeals of such order to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Midwestern's PGA clause and § 154.38(d)(4) of the Regulations.

The Commission finds: (1) Midwestern's Alternate Ninth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, as filed on February 28, 1975, is proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be accepted for filing and made effective as of March 1, 1975, as hereinafter provided and ordered.

(2) Midwestern's Ninth Revised Tariff Sheet No. 5, proposed to become effective April 1, 1975, is not proper and in the public interest and should be rejected as hereinafter provided and ordered.

(3) The intervention of NI-Gas herein may be in the public interest and should be permitted as provided herein.

The Commission orders: (A) Midwestern's Alternate Ninth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, filed February 28, 1975, is hereby accepted for filing to become effective as of March 1, 1975, subject to the Purchased Gas Adjustment provisions of Midwestern's tariff, subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket R-389-B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Midwestern's PGA clause and § 154.38(d)(4) of the Regulations.

(B) Midwestern's Ninth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, proposed to become effective on April 1, 1975, is hereby rejected.

(C) NI-Gas is hereby permitted to intervene herein with respect to Midwestern's purchased gas cost adjustment to its rates and charges as tendered for filing on February 28, 1975, designated as PGA75-5, subject to the rules and regulations of the Commission; *Provided, however*, That participation of said intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; and *Provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that such party might be aggrieved by any order or orders issued in this proceeding.

(D) NI-Gas' request for a hearing in PGA75-5 is hereby denied.

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

By the Commission.

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

[FR Doc.75-9214 Filed 4-8-75;8:45 am]

[Docket No. CI75-343, etc.]

O. B. MOBLEY

Withdrawal and Cancellation of Hearing

MARCH 19, 1975.

In the matter of Dockets Nos. CI75-343, CI75-344, and CI75-345.

On February 21, 1975, Mr. O. B. Mobley, Jr. filed a withdrawal of his application filed November 25, 1974, in the above-designated matter which was set for hearing by order issued February 14, 1975.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure the withdrawal of the above application shall become effective March 24, 1975. The hearing schedule for April 8, 1975 is cancelled.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9215 Filed 4-8-75;8:45 am]

[Docket No. CP75-274]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 1, 1975.

Take notice that on March 20, 1975, Natural Gas Pipeline Company of Amer-

[1] Midwestern's FPC Gas Tariff, Third Revised Volume No. 1: Ninth Revised Sheet No. 5, proposed to become effective April 1, 1975; and Alternate Ninth Revised Sheet No. 5, proposed to become effective March 1, 1975.

[2] *Natural Gas Pipe Line Company of America*, Docket Nos. RP74-96, *et al.*, order issued March 10, 1975.

ica (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75–274 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide 38,673 Mcf per day of long-term 100-day storage service to existing customers, all as set out more fully in the application, which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a transportation and storage agreement dated November 29, 1974, with Michigan Wisconsin Pipeline Company (Mich Wisc) providing for long-term transportation and storage of 3,800,000 Mcf of natural gas (Mcf at 1,000 Btu per cubic foot measured on a wet basis, which approximately equals 3,867,300 Mcf measured on a dry basis). This agreement, which is the subject of a separate application by Mich Wisc in Docket No. CP75–182, will, in turn, enable Applicant to offer 38,673 Mcf per day of 100-day long-term storage service over the winter period of November 1 to March 1 to the following customers:

Customer	Share of 38,673 M ft³ per day
Associated Natural Gas Co	50
Illinois Power Co	2,000
Iowa Electric Light & Power Co	1,476
Iowa-Illinois Gas & Electric Co	6,856
Iowa Power & Light Co	505
Iowa Southern Utilities Co	265
Nashville, Illinois, city of	41
North Shore Gas Co	3,412
Peoples Gas Light & Coke Co., the	23,849
Peoples Natural Gas Division	94
Spearville, Kansas, city of	9
United Cities Gas Co	116
Total	38,673

To support the proposed storage service, participating customers will provide to Applicant volumes of natural gas from their existing entitlements equivalent to all top gas, cushion gas and fuel gas Applicant is required to deliver to Mich Wisc under the November 29, 1974, agreement, which includes, on an annual basis, a winter contract quantity of 3,800,000 Mcf, plus 5 percent of this winter contract quantity for use as compressor fuel. Mich Wisc is also to receive from Applicant 1,900,000 Mcf of natural gas prior to October 31, 1976, for use as cushion gas. Applicant states that the storage service will not affect its annual gas supply.

The storage service will be offered for a term of 16 years, coextensive with the term of Applicant's existing DMQ–1 service agreements, subject to renewal at Applicant's option up to 20 years. During the 12-month period following termination of the proposed storage service, Applicant proposes to redeliver the cushion gas furnished by participating customers, less 5 percent thereof for compressor fuel.

The storage service will be offered under a proposed new Rate Schedule MS–1. The proposed storage service will be billed under a demand charge per month of $7.47 for each Mcf of Buyer's Daily Withdrawal Quantity determined by dividing the sum of the annual cost Applicant will pay Mich Wisc under the referenced agreement (a demand charge of $6.75 per month per Mcf of maximum daily quantity during each month of the year), plus the allocated portion of Applicant's cost of north end pipeline loopings between its market storage fields and the terminus of the system by Applicant's annual billing units applicable to the proposed service. In addition, it is proposed that the customers be required to bear costs to Applicant which may result from reimbursing Mich Wisc for losses incurred by it in the event Applicant elects to cancel the Mich Wisc agreement prior to its termination date.

Applicant states that the additional winter period service is needed by its customers to enable them to meet peak day space heating requirements in the event of severe winter conditions. To the extent that a severe winter does not occur, this additional service, according to Applicant, will assist Applicant's customers to serve additional winter needs of new and existing high priority 1 and 2 consumers and will alleviate the need for expensive peak shaving supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–9216 Filed 4–8–75;8:45 am]

[Dockets Nos. RP74–75, RP74–80]

NORTHERN NATURAL GAS

Extension of Procedural Dates

APRIL 2, 1975.

On March 24, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 13, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony	Apr. 3, 1975
Service of intervenor's testimony	Apr. 17, 1975
Service of company rebuttal	May 16, 1975
Hearing (10 a.m. e.d.t.)	June 3, 1975

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–9217 Filed 4–8–75;8:45 am]

[Docket No. CI75–52]

PHILADELPHIA OIL CO.

Order Granting Rehearing and Providing for Hearing

MARCH 26, 1975.

The Pittston Company asks rehearing of our order of January 23, 1975, in this proceeding. In that order we granted a certificate of public convenience and necessity to the Philadelphia Oil Company to sell natural gas to the Kentucky West Virginia Gas Company. The seller's gas would be transported to the buyer through pipelines of the Berea Gathering Company, and thereafter through pipelines of the Pittston Company, following which it would be delivered into the pipeline of the Kentucky West Virginia Company at the Kentucky-Virginia state line. We stated in our order that the facilities of the Berea Gathering Company, as they are proposed to be used in this transaction, constitute gathering facilities within the meaning of section 1(b) of the Natural Gas Act, and they are thus not within our jurisdiction. But we said that the Pittston system, as proposed to be used herein, "appears to go beyond the gathering function" and "appears to be a jurisdiction function". We therefore in our order imposed the following condition upon the certificate granted to the Philadelphia Oil Company:

(C) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned on Pittston making an appropriate certificate filing, pursuant to section 7(c) of the Act, for certification of its proposed transportation of natural gas as hereinbefore described, or for a declaratory order of disclaimer of jurisdiction by the Commission and upon the Commission's ultimate resolution thereon.

On February 24, 1975, the Pittston Company filed its application, fully titled "Petition of the Pittston Company for Leave to Intervene, Request for Rehearing and Reconsideration, Request for Removal of Ordering Paragraph (C)

to Commission Order, or Alternatively, Request for Declaratory Order as to Jurisdictional or Non-Jurisdictional Status of the Pittston Company". In its application, Pittston argues that it, like the Berea Gathering Company, should be regarded as a gatherer and thus exempt from our jurisdiction under section 1(b). But if the Commission does not agree with its position, Pittston then asks "that it be granted a formal hearing, with the right to present witnesses, file briefs, and for whatever further relief the Commission deems just and appropriate in the circumstances" (Petition, p. 12). In a petition filed March 13, the Kentucky West Virginia Company supports Pittston's position, and urges speed in the resolution of the question.

We are not prepared, on the basis of Pittston's application of February 24, to delete condition (C) from our order of January 23. Deletion of that paragraph would, of course, constitute a reversal of our conclusion that Pittston is subject to our jurisdiction as a company transporting natural gas in interstate commerce. We are, however, prepared to grant Pittston's request for a declaratory order as to its status as a jurisdictional or non-jurisdictional company; and as a prerequisite to that declaratory order, we find it necessary that a formal hearing be held, as Pittston has requested. Although Pittston's application to intervene is tardy, we grant it in light of the company's obvious interest and involvement. We will also accede to Kentucky West Virginia's request that the proceeding be expedited.

The Commission finds: (1) Good cause exists for setting for hearing the question of jurisdiction that has been raised herein.

(2) Good cause exists for permitting the intervention in this proceeding of the Pittston Company.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 1, 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), the question of Commission jurisdiction over the Pittston Company, as it arises in Docket No. CI75-52, is set for the purpose of hearing and disposition.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing in this proceeding, pursuant to the Commission's rules of practice and procedure.

(C) A public hearing on the issue defined in paragraph (A) hereof shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, commencing on May 7, 1975. Pittston and any party supporting its position shall file direct testimony and evidence by April 14, 1975.

(D) The Pittston Company is permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that such intervenor might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

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

[FR Doc.75-9218 Filed 4-8-75;8:45 am]

[Docket No. CI75-383]

SOHIO PETROLEUM CO.

Notice of Withdrawal

MARCH 19, 1975.

On February 27, 1975, Sohio Petroleum Company filed a withdrawal of its applications filed December 9, 1974 and January 8, 1975 in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective March 31, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9219 Filed 4-8-75;8:45 am]

[Dockets Nos. RP73-64, PGA75-3]

SOUTHERN NATURAL GAS CO.

Order Accepting in Part Proposed PGA Increase

MARCH 31, 1975.

On February 21, 1975, Southern Natural Gas Company (Southern) tendered for filing a proposed revised tariff sheet [1] to Sixth Revised Volume No. 1 of its FPC Gas Tariff. The proposed change is to recover increases in the cost of gas resulting from Opinion No. 699-H.[2] Southern requested an effective date of March 1, 1975.

Notice of the filing was issued on February 28, 1975, with comments, protests, and petitions to intervene due on or before March 14, 1975. No comments or petitions have been received.

The increase is composed of component increases reflecting higher costs for gas purchases from independent producers and pipelines and an increase for Southern's own production. The increase also contains a surcharge adjustment to be effective from March 1, through June 30, 1975, to recover costs relating to Southern's production qualifying for national rates during the period from July 21, 1974 through February 28, 1975.

[1] Twelfth Revised Sheet No. 4A.

[2] Docket No. R-389-B, issued December 4, 1974.

Our review of Southern's filing indicates that it complies with Southern's tariff and Opinion No. 699-H, with one exception. We shall therefore accept it for filing and permit it to become effective March 1, 1975, as hereinafter conditioned.

Southern's base rates reflect in excess of 41 million Mcf of its own production at a cost of approximately 20 cents per Mcf. The base cost of gas in Southern's purchased gas cost adjustment provision does not contain any amounts reflecting Southern's own production. The instant filing, however, reflects in excess of 6 million Mcf which Southern states qualified for the national rate pursuant to Opinion No. 699-H in its purchased gas cost adjustment. We shall accept this adjustment subject to the condition that Southern redistribute the production costs associated with the qualified production to the base cost of purchased gas for the purposes of its purchased gas cost adjustment.

This approval is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R-389-B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of the Southern's PGA clause and § 154.38(d)(4) of the regulations.

The Commission finds: Good cause exists to accept Southern's proposed rate increase for filing and permit it to become effective as hereinafter ordered and conditioned.

The Commission orders: (A) Southern's proposed rate increase is hereby accepted for filing and permitted to become effective March 1, 1975; *Provided, however,* That within 15 days of the issuance of this order, Southern shall file the recomputation of its base cost of purchased gas and appropriate revisions to its tariff sheet consistent with its revised base cost of purchased gas.

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

By the Commission.

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

[FR Doc.75-9220 Filed 4-8-75;8:45 am]

[Docket No. RP74-91-20]

TENNESSEE GAS PIPELINE CO.

Filing of Petition for Extraordinary Relief

APRIL 2, 1975.

Public notice is hereby given that on March 25, 1975, North Alabama Gas District (North Alabama), filed, pursuant to § 1.7 of the Commission's rules of practice and procedure and § 2.78 of the Commission's regulations, a petition requesting extraordinary relief from the curtailment imposed by one of its suppliers of natural gas, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee).

In support of its petition North Alabama states that it purchases natural gas from Tennessee under Tennessee's CD-1 rate schedule under a firm contract and is entitled, under the aforementioned contract to receive 2,000 Mcf per day of natural gas from Tennessee. North Alabama adds that all of the natural gas received from Tennessee is resold under a firm contract to United States Steel Agri-Chemicals Division (Ag-Chem) at its facility near Cherokee, Alabama.

North Alabama states that its petition in the instant proceeding is in direct response to the Commission's order of February 26, 1975, in the Texas Eastern Transmission Corporation proceeding (North Alabama Gas District), Docket No. RP74-39-8, wherein North Alabama states that the Commission's order in that docket provided that the limitations contained therein were intended to encourage Ag-Chem to seek any necessary additional gas by petitioning separately for relief from its other suppliers, Alabama-Tennessee Natural Gas Company (A-T) and Tennessee. North Alabama therefore requests that the Commission grant, without hearing, (1) North Alabama's request for extraordinary relief, by suspending Tennessee's curtailment plan as applicable to North Alabama, and require Tennessee to supply to North Alabama 1,667 Mcf of natural gas per day; and (2) such additional relief as may be deemed and determined to be just and appropriate.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to protest said petition should on or before April 18, 1975, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9221 Filed 4-8-75;8:45 am]

[Docket Nos. RP75-71, etc.]

UNITED GAS PIPE LINE CO.

Order Suspending Tariff Sheets, Consolidating Proceeding and Granting Interventions

APRIL 2, 1975.

On March 3, 1975, United Gas Pipe Line Company (United) tendered for filing the following tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 71-C.
First Revised Sheet No. 71-D.
Eighth Revised Sheet No. 72.
Fifth Revised Sheet No. 72-A.

First Revised Tariff Sheet No. 71-C contains section 12.3 "Substitute Fuel Payment Obligations" in the form proposed by United in its Original Sheet No. 72-A[1] which was filed on May 17, 1971. In order to accommodate the proposed reinstatement of the previous section 12.3 disallowed by Commission Opinion No. 647-A, 49 FPC 1211 (1973), sections 12.3, 12.4 and 12.5 are redesignated 12.4, 12.5 and 12.6 respectively in new tariff sheets, Nos. 71-D, 72, and 72-A.

In *State of Louisiana* v. *FPC*, 503 F. 2d 844 (5th Cir. 1974) the United States Court of Appeals for the Fifth Circuit vacated and remanded Opinion Nos. 647[2] and 647-A. Specifically, the Court of Appeals vacated our findings deleting section 12.3 from United's proposed tariff, as well as the subsidiary findings interpreting the substitute fuel clauses of some of United's industrial contracts. Consistent with the Court's mandate, we have directed the Presiding Administrative Law Judge to enter findings which fully respond to the Court's analysis in the continuing proceedings regarding a permanent curtailment plan for United in Docket Nos. RP71-29 and RP71-120.[3]

In order to fully comprehend the issue before us, the historical background underlying Tariff section 12.3 is pertinent. When in 1970 and early 1971 United began to curtail deliveries to its customers, certain customers asserted reimbursement rights under the substitute fuel clauses in their gas sales contracts with United, despite the provisions of section 12.1 which contained the following language:

> In the event a gas shortage renders Seller unable to supply the full gas requirements of all of its customers, then, Seller may, without liability to Buyer, prorate its gas supply in the manner hereinafter set forth.[4]

As the result of these contentions and the uncertainty regarding the applicability of Section 12.1 to the substitute fuel clauses, United in its May 17, 1971, tariff filing in response to Order No. 431 proposed the following language in a new § 12.3:

> Whenever Seller prorates its gas supply or interrupts its service in accordance with this section 12 of its Tariff so that customers of Seller do not receive the volumes of natural gas they desire up to their Maximum Daily Quantities, * * * Seller [shall not] be obligated to pay or credit such customers any sums with respect to substitute fuels burned by such customers during such a period of proration or interruption.

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[1] Section 12.3 as originally proposed also provided that United would not be obligated to reduce any customer's demand charge as a result of curtailment. That portion of section 12.3 was considered by the Commission in Opinion No. 671, issued in Docket No. RP72-75, and therefore such portion is not included in this resubmission.

[2] 49 FPC 179 (1973).

[3] Order On Remand Denying Motion For Immediate Modification of Curtailment Plan, issued herein on March 7, 1975, (mimeo) page 24.

[4] First Revised Vol. No. 1 filed in compliance with Opinion No. 277, 13 FPC 398 (1954).

United proposed that section 12.3 as part of the larger tariff filing be made effective on November 1, 1971. On May 28, 1971, in Docket No. RP71-120, the Commission suspended the effectiveness of the proposed tariff changes for one day, i.e., until November 2, 1971, and ordered the issues raised by the proposed changes consolidated for hearing and decision with the proceedings in Docket No. RP71-29.

On October 5, 1971, the Commission issued Opinion No. 606, 46 FPC 786 (1971), in which it ordered changes in other aspects of United's tariffs, but did not order modification of the "without liability" portion of Section 12.1. With respect to § 12.3, it was concluded:

> Implementation of the curtailment plan itself, pursuant to our procedures would be an absolute defense for United against all claims for specific performance, damages, or other requests for relief under these contracts affected by curtailments that may be initiated in the courts. No additional tariff language like that proposed in Section 12.3 on Original Sheet No. 72-A is necessary to limit liability under contracts when agencies' orders, rules, or regulations authorize actions contrary to those contracts. 46 FPC at 805.

Revised tariff sheets were filed in compliance with Opinion No. 606 on October 14, 1971, and were accepted for filing and made effective November 14, 1971. Included in said filing was First Revised Sheet No. 72-A which contained section 12.3.

In its review of Opinion Nos. 606, 606-A in *International Paper Co.* v. *FPC*, 476 F. 2d 121 (1973), the Fifth Circuit indicated difficulty with the manner in which the Commission had concluded § 12.3 was unnecessary and suggested that the Commission on remand address this issue more directly. Just prior to the decision in *International Paper*, we issued Opinion No. 647 finding § 12.3 to be unnecessary and for this reason ordered it deleted from United's tariff. Compliance tariff sheets were accepted for filing and placed into effect on January 17, 1973. In Opinion 647-A, the Commission responded to the Fifth Circuit's comments concerning § 12.3 and again found it to be unnecessary. When the Fifth Circuit reviewed these latter opinions in *State of Louisiana*, it expressly rejected the determination that § 12.3 was unnecessary, stating that it was an "integral part" of United's proposed curtailment plan that the Commission should consider it on the assumption that United may be liable for damages in the absence of such a tariff provision, and directed the Commission on remand to reconsider the propriety of § 12.3 in the light of the criteria of section 4(b) of the Natural Gas Act.

In view of the Fifth Circuit's indication that it was erroneous to have refused § 12.3 on the basis that it was unnecessary, United requests that the Commission accept the proposed sheets and reinstate § 12.3 as a part of United's tariff which became effective on November 14, 1971.

Pursuant to notice of the instant filing on March 7, 1975, timely petitions to intervene have been filed by New Orleans Public Service, Inc., Mississippi Power &

Light Company, Mississippi Power Company, Allied Paper Incorporated, Monsanto Company and Texasgulf, Inc., Louisiana Power and Light Company, Southern Natural Gas Company, Mississippi River Transmission Corporation, Gulf States Utilities Company, and International Paper Company filed late petitions to intervene.

A jurisdictional question of our autority to accept proffered § 12.3 has been raised by, *inter alia*, Mississippi Power & Light Company in its petition to intervene. In that petition, the contention is advanced that "* * * [t]he Commission is without jurisdiction of the direct sale, or the price to be paid for the gas sold, and therefore without jurisdiction to relieve United from obligations created by the direct sales contract * * *" (Page 3). We believe that this jurisdictional question, along with the other issues remanded to the Presiding Administrative Law Judge pertaining to § 12.3, should be developed and decided in the context of United's curtailment proceeding. Accordingly, in the consolidated proceeding, we direct the parties and the Presiding Judge to consider, *inter alia*, the jurisdictional question raised in the above quoted petition.

The Commission finds: (1) It is appropriate that the Commission consolidate the instant filing in Docket No. RP75–71 with the continuing curtailment proceedings in Docket Nos. RP71–29 and RP71–120 for purposes of hearing and decision, wherein the issues remanded by *State of Louisiana, supra*, and the issue of the Commission's jurisdiction relating to § 12.3 are to be considered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission suspend for one day the effectiveness of the instant filing since it has not been determined to be just and reasonable.

(3) The determination of whether or not effectiveness of § 12.3 should be made retroactive to November 14, 1971, should be decided after full hearing in the consolidated proceedings hereinafter established and upon a determination of the Commission's jurisdiction and the justness and reasonableness of § 12.3 under section 4 of the Natural Gas Act.

(4) The interventions of New Orleans Public Service, Inc., Mississippi Power and Light Company, Mississippi Power Company, Allied Paper Incorporated, Monsanto Company and Texasgulf Inc., Louisiana Power and Light Company, Southern Natural Gas Company, Mississippi River Transmission Corp., Gulf States Utilities Company and International Paper Company may be in the public interest.

The Commission orders: (A) Tariff sheets First Revised Sheet No. 71–C, First Revised Sheet No. 71–D, Eighth Revised Sheet No. 72 and Fifth Revised Sheet No. 72–A to United Gas Pipe Line Company's FPC Gas Tariff, First Revised Volume No. 1 are hereby accepted for filing.

(B) Under the authority of the Natural Gas Act, particularly sections 4, 5, 15 and 16 and pursuant to the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act, a public hearing concerning the Commission's jurisdiction and lawfulness of the tendered tariff sheets designated in ordering paragraph (A) above shall be consolidated with the curtailment proceedings in Docket Nos. RP71–29 and RP71–120 as established by previous order for the purposes of hearing and decision.

(C) Pending such hearing and decision thereon, the tendered tariff sheets designated in ordering paragraph (A) above are hereby suspended for one day, until April 4, 1975, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) United's request that the effectiveness of the tendered tariff sheets be retroactive to their original filing is denied pending hearing.

(E) The above-named petitioners, are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and, *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9222 Filed 4-8-75;8:45 am]

[Docket No. RP75-30]

UNITED GAS PIPE LINE CO.

Extension of Procedural Dates

APRIL 2, 1975.

On March 28, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 19, 1974, in the above-designated matter. The motion states that the parties have been notified and have not objected.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staffs testimony	July 15, 1975
Service of Intervenor's Testimony	Aug. 12, 1975
Service of company rebuttal	Aug. 26, 1975
Hearing (10 a.m. e.d.t.)	Sept. 10, 1975

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9223 Filed 4-8-75;8:45 am]

[Docket No. E-9184]

VERMONT ELECTRIC POWER CO.

Notice of Filing

APRIL 1, 1975.

Take notice that on December 20, 1974, Vermont Electric Power Company, Inc. (Velco) tendered for filing a purchase agreement for the sale of fifty thousand kilowatts and related energy from Boston Edison Company, dated as of November, 1974.

Velco states that service under the tendered rate schedule commenced at 12:01 a.m. on December 2, 1974, and will continue for a three week period through December 22, 1974, and on a week-to-week basis thereafter, unless terminated by either party after one week notice, but not later than February 16, 1975. Velco requests waiver of the Commission's notice requirements in order to permit an effective date of December 2, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9224 Filed 4-8-75;8:45 am]

[Docket No. CI75-199]

SUN OIL CO.

Order Setting Matter for Formal Hearing Permitting Intervention and Prescribing Procedures

APRIL 2, 1975.

On September 26, 1974, Sun Oil Company (Sun) filed in Docket No. CI75–199 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from Sun's LaFourche Realty, Inc., Well No. 1, North Bayou Fer Blanc Field, Lafourche Parish, Louisiana, all as more fully set forth in the application in this proceeding.

Sun commenced a 60-day emergency sale of natural gas to United on September 12, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the emergency period, November 11, 1974, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Sun proposes to sell an estimated 160 Mcf of gas per day at 67.0 cents per Mcf at 15.025 psia, including tax reimbursement, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. (Sun indicates that since the Btu content of the gas is 1053, the adjusted price will be

70.18 cents per Mcf at 15.025 psia.) Pursuant to the provisions of Commission Opinion No. 699–B (52 FPC —), Sun has continued the emergency sale to United since November 12, 1974, subject to refund.

Sun submitted as its proposed rate schedule a contract, dated August 12, 1974, which provides for the sale of an average daily quantity of up to 1,000 Mcf of gas produced from the reservoir found between 12,704 feet to 12,710 feet in the subject well; individual daily quantities will be such quantities which seller has available and which buyer desires to purchase. The contract also provides that the price will increase to any higher area rate which may be determined as a result of any order, settlement or other FPC ruling.

By mandate of Opinion No. 699–B, applicants for limited-term certificates, such as Sun are burdened with justifying by substantial evidence the price and duration of proposed limited-term sales. Although Sun's application provides no such support, on November 29, 1974, Sun filed a supplement to its application and states therein,

> Reservoir studies indicate that the LaFourche Realty, Inc., Well No. 1 will be depleted within six to twelve months from November 1974. Accordingly, the supply of gas from the LaFourche Realty, Inc., Well No. 1 is available only for the limited period for which certification is sought.

In support of the proposed rate, Sun advises that it has constructed a line from the subject well to United's pipeline at a cost of $88,868 because initial evaluation of the well indicated that such investment was justified. However, the initial production volumes, which appeared to confirm the evaluation, did not hold up and production declined to approximately one-third of the initial volumes in a short period of time. As a result of the decline in production, Sun estimates that the gross revenues received from all sales made during the life of the well will be $65,187, resulting in a net loss of $23,681 before considering operating costs. Additionally, Sun states that its proposed rate is substantially less than intrastate prices in South Louisiana and cites intrastate sales ranging from 90 cents to $2.10 per Mcf. In view of the above, Sun concludes that its proposed rate is clearly just and reasonable and would defer somewhat the time for abandonment of the subject well.

In Order No. 699–B the Commission reinstated provisions for limited-term certification and reiterated as its purpose "to attract available natural gas supplies from the intrastate market to the interstate market."[1] On other occasions, however, the Commission has stated that it is not so interested in attracting intrastate gas to allow producers repeatedly and at short intervals[2] to play the intrastate and interstate markets against one another in order to drive up the price of their gas.[3] Sun has not demonstrated by substantial evidence that the proposed price is or will be required by the present or future public convenience and necessity. Further there remains the question whether or not the limited term is justified. Sun claims that the subject well will be depleted within the prescribed limited term. To the extent Sun's prediction is inaccurate, limited-term certification would appear unjustified.

After due notice of the application in the FEDERAL REGISTER on October 17, 1974 (39 FR 37106), United timely filed a petition to intervene in support of the application by Sun. United states, in essence, that although the subject gas sale would not eliminate United's present need to curtail deliveries, the sale would have a direct relationship to the amount of gas United would have available for delivery to its customers. United further states that it would receive the subject gas through existing facilities and that it would not reimburse Sun for any expenses incurred in delivering the gas to United. No further petitions to intervene, notices of intervention or protest to the granting of the application have been filed.

Based on the facts currently before us, we believe that a formal hearing should be held to afford the applicant an opportunity to establish through the presentation of credible evidence that (1) the proposed price is or will be required by the present or future public convenience and necessity when juxtaposed to similarly situated intrastate sales or alternatively, that the price is no more than is necessary to recover the lowest reasonable cost of the particular project and (2) the subject well can reasonably be expected to be depleted within the prescribed limited term.

The Commission finds: (1) Absent additional evidence as to the cost or the intrastate market price or support for the prescribed term, good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit United, which filed a timely petition, to intervene in this proceeding.

The Commission orders: (A) The application for limited-term certificate for sale of natural gas filed in Docket No. CI75–199 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing April 29, 1975, at 10 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning whether the present or future public convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) United Gas Pipeline Company is hereby permitted to become an intervenor, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in the petition to intervene; and, *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The applicant seeking the limited-term certificate and the proposed purchaser, United, shall, on or before April 18, 1975, filed with the Comission and serve on all parties to this proceeding, including Commission Staff, all testi-

[1] Opinion No. 699–B, supra, mimeo p. 4.

[2] The Commission takes cognizance of the following chronology of sales from the subject well:

Date of sale	Authorization for sale	Base price (cents per thousand cubic feet)	Volumes sold (in thousand cubic feet)	Gross revenues
July 13, 1973 through Sept. 12, 1973.	Order No. 418	50.0	18,267	$9,134
Sept. 12, 1973 through Sept. 12, 1974.	Limited-term certificate in Docket No. CI73-912.	45.0	45,354	20,409
Sept. 12, 1974 through Nov. 12, 1974.	Sec. 157.29	67.0	[1] 7,600	[1] 5,092
Nov. 12, 1974 through Nov. 12, 1975 (proposed).	Application in Docket No. CI75-109.	67.0	[1] 45,600	[1] 30,552
Total			116,821	65,187

[1] Estimated.

[3] See order Denying Authorization for Extension of Emergency Sale, Denying Limited-Term Certificate of Public Convenience and Necessity, and Granting Petition to Intervene, *Wayne J. Spears,* in Docket No. CI75–218, issued December 20, 1974.

mony to be sponsored in support of the instant application.

By the Commission.

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

[FR Doc.75-9226 Filed 4-8-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER AND LIGHT CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses Nos. DPR-31 and DPR-41 issued to Florida Power and Light Company (the licensee) for operation of the Turkey Point Nuclear Generating Units 3 and 4, pressurized water reactors located in Dade County, Florida, and currently authorized for operation at power levels up to 2,200 Mwt each.

The amendments would revise provisions in the Technical Specifications in accordance with the licensee's application for license amendments dated March 11, 1975. The amendments would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. The amendments would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Turkey Point Nuclear Generating Units 3 and 4, terminate the further restrictions imposed by the Commission's December 27, 1974, Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR 50.46.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 9, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jack R. Newman, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendments dated March 11, 1975, (2) supplemental information dated March 10, 1975, (3) the Commission's Order for Modification of License and the documents referred to in the order dated December 27, 1974 (published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1788)), (4) Notice and document referenced therein on related matters published in the FEDERAL REGISTER on March 20, 1975 (40 FR 12717) relating to the incorporation of operating limits for Unit 4 core cycle 2 into the Technical Specifications, and (5) supplemental information (relating to Unit 4 core cycle 2) dated February 7, 1975 and February 13, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Lily Lawrence Bow Public Library, 212 NW, First Avenue, Homestead, Florida. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 4th day of April, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR, *Chief, Operating Reactors Branch #3, Division of Reactor Licensing.*

[FR Doc.75-9428 Filed 4-8 75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-333]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer intrests of the executive agencies of the Federal Government in an intrastate rate proceeding.

2. *Effective date.* This regulation is effective retroactively to August 16, 1974.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission (Docket No. 102640-U) in a proceeding involving the application of Kansas Gas and Electric Company for a permanent increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsibile officers, officials, and employees thereof.

ARTHUR F. SAMPSON, *Administrator of General Services.*

MARCH 31, 1975.

[FR Doc.75-9257 Filed 4-8-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

INLAND STEEL CO., INC.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20257, INLAND STEEL COMPANY, INC., Inland Mine, Mine ID No. 11 00601 0, Sesser, Illinois, Section ID No. 001-0 (#1 Mains West), Section ID No. 013-0 (#1 Mains East), Section ID No. 029-0 (11 Right, #1 Mains West), Section ID No. 030-0 (11 Left, #1 Mains West), Section ID No. 031-0 (3 Left, #1 Mains East), Section ID No. 032-0 (4 Left, #1 Mains East), Section ID No. 033-0 (6 Right, #1 Mains East), Section ID No. 034-0 (7 Right, #1 Mains East),

Section ID No. 035-0 (8 Right, #1 Mains East), Section ID No. 036-0 (12 Left, #1 Mains West), Section ID No. 037-0 (12 Right, #1 Mains West).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 30, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

APRIL 2, 1975.

[FR Doc.75-9167 Filed 4-8-75; 8:45 am]

MAGGARD COAL CO. INC.

Application for Renewal Permit Electric Face Equipment Standard; Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4208-000, MAGGARD COAL COMPANY, INC., Mine No. 18, Mine ID No. 44 01815 0, Richlands, Virginia, ICP Permit No. 4208-008—R-1 (S & S 90 Battery Tractor, Ser. No. A 1965).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before April 30, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970, as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

APRIL 2, 1975.

[FR Doc.75-9168 Filed 4-8-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS (AGOSP)

Meeting

The Ad Hoc Advisory Group on Science programs is holding a two-day meeting on April 25 and 26, 1975. Details of this meeting are listed below. This meeting is being announced in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

Time. 9 a.m. (both days). The meeting will adjourn no later than 4 p.m. on Saturday, April 26.

Places. April 25, NASA Goddard Space Flight Center, Greenbelt, Maryland, Management Conference Center, Building 8—third floor; *April 26,* National Science Foundation, 1800 G Street, NW, Washington, D.C., Room 540—Board Room.

The purpose of the Ad Hoc Advisory Group on Science Programs is to provide to the President's Science Adviser (Director, National Science Foundation) an independent source of advice concerning selected basic and applied science programs.

The agenda for this meeting is as follows:

1. Progress Review of the NASA Study on "Outlook for Space".
2. Review Approaches to Assessing the Results of the NASA Study.
3. Discussion of Selected Issues Related to Space Science.

The meeting will be open to the public. Anyone who would like to attend should contact Mr. William C. Bartley, AGOSP Executive Secretary, by April 21 (telephone 202-632-6871). For more information about this Group, please contact Mr. Bartley at: Science and Technology Policy Office, National Science Foundation, Washington, D.C. 20550.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-9280; Filed 4-8-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

AGRICULTURAL ADVISORY COMMITTEES FOR THE MULTILATERAL TRADE NEGOTIATIONS

Meeting

A two day meeting of the Agricultural Policy Advisory Committee for Multilateral Trade Negotiations and the Agricultural Technical Advisory Committees for the Multilateral Trade Negotiations on: Cotton, Dairy, Fruits and Vegetables, Grain and Feed, Livestock and Livestock Products, Oilseeds and Products, Poultry and Eggs, and Tobacco will be held on May 5-6, 1975.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made that the first session of the meeting will be to review the responsibilities of the Committees as they relate to providing information and advice as set forth in section 135 of the Trade Act of 1974 (Pub. L. 93-618) and will be open to the public in accordance with section 10(a)(1) of the Federal Advisory Committee Act (Pub. L. 92-463). A limited number of seats will be available for public use.

The open session will be held at 10 a.m. on May 5, 1975 in the Jefferson Auditorium, South Building, Department of Agriculture, Independence Avenue, Washington, D.C. 20250.

Any member of the public who wishes to file a written statement with any of the Committees may do so before or after the meeting.

All communications regarding these Committees should be addressed to George H. White, Room 5057-S, Department of Agriculture, Washington, D.C. 20250.

Non asterisk sessions of this meeting and subsequent meetings will be for discussion of negotiating objectives, strategy, and tactics and will be open to only members of the Committees in accordance with section 135(f)(2) of the Trade Act of 1974 (Pub. L. 93-618).

KENNETH GUENTHER,
Assistant Special Representative for Trade Negotiations, Office of the Special Representative for Trade Negotiations.

CLAYTON K. YEUTTER,
Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture.

MEETING AGENDA—AGRICULTURAL ADVISORY COMMITTEES FOR THE MULTILATERAL TRADE NEGOTIATIONS

I. GENERAL SESSION—10 A.M., MONDAY, MAY 5, 1975

*A—Welcome—Clayton K. Yeutter, Assistant Secretary for International Affairs and Commodity Programs.

*B—Opening Remarks—Secretary Earl L. Butz.

*C—Summary of Trade Act provisions, MTN outlook, and functions of the APAC and ATAC's—Special Representative for Trade Negotiations—Ambassador Frederick B. Dent.

*D—Security Briefing and Legal Aspects—USDA Office of General Counsel and Office of Special Representative for Trade Negotiations' Office of General Counsel.

*E—General discussion period.

*F—Adjournment.

II. APAC MEETING—2 P.M., MONDAY, MAY 5, 1975

A—Opening statements by Secretary Earl L. Butz and the Special Representative for Trade Negotiations—Ambassador Frederick B. Dent or their designees—Includes statement of U.S. Negotiating Goals and Objectives.

B—Discussion of APAC work program.

C—Briefing on ATAC work program.

D—Establishment of channels of communication for flow of inputs.

E—Setting up schedule for work program and future meetings.

F—General discussion period.

G—Adjournment.

III. INDIVIDUAL ATAC MEETINGS—10 A.M. AND 2 P.M., TUESDAY, MAY 6, 1975[1]

*A—Election of chairman and vice-chairman.

[1] 10 a.m.—ATAC's for Cotton, Dairy, Fruits and Vegetables, and Grain and Feed. 2 p.m.—ATAC's for Livestock and Livestock Products, Oilseeds and Products, Poultry and Eggs, and Tobacco.

B—Opening statements by Executive Secretary and Representative of Office of the Special Representative for Trade Negotiations—Includes statement of U.S. Negotiating Goals and Objectives.
C—Discussion of ATAC work program including setting deadline for individual submissions.
D—Establish channels of communications and flow of inputs from ATAC members.
E—Schedule for future meetings.
F—General discussion period.
G—Adjournment.

[FR Doc.75-9196 Filed 4-8-75;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 April 3, 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.

The symbol (X) identifies proposals which appear to raise no significant issues, and 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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Assistance Under Emergency School Aid Act, Title VII, P.L. 92-318 as Amended by P.L. 93-380, OE-116, annually, nonprofit organizations, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Supplemental Experience Statement for Flight Engineers, DH-602, single-time, job applicants, Caywood, D. P., 395-3443.
Supplemental Information Form for Trades and Crafts, DH-603, single-time, job applicants, Caywood, D. P., 395-3443.
Military Duty Assignments, DH-601, single-time, job applicants, Caywood, D. P., 395-3443.
Air Reserve Technician Supplemental Information Form, DH-600, single-time, job applicants, Caywood, D. P., 395-3443.

U.S. FISH AND WILDLIFE SERVICE

Bureau of Sport Fisheries and Wildlife, Kenai Canoe Trails Study, Form LAS-LA, single-time, individual visitors to a natural wildlife refuge, Planchon, P., 395-3898.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Plant and Equipment Expenditures Survey, BE-452, quarterly, manufacturing, Hulett, D. T., 395-4730.

DEPARTMENT OF DEFENSE

Departmental and other, DD Form 48-3, Personnel Security Questionnaire (Updating), on occasion, employees of cleared DOD contractors, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Student Participant Information Report, OE Form 1229, on occasion, project directors at higher education institutions, Planchon, P., 395-3898.
Educational Talent Search Program Statistical Report, OE Form 1231, quarterly, project directors at higher education institutions, Planchon, P., 395-3898.
Progress Report, BEOG Program, OE Form 255, on occasion, institutions participating in program, Planchon, P., 395-3898.

EXTENSIONS

VETERANS ADMINISTRATION

Veterans Initial Application in Acquiring Specially Adapted Housing, 21-4555, on occasion, disabled veterans, Caywood, D. P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

Air Pollutant Emissions Report, on occasion, business firms, Evinger, S. K., 395-3648.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Application for Allocation or Transfer of Producer Allotment (CE Acreage Allotments), ASCS-123, annually, farms, Evinger, S. K., 395-3648.

DEPARTMENT OF DEFENSE

Defense Supply Agency, Delivery Status Request, on occasion, defense contractors, Evinger, S. K., 395-3648.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Report of Person Entitled to Special Benefits, SSA-1625, on occasion, Evinger, S. K., 395-3648.
Center for Disease Control, Application for Designation as a Yellow Fever Vaccination Clinic, PHS 13.5, on occasion, Evinger, S. K., 395-3648.
Alcohol, Drug Abuse and Mental Health Administration, Annual Survey of Inpatient Characteristics/State, County Mental Hospitals, MH-45-1, annually, Evinger, S. K., 395-3648.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New communities, Physical Progress Report and Instructions (Urban Renewal Project), HUD 6000, semiannually, Community and Veterans Affairs Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-9396 Filed 4-8-75;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 April 4, 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.

The symbol (X) identifies proposals which appear to raise no significant issues, and 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

VETERANS ADMINISTRATION

Application for Designation as Fee Appraiser for Mobile Home Loans, 26-6681A, on occasion, fee appraisers, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Departmental and other, Evaluation of Summary and Analysis of International Travel to the U.S., annually, U.S. and foreign travel industry, Caywood, D. P. 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Impact of the Supplementary Security Income Program on the High Risk Population, SSA-8968, single-time, low-income aged in Portland, Oreg., Sunderhauf, M. B., 395-4911.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Funding Formula Data Collection Form, HUD-52720, HUD-52722A, HUD-52722B, annually, local housing authorities, Community and Veterans Affairs Division, 395-3532.

EXTENSIONS

VETERANS ADMINISTRATION

Claim for Payment of Suspense of Other Credits Due Estate of Deceased Veteran—National Service Life Insurance, 29-4338, on occasion, administrators or executors of estates, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of the Census, Current Population Survey Schedule, CPS-1, monthly, household respondents in monthly sample, Strasser, A., 395-3880.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit:
Application for Project Mortgage Insurance (Rehabilitation), FHA2013R, on occasion, mortgagor entities, Community and Veterans Affairs Division, 395-3532.
Request for Financial Assistance, FHA2556 SFA, on occasion, households in older urban areas, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-9395 Filed 4-8-75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

ANTHRACITE HEALTH AND WELFARE FUND HEARING

Notice of Postponement

Notice is hereby given that the hearing in the above matter scheduled for April 14, 1975 (40 FR 12336, March 18, 1975) is indefinitely postponed. The applicant has requested the postponement pending resolution in collective bargaining of certain issues relevant to the Fund's Application. Since the Pension Benefit Guaranty Corporation believes that postponement would be in the public interest, the request has been granted. Parties who have sought to participate in the hearing will be notified if it is rescheduled. The deadline of April 12, 1975, contained in the Notice of Hearing, for submission of written comments is also indefinitely postponed.

Issued at Silver Spring, Maryland on April 7, 1975.

PENSION BENEFIT GUARANTY CORPORATION,
STEVEN E. SCHANES,
Acting Executive Director.

[FR Doc.75-9445 Filed 4-8-75;9:59 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 16, 1975, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Steed College, Kingsport-Bristol Boulevard, Johnson City, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: April 2, 1975.

R. S. BIELAK,
Director, VA Regional Office, Nashville, Tennessee.

[FR Doc.75-9262 Filed 4-8-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

SANDLER-ETTE FOOTWEAR MANUFACTURING CORP.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 20, 1975, the U.S. International Trade Commission made a report of the results of its investigation (TEA-W-262) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers and former workers of the Sandler-Ette Footwear Manufacturing Corporation, a wholly-owned subsidiary of Kayser-Roth Corporation, New York, New York. In this report, the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with footwear for women, misses, and children produced by Sandler-Ette Footwear Manufacturing Corp. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of the firm or an appropriate subdivision thereof. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Normally the Department's Office of Foreign Economic Policy, Bureau of International Labor Affairs conducts a further investigation after receiving an affirmative finding of the Commission, as provided in 29 CFR 90.5. In light of the urgent public interest in disposing of this case before the repeal of the adjustment assistance provisions of the Trade Expansion Act of 1962 (to be superseded by the Trade Act of 1974) on April 3, 1975, it was decided to dispense with the investigation. However, on the basis of data and information developed on the operations of the Sandler-Ette Footwear Manufacturing Corp. from the Commission's report to the President, and additional inquiries with company officials made in the course of developing the Secretary's recommendation to the President on the matter of the Commission's report, it was determined that there was sufficient information to formulate a recommendation in the matter of certification and to make a determination thereon.

On the basis of the information obtained, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority, 34 FR 18342; 37 FR 2472; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with footwear for women, misses, and children produced by Sandler-Ette Footwear Manufacturing Corp. increased substantially. In recent years all of Sandler-Ette's footwear was purchased by A. Sandler Co., Inc., which is an operating division of Kayser-Roth Corp. A. Sandler Co. also imported footwear and purchased from other domestic manufacturers. In the period 1971 to 1974, A. Sandler Co. increasingly substituted imported footwear for footwear previously purchased from Sandler-Ette. As a result production and employment at Sandler-Ette began declining in 1972. Sandler-Ette was able to reduce employment levels by normal labor-force attrition throughout 1972 and 1973. Unemployment or underemployment of a significant number of Sandler-Ette's workers, caused in major part by increased import competition, began in January 1974 and continued until February 1975 when Sandler-Ette closed. After due consideration, I make the following certification:

All hourly, piecework, and salaried employees of Sandler-Ette Footwear Manufacturing Corp., Webster, Massachusetts (a wholly-owned subsidiary of Kayser-Roth Corp.) who became or will become unemployed or underemployed after December 29, 1973 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 2nd day of April 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-9155 Filed 4-8-75;8:45 am]

SHAER SHOE CORP.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 17, 1975, the U.S. International Trade Commission made a report of the results of its investigation (TEA-W-260) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the former workers of the Manchester, New Hampshire plant of Shaer Shoe Corp., Manchester, New Hampshire. In this report the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with footwear for women produced by the Manchester, New Hampshire plant of the Shaer Shoe Corp. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Normally the Department's Office of Foreign Economic Policy, Bureau of International Labor Affairs conducts a further investigation after receiving an affirmative finding of the Commission, as provided in 29 CFR 90.5. In light of the urgent public interest in disposing of this case before the repeal of the adjustment assistance provisions of the Trade

Expansion Act of 1962 (to be superseded by the Trade Act of 1974) on April 3, 1975, it was decided to dispense with the investigation. However, on the basis of data and information developed on the operations of the Shaer Shoe Corp. from the Commission's report to the President, and additional inquiries with company officials made in the course of developing the Secretary's recommendation to the President on the matter of the Commission's report, it was determined that there was sufficient information to formulate a recommendation in the matter of certification and to make a determination thereon.

On the basis of the information obtained, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority, 34 FR 18342; 37 FR 2472; 29 CFR Part 90). In the recommendation, she noted that concession generated imports like or directly competitive with footwear for women produced by the Manchester, New Hampshire plant of Shaer Shoe Corp. increased substantially. In an effort to compete with imports, the company introduced major style changes at the Manchester plant in 1973 and 1974. Despite these efforts several of the company's major customers substantially reduced purchases from the Manchester plant and switched to foreign sources for women's footwear primarily because of the price advantage offered by such imports. As a result of the sharp decline in plant sales that occurred in 1973 and 1974, the company was forced to substantially cut back employment. Unemployment and underemployment of a significant number of the plant's workers, caused in major part by increased import competition, began in June 1973 and continues. After due consideration, I make the following certification:

All workers, hourly, piecework, and salaried, of the Manchester, New Hampshire plant of the Shaer Shoe Corp., Manchester, New Hampshire, who became or will become unemployed or underemployed after June 23, 1973 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 2nd day of April 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-9156 Filed 4-8-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 27872]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

Reorganization

Because a shutdown of Chicago, Rock Island & Pacific Railroad Co. (Rock Island) operations would create an emergency requiring immediate action by the Interstate Commerce Commission, we are hereby requesting public comment on how essential railroad services of the Rock Island might best be performed by other railroads under emergency car service orders of the Commission or by other means of transportation. The press of time makes it necessary that comments be submitted by April 30, 1975.

After years of operating at a deficit, the Rock Island, a large midwestern railroad, announced in early March, 1975, that it lacked the funds needed to continue operations. On March 17, the distressed carrier filed a petition for reorganization under section 77 of the Bankruptcy Act in the U.S. District Court for the Northern District of Illinois.

On March 18, the Rock Island issued an embargo covering all traffic originating on, destined to, or routed over any line on its entire system. The embargo notice states, in effect, that on and after the effective date, the Rock Island will be shutdown and could neither receive nor handle traffic tendered to it by shippers or connecting railroads. The embargo was to have been effective for all perishable traffic on March 24, and for all other traffic on March 31. The effective date of the embargo for all traffic was later postponed until April 12, and on March 28, 1975, the reorganization court judge, District Judge Frank J. McGarr, ordered Rock Island to continue operations until May 15.

While the Rock Island is now under obligation to provide service until May 15, its capacity to do so depends, as a practical matter, upon its having a sufficient amount of operating funds. If it ran out of funds in the meantime, it would face perhaps an insurmountable problem in maintaining operations.

The Commission is deeply concerned about the possibility of a Rock Island shutdown. To support continued operation we have approved a 7-percent general railroad freight rate increase, by order served March 25, 1975, in Ex Parte No. 310, *Increased Freight Rates and Charges, Nationwide*. Special permission was also given for the filing of a proposal under which Rock Island could seek to assess a surcharge on certain of its traffic (See Special Permission No. 3450, *Chicago Rock Island & Pacific Railroad Co.—Emergency Terminal Surcharge Tariff*, decided March 26, 1975). But the Rock Island has indicated it would not pursue the surcharge proposal. While it is hoped that revenue measures of this type might enable the Rock Island to survive its present cash crisis, the fact remains that the carrier may be forced to terminate its operations in the near future.

Cessation of all Rock Island service could have a serious impact on the people of the area served by the railroad and upon the economy of the territory. Rock Island operates over 7,000 miles of line in 13 States and employs about 11,000 people. Its lines are located generally in the area between Chicago, St. Louis, and Memphis, on the east, Denver, Colorado Springs, Colo., and Santa Rosa, N. Mex., on the west, Minneapolis-St. Paul, on the north, and Houston and Galveston, Texas, on the south.

Many Rock Island mainlines are duplicative of other railroads, yet Rock Island is the only railroad serving hundreds of communities and stations in the Middlewest. Even at places served by more than one railroad, many industries rely solely on Rock Island. For example, 733 grain elevators are served exclusively by Rock Island. In addition, Rock Island operates an extensive commuter passenger service between Chicago and its suburbs, and, with the aid of a subsidy from the State of Illinois, it provides intercity passenger service between Chicago and Peoria and Rock Island, Ill.

To deal with emergencies caused by a railroad shutdown, the Commission has a specific but limited jurisdiction. Under section 1(16)(b) of the Interstate Commerce Act, whenever a railroad is unable to transport the traffic offered it because, among other reasons, its cash position makes continued operation impossible, the Commission may order another railroad to provide service over the shutdown railroad's lines for a brief interim period of 60 days. For cause shown the period may be extended a maximum of 180 additional days. The Federal government will reimburse the directed carriers for losses incurred in providing such service, and it will also guarantee them a reasonable profit from the emergency operations.

Under another emergency provision of the statute, section 1(15), the Commission may suspend established rules and practices with respect to freight car service and, among other things, issue such directives as in its opinion would best promote service, including orders for joint use of terminals. Section 1(15) does not provide for subsidy payments, thus limiting its application primarily (though not entirely) to non-deficit operations. The Commission is also empowered to issue emergency motor carrier temporary authority pursuant to section 210a(a) to maintain service to the public.

In recognition of the need for quick action in emergencies, Congress provided for unique procedures in the administration of both sections 1(15) and 1(16)(b). The Commission may act at once, upon complaint or its own initiative, without formal pleadings, with or without notice or hearing, or the filing of a report. In most emergencies, the situation dictates an expedited, informal approach.

Faced with what then appeared to be an imminent cessation of Rock Island operations, we called a meeting in Washington, D.C., on March 18, 1975, at which we requested railroads operating in Rock Island's service area, as well as railroads connecting with Rock Island, to submit proposals for possible emergency operation of the financially distressed carrier. Carrier response has been most helpful, and we would like publicly to express our appreciation for the railroads' cooperation in this matter. At the conference, and later, the railroads submitted various proposals whereby they, individually, would assume emergency operations on

separate segments of the Rock Island. For the most part, there was general agreement that the other roads would operate the Rock Island for local service only, and, with some exceptions, practically all the Rock Island trackage would be operated. The general agreement extended in large part to the assignment of indivdual railroads to particular portions of the Rock Island. The carriers' proposals are set forth, by line segments, at the end of this notice.

The proposals and agreement reported above have not been endorsed by the Commission and no decisions have yet been made. Since they are inconsistent with the concept of an integrated Rock Island, neither have they had the endorsement of Rock Island's management. Implementation of any plan for the takeover of services on Rock Island facilities would require some agreements between the directed carriers and the Rock Island; and it is presumed that such agreements will be timely achieved.

The Commission is not required to hold a hearing before reaching a decision under sections 1(15) and 1(16)(b) and, in view of the emergency nature of the situation, time limitations would not permit extensive hearings in the instant crisis. Nevertheless, we recognize the immense importance of the Rock Island crisis to the general public in the railroad's service area and we feel that shippers, employees, State and local government bodies, and other interested groups and individuals should have an opportunity to comment on the railroads' proposals, and that the Commission should have the benefit of their views. Accordingly, we invite public comment on these proposals.

In preparing comments, interested persons should be aware that car service orders under section 1(16)(b) are temporary in nature. We are not here considering long range proposals for solving the Rock Island's financial problems; but are focusing on what to do in an emergency if the Rock Island decides to stop operating. Any question of a permanent disposition of the Rock Island, or of portions of its lines, would be resolved in appropriate proceedings under sections 5 and 1(18-20) of the Interstate Commerce Act, and according to the Commission's normal rules of practice and procedure. The public will be given an ample opportunity to participate in any such proceedings which may develop.

It should also be kept in mind that, while the various railroads are willing to operate most of the Rock Island trackage under emergency car service orders, an individual railroad which operates a portion of the Rock Island may not necessarily be interested in acquiring the line operated for permanent ownership and operation. Thus any comments submitted should be addressed solely to the question of temporary operation of the Rock Island.

Secondly, it should be noted that while the railroads are in general agreement as to the appropriate carriers to provide emergency service under car service orders, there are major areas of disagreement. The Soo Line Railroad, among others, opposes the fragmentation of the railroad which most of the carriers have proposed. Under the fragmentation proposals, Rock Island would be divided into a number of small segments for operation by different railroads, which would provide local service only. Long-haul, through service over Rock Island would thus be effectively terminated. Soo Line and other carriers dependent upon connecting Rock Island long-haul service oppose this approach, contending they would lose traffic now interchanged with Rock Island, all to the detriment of the general public through loss of the benefit from Rock Island long-haul service.

Nor do we have full accord among the carriers which support the fragmentation approach. There are differences as to which carriers should be ordered to operate certain Rock Island lines. The two most important Rock Island lines subject to controversy are the "Golden City, Mo. to Tucumcari and Santa Rosa, State Route" extending from Kansas N. Mex.; the "Rock Island Western" between Kansas City and Omaha, Neb., on the east, and Denver and Colorado Springs, Colo., on the west. The Southern Pacific Railroad, which has an extensive network of lines in the Southwestern and Pacific Coastal regions of the Nation, connects with the Rock Island at Tucumcari, N. Mex. to form the Golden State Route between Chicago, Kansas City, and points in Arizona and Southern California. The two carriers have long cooperated with each other in providing service over the Golden State Route for traffic which is important to both.

SP proposes that, in order to retain this traffic, it be permitted to operate the Rock Island's line between Kansas City and Tucumcari. Other carriers, notably Santa Fe which competes for Traffic between Chicago, Kansas City and the Pacific Southwest, are opposed on the ground that SP would be invading territory it had not previously served. In lieu of SP's proposal, it has been suggested that the Kansas City-Tucumcari line be divided among Santa Fe, Union Pacific, and the Fort Worth & Denver Railroad Co. for local operation only, with a gap between Pratt and Partridge, Kans. To eliminate that controversy, it was proposed that some neutral carrier, such as the Kansas City Terminal Ry. or the Missouri Pacific operate the line. That would retain for SP its "friendly" connection for substantial traffic, and yet preclude SP from effecting a sizable extension of lines by emergency car service order.

The Rock Island western lines controversy is similar. The Denver & Rio Grande Western Railroad (Rio Grande), which connects with Rock Island at Denver and operates generally between Denver and Salt Lake City, Utah, seeks to operate all Rock Island lines between Colorado and the two important Missouri River gateways at Kansas City and Omaha. Competitor carriers between Colorado and the Missouri River, which also connect with the Rio Grande (Union Pacific, Santa Fe Burlington Northern and the Missouri Pacific) oppose Rio Grande's proposals on the grounds of territorial invasion and traffic diversion by the Rio Grande. They have proposed that Rock Island's lines between Colorado and the Missouri River be divided among the Union Pacific and Burlington Northern for local service only. Except for local service in the Colorado Springs area, neither the branch line between Limon, Colo. and Colorado Springs nor the branch line between Fairbury and Ruskin, Neb. would be operated under the Union Pacific-Burlington Northern proposal.

Public comments regarding these areas of controversy, as well as the railroads' proposals generally, and alternate proposals for the provision of essential service would be most welcome. As this is an emergency situation and not an adversarial proceeding, comments (original and one copy) should be submitted, informally, in writing to the Commission. The usual requirements as to pleadings in Commission proceedings need not be followed. As time is of the essence, all submissions should be received by the Commission by no later than April 30, 1975, and should be addressed to:

Director, Office of Proceedings
Interstate Commerce Commission
Washington, D.C. 20423

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C.

Issued in Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is requested that comments be addressed to the problem of a shutdown Rock Island, to the points specified above, and to the following proposals for continued service by other railroads:

RAILROAD PROPOSALS FOR EMERGENCY SERVICE ORDERS

I. ROCK ISLAND LINES IN ILLINOIS

1. Chicago Switching District. A. Main Line between La Salle St. Station and Burr Oak Yard, Blue Island, Ill.—Burlington Northern.

B. Suburban Branch between Gresham Yard and Burr Oak Yard—Believed to have no industry, and therefore, no freight service proposed.

C. Burlington Northern would continue to serve the Chicago, West Pullman & Southern interchange at Ashland Avenue, near the Rock Island 124th St. Shops.

D. South Chicago Branch. 1. Portion from junction with RI mainline at Gresham Yard to Burnside Yard—Believed to have no industry and no service proposed.

2. From junction point near Burnside Yard south to start of joint industries (at 119th St.) line in Port Calumet—Belt Ry Co. of Chicago and the Chicago

Short line have both expressed interest in operating this line.

3. Joint Illinois Central Gulf, Chicago South Shore & South Bend RR, Rock Island industries line in Port Calumet (south of 119th St.) would be served by ICG, and CSS & SB. No service order would be required.

4. Between junction point near Burnside Yard to South Chicago Yard—Belt Ry. Co. of Chicago would continue Chicago, West Pullman & Southern trackage rights. No industry believed to be on this line and no service order required.

5. South Chicago Yard—Belt Ry of Chicago says it can handle all traffic now handled in Rock Island's South Chicago Yard at its adjacent South Chicago Yard. Thus proposes RI yard not be used.

6. Between South Chicago Yard and Irondale (Approximately 117th St.)—Chicago, West Pullman & Southern.

7. Between South Chicago Yard and the South Chicago Elev's & Slip (The Strand)—Belt Ry of Chicago.

2. Chicago-Rock Island, ILL. Main Line. Burlington Northern.

3. Joliet (On Chicago-Rock Island Main Line). Under the Burlington Northern proposal the Elgin, Joliet & Eastern Ry Co. would provide local switching within the Joliet Yard limit.

4. Morris & East Morris (On Chicago-Rock Island Main Line). Under the B.N. Proposal E.J. & E. would provide local switching within the Morris-East Morris Yard limit.

5. Peoria Branch—(Bureau-Peoria, ILL.) Burlington Northern; Toledo Peoria & Western RR. Co. and the Atchison, Topeka & Santa Fe Ry Co. have all expressed interest in operating this line.

6. Peoria—Peoria & Pekin Union Railway would provide switching services over Rock Island lines in Peoria, including the line from Peoria to Keller, ILL. (Alta Branch).

7. Peoria Terminal Co. (R. I. Subsidiary in Peoria & Pekin, ILL.) Peoria & Pekin Union Ry.

8. Lafayette Branch (Colona-Lafayette, ILL.) Burlington Northern.

9. Milan Branch (Rock Island-Milan, ILL.) Burlington Northern.

II. ROCK ISLAND LINES IN IOWA, MINNESOTA, AND NORTHERN MISSOURI

1. Davenport - Bettendorf: Local switching service would be provided by the Davenport, Rock Island & North Western Ry.

2. Davenport-Clinton: Line owned by DRI & NW—No service order necessary.

3. Davenport-Des Moines Main Line: Milwaukee (Switching in Des Moines would be by the Chicago & Northwestern).

4. Davenport-Allerton-Kansas City Main Line: Milwaukee.

5. Coburn-Jamesport, Mo. Branch: No service proposed.

6. Kansas City, Mo.-Kans.: Local switching would be provided by Kansas City Terminal Co.

7. Keota Branch (Ainsworth-Keota, Iowa): Milwaukee.

8. Burlington-Cedar Rapids Line: A. Burlington-Mediapolis, BN.

B. Mediapolis-Columbus Jct.: No service proposed.

C. Columbus Jct.-Cedar Rapids: Milwaukee.

9. Hills Branch (Iowa City-Hills): Central Iowa Ry. Co.

10. St. Joseph, Mo.-Atchison, Kans. Line: Santa Fe.

11. St. Joseph, Mo.—Local switching service: Burlington Northern.

12. Kansas City-Rushville, Mo. Line: Trackage rights over BN. No order required.

13. Cedar Rapids—Local switching service: Milwaukee.

14. Cedar Rapids-Manly: Illinois Central Gulf.

15. Vinton-Iowa Falls: Illinois Central Gulf.

16. Linn-West Union: Illinois Central Gulf.

17. Minneapolis-Des Moines Maine Line; A. Minneapolis-Owatonna: Milwaukee.

B. Owatonna-Des Moines Maple Island Branch (Clarks Grovo Maple Island) Chicago & North Western (C & NW recommends service only between Owatonna and Mason City; and between Bradford and Buckeye, plus the Maple Island Branch).

18. Des Moines-Allerton Line Indianola Branch (Carlisle-Indianola): C & NW (C & NW recommends operation only between Des Moines and Indianola).

19. Keokuk Branch (Altoona-Keokuk):

Toledo Peoria & Western would operate entire line between Des Moines and Keokuk. Alternatively, the Chicago & North Western would operate between Altoona and Eddyville, and Burlington Northern between Ottumwa and Keokuk. The segment between Eddyville and Ottumwa would not be operated.

20. Albert Lea-Rock Rapids, Lismore Branch (Oake Park-Lismore) C & NW (C & NW recommends operation only between Rake and Spirit Lake).

21. Iowa Falls-Estherville: C & NW (C & NW recommends operation only between Estherville and Grattinger and between Iowa Falls and West Bend).

22. Des Moines-Council Bluffs and branches: C & NW (C & NW recommends operation only between Des Moines and Earlham plus the Winterset branch (Winear-Winterset) and switching in Council Bluffs would be performed by the C & NW).

23. Dows-Buffalo Center & Titonka Branches: C & NW (C & NW recommends operation only between Belmond and Klemme).

24. Gowrie-Rock Rapids: Milwaukee.

III ROCK ISLAND LINES IN COLORADO, NORTHERN KANSAS, AND NEBRASKA

1. St. Joseph, Mo.-Topeka Line: Union Pacific.

2. "Rock Island Western"—Lines between Omaha and Kansas City, on the east, and Denver and Colorado Springs, on the west. The Denver & Rio Grande

Western proposes to operate all of these lines, including branch lines. Alternatively, they would be served as follows: A. Omaha-Belleville-Phillipsburg Burlington Northern (Local switching at Omaha by Union Pacific).

B. Phillipsburg-Limon: Union Pacific.

C. Limon-Denver: Rock Island operates trackage rights over Union Pacific between these points, thus a service order would not be required. Local switching service in the Denver-Duban area would be provided by both Union Pacific and Rio Grande.

D. Limon-Colorado Springs: No service proposed. Local service in the Colorado Springs area would be provided by Rio Grande.

E. Kansas City-Topeka: Rock Island operates trackage rights over Union Pacific between these points, thus a service order would not be required.

F. Topeka - McFarland - Belleville: Union Pacific.

G. Topeka (Local switching service): Union Pacific would provide switching north of the Kansas River, and Santa Fe, south of the River.

IV. ROCK ISLAND LINES IN SOUTHERN MISSOURI, SOUTHERN KANSAS, WESTERN OKLAHOMA, TEXAS AND NEW MEXICO

1. St. Louis Terminal Area: Terminal RR. Association of St. Louis would perform switching service out of Labadie, Mo.

2. St. Louis-Kansas City Line: Missouri Pacific.

3. Kansas City-Tucumcari-Santa Rosa Mainline: Southern Pacific proposes to operate this entire line. Alternatively the line would be operated as follows: A. McFarland-Hutchinson: No service, except local switching service by Santa Fe at McPherson, Galva, and Corston. And switching service in Hutchinson by Santa Fe and Missouri Pacific.

B. Hutchinson-Partridge: Santa Fe.

C. Partridge-Pratt: No service.

D. Pratt-Liberal-Dalhart: Santa Fe.

E. Dalhart-Tucumcari: Ft. Worth & Denver (Burlington Northern).

4. Herington-Salina Branch: No service proposed.

5. Bucklin-Dodge City Branch: Santa Fe.

6. Liberal-Morse-Wilco Branch: Santa Fe.

7. Herington-El Reno-Ft. Worth-Dallas: Mainline.

A. Herington-Wellington: No service proposed, except local switching service at Wichita and Wellington by Santa Fe.

B. Wellington-Enid: Santa Fe.

C. Enid-El Reno: Frisco (St. Louis-San Francisco Ry).

D. El Reno-Chickasha: No service proposed.

E. Chickasha-Sunray: Frisco.

F. Sunray-Wavrika-Bowie: No service proposed.

G. Bowie-Ft. Worth-Dallas: Ft. Worth & Denver (Burlington Northern).

H. Ft. Worth local switching service: Ft. Worth & Denver.

G. Dallas local switching service: Ft. Worth & Denver.

8. Enid-Ponca City Branch: Santa Fe.

9. Enid-Alva Branch: No service proposed.

10. Enid-Warren Branch: Frisco.

11. El Reno - Amarillo - Tucumcari Mainline; A. El Reno-Weatherford: Frisco.

B. Weatherford-Clinton: No service proposed.

C. Clinton-Elk City: Frisco.

D. Elk City-Norrick: No service proposed.

E. Norrick-Amarillo: Ft. Worth & Denver.

F. Amarillo local switching: Ft. Worth & Denver.

G. Amarillo-Tucumcari: Santa Fe.

12. Homestead Branch (Geary-Homestead, Okla.); A. Geary-O'Keene: Frisco.

B. O'Keene-Homestead: No service proposed.

13. Chickasha-Mangum Branch; A. Chickasha-Hobart: Frisco.

B. Hobart-Lone Wolfe: No service proposed.

C. Lone Wolf-Mangum: Santa Fe.

14. Anadarko-Waurika Line; A. Anadarko-Richards Spur: No service.

B. Richards Spur-Waurika: Frisco.

15. Irving-Carrollton, Tex.: Frisco.

16. Dallas-Galveston: All Rock Island Lines south of Dallas are jointly owned and operated with the Ft. Worth & Denver. Ft. W. & D. would continue to provide service over these lines.

V. ROCK ISLAND LINES IN TENNESSEE, ARKANSAS, LOUISIANA AND EASTERN OKLAHOMA

1. Memphis-Little Rock-Oklahoma City-El Reno Main Line; A. Bridge Jct. (Memphis)-Brinkley: St. Louis Southwestern (Cotton Belt).

B. Brinkley-Mesa: Not operated.

C. Mesa-Bonneville: Missouri Pacific.

D. Bonneville-Hartshorne: St. Louis-San Francisco (Frisco).

E. Hartshorne-Oklahoma City: Missouri-Kansas-Texas RR. (Katy).

F. Oklahoma City—switching service: Frisco, or possibly work would be divided by the Frisco, Santa Fe, and Katy.

G. Oklahoma City-El Reno: Frisco.

2. Mesa-Des Arc Branch: Missouri Pacific.

3. Mesa-Stuttgart Branch: St. Louis-Southwestern.

4. Little Rock-Eunice Mainline: Missouri Pacific (Note that the segment of this line between Winnfield and Alexandria is owned by the Louisiana & Arkansas Ry., which would provide service over this segment).

5. Haskells-Hot Springs Branch, Butterfield-Malvern-Sparkman Branch, Tinsman-Crossett Branch, Banks-Warren Line (Warren & Ouchita Valley Ry.-Rock Island subsidiary): All operated by Missouri Pacific.

6. Fordyce-Camden: St. Louis-Southwestern.

[FR Doc.75-9284 Filed 4-8-75;8:45 am]

[Notice 738]

ASSIGNMENT OF HEARINGS

APRIL 4, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 41406 Sub 40, Artim Transportation System, Inc., now assigned May 6, 1975 at Columbus, Ohio will be held in Room 235 Federal Office Building, 85 Marconi Blvd.

MC-F 12291, Nick Strimbu Inc.—Control—Statewide Cartage Co., now assigned May 8, 1975 at Columbus, Ohio will be held in Room 235 Federal Office Building, 85 Marconi Blvd.

MC 29079 Sub 75, Brada Miller Freight System, Inc., MC 61231 Sub 80, Ace Lines, Inc., MC 106603 Sub 133, Direct Transit Lines, Inc., MC 107295 Sub 753, Pre-Fab Transit Co., MC 119522 Sub 32, McLain Trucking, Inc., MC 128247 Sub 25, Bursal Transport, Inc., and MC 138741 Sub 11, E. K. Motor Service, Inc., now assigned May 12, 1975 at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 130261, International Weekends, Inc., now being assigned May 21, 1975, at Boston, Massachusetts, in a hearing room to be later designated.

MC 112304 Sub 80, Ace Doran Hauling & Rigging Co., now assigned for further hearing on May 29, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

FF-95, Sub 8, Lifschultz Fast Freight, Inc., now assigned April 21, 1975 at Chicago, Illinois, is cancelled and the application is dismissed.

MC 112304 Sub 85, Ace Doran Hauling & Rigging Co., now assigned April 30, 1975, at Chicago, Ill., is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9279 Filed 4-8-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 4, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Dockét No. 55339 (Correction) filed November 21, 1974, published in the FEDERAL REGISTER issue of March 26, 1975, and republished as corrected this issue. Applicant: WEBSTER DELIVERY SERVICE, INC., 6360 South Greenwood, City of Commerce, Calif. 90022. Applicant's representative: Levin & Oberman, Inc., 3550 Wilshire Boulevard, Los Angeles, Calif. 90010. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of 1. *Abrasives*, as listed under that heading in Items Nos. 5 through 45 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof. 2. *Advertising matter*, as listed under that heading in Items Nos. 225 through 330 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto. 3. *Cloth, dry goods or fabrics*, as listed under that heading in Items Nos. 12550 through 12885 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 4. *Drugs, medicines or toilet preparations*, Viz.: Perfumery. 5. *Electrical appliances or equipment, or parts named*, as listed under that heading Items Nos. 15605 through 16250 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 6. *Floor coverings*, as listed under that heading in Items Nos. 17865 through 17965 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46, 48 and 50 thereto. 7. *Furniture*, as listed under that heading in Items Nos. 19495 through 20494 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto.

8. *Games or toys*, as listed under that heading in Items Nos. 20670 through 20870 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 9. *Glassware*, as listed under that heading in Items Nos. 21265 through 21585 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 10. *Hardware*, as listed under that heading in Items Nos. 22455 through 23660 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 11. *Machinery or machines, or parts named*, as listed under that heading in Items Nos. 27145 through 31920 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 12. *Pads or padding*, as listed under that heading in Items Nos. 35125 through 35155 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 48 thereto. 13. *Sheet steel ware*, as listed under that heading in Items Nos. 40245 through 40490 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 14. *Stationery*, as listed under that heading in Items Nos. 41203 through 41290 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 50 thereto. 15. *Trunks or traveling bags*, as listed under that heading in Items Nos. 43240 through 43280 of Western Classification No. 75, Cal. P.U.C. No. 8, and Supplements Nos. 41 and 46 thereto.

16. *Miscellaneous commodities*, VIZ.: Baskets, boots or shoes, buckles, clothing, clocks, hosiery, ladders, notions, pillows, rubber, foam, silver plated ware, not on silver, synthetic resin articles, towels, or toweling, paper, watches, in the area embraced by the following boundaries: Los Angeles Basin Territory, includes that area embraced by the following boundary: Beginning at the point Ventura County-Los Angeles County boundary line intersects the Pacific Ocean: thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth, easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucapia; southerly along said county road to and including the unincorporated community of Yucapia; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive.

Southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways No. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the

City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line, westerly along said boundary line to the Orange County-San Diego County Boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning. Note: The purpose of this correction is to correct miscellaneous errors in item No. 16. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, 350 McAllister Street, Civic Center, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55577, filed March 20, 1975. Applicant: METRO BAY TRANSPORTATION, INC., 704 Dubuque Avenue, South San Francisco, Calif. 94080. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities:* (1) Between all points and places in the San Francisco Territory as described in Part II. (2) Between all points on or within 20 miles of the following routes: (a) U.S. Highway 101 from San Francisco to Novato. (b) State Highway 37 from its intersection with U.S. Highway 101 to its intersection with Interstate Highway 80. (c) State Highway 24 from Oakland to Concord. (d) Interstate Highway 80 from San Francisco to Cordelia. (e) Interstate Highway 680 from San Jose to Vallejo. (f) State Highway 21 from its intersection with Interstate Highway 680 to its intersection with Interstate Highway 80. (g) State Highway 4 from its intersection with Interstate Highway 80 to Antioch. (h) U.S. Highway 50 from its intersection with State Highway 17 to Tracy. (i) State Highway 33 from Tracy to Antioch. The San Francisco Territory includes all points and places within the following area: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road;

Southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue.

Westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobiles chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 350 McAllister Street, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

Applicant: FILM TRANSFER COMPANY, INC., Suite 202, Regal Plaza, 1499 Regal Row, Dallas, Tex. 75247. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (1) *General commodities,* subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any day; and (2) *Motion picture films and theater supplies, newspapers, magazines and periodicals, bread and baker's cake,* between Corsicana, Texas and Athens, Texas over State Highway 31 serving all intermediate points, coordinating the service proposed herein with that now being rendered under existing authority and interlining with other carriers at appropriate interline points. Applicant also seeks authority to operate over the following alternate routes without service to any intermediate point thereon except as otherwise authorized. (1) U.S. Highway 69 between Alto and Lufkin, Texas. (2) State Highway 21 between Madisonville and Alto, Texas. (3) State Highway 7. (5) State Highway 94 Nacogdoches, Texas. (4) State Highway 103 between Lufkin, Texas and the intersection of State Highway 103 with State Highway 7. (5) State Highway 94 between Groveton and Lufkin, Texas. (6) State Highway 294 and U.S. Highway 84 between Fairfield and Alto, Texas. (7) U.S. Highway 79 between Buffalo and Jacksonville, Texas. (8) F. M. Roads 90 and 59 between Cayuga and Malakoff, Texas. (9) State Highway 34

between its intersection with I. H. 45 and its intersection with U.S. Highway 175. (10) I. H. 45 between Dallas and Galveston, Texas, and (11) State Highway 19 between Palestine and Athens, Texas. Intrastate, interstate and foreign commerce authority sought.

HEARINGS: Date, time, and place not yet fixed, but approximately 30 days subsequent to date published in FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 2047 (Amended), filed December 16, 1974, published in the FEDERAL REGISTER issue of March 5, 1975, and republished this issue. Applicant: VICTOR L. LANGE, doing business as LANGE TRUCK LINE, P.O. Box 28, Pleasanton, Tex. 78064. Applicant's representative: Mike Cotton, P.O. Box 1148, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, over the following routes: (1) Between San Antonio and Nixon, Tex.: From San Antonio over U.S. Highway 87 to Nixon and return over the same route, serving all intermediate points; (2) Between Floresville, Tex., and junction State Highway 97 and U.S. Highway 87: From Floresville to junction State Highway 97 and U.S. Highway 87 and return over the same route, serving all intermediate points and serving junction of State Highway 97 and U.S. Highway 87 as a point of joinder; (3) Between Karnes City and Nixon, Tex., From Karnes City over State Highway 123 to junction with the State Highway 80, thence over State Highway 80 to Nixon and return over the same route, serving all intermediate points; and (4) Between Jourdanton and Tilden, Tex.: From Jourdanton over State Highway 16 to Tilden and return over the same route, serving all intermediate points and serving the site of the power plant to be built by Brazos Electric Corporation near the Atascosa-McMullen County line as an off-route point. Coordinating the proposed service rendered under existing authority. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed, but approximately 30 days subsequent to publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station—P.O. Drawer 12967, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9276 Filed 4-8-75;8:45 am]

[Notice 12]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 4, 1975.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 135), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed March 20, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Des Moines, Iowa over Iowa Highway 5 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., (2) From Des Moines, Iowa over U.S. Highway 65 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Missouri Highway 23, thence over Missouri Highway 23 to junction Missouri Highway 20, thence over Missouri Highway 20 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, Mo., and (3) From Des Moines, Iowa over U.S. Highway 65 to Springfield, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Des Moines, Iowa over U.S. Highway 6 to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 51, thence over U.S. Highway 51 to La Salle, Ill., thence over Illinois Highway 29 to Springfield, Ill., thence over U.S. Highway 66 to Springfield, Mo., and return over the same route.

No. MC 2202 (Deviation No. 136), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed March 26, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Omaha, Nebr., over Interstate Highway 29 to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and (2) From Omaha, Nebr., over Interstate Highway 29 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13, to Springfield, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 6 to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 51, thence over U.S. Highway 51 to LaSalle, Ill., thence over Illinois Highway 29 to Springfield, Ill., thence over U.S. Highway 66 to Springfield, Mo., and return over the same route.

No. MC 29910 (Deviation No. 35), ARKANSAS-BEST FREIGHT SYSTEM, INC., General Offices, Fort Smith, Ark. 72901, filed March 14, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cape Girardeau, Mo., over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction Illinois Highway 149, thence over Illinois Highway 149 to junction Illinois Highway 13, thence over Illinois Highway 13 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction Indiana Highway 57, thence over Indiana Highway 57 to junc- U.S. Highway 50–150 to junction U.S. tion U.S. Highways 50–150, thence over U.S. Highway 50, thence over U.S. Highway 50 to Cincinnati, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cape Girardeau, Mo., over Missouri Highway 34 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, Mo., thence over U.S. Highway 40 to Indianapolis, Ind.,

thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route.

No. MC 52709 (Deviation No. 31), RINGSBY UNITED, P.O. Box 192, Littleton, Colo. 80120, filed March 12, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis, Minn., over Interstate Highway 94, to Billings, Mont., thence over Interstate Highway 90 to Bonner, Mont., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Minneapolis, Minn., over U.S. Highway 212 to Redfield, S. Dak., thence over U.S. Highway 281 to junction South Dakota Highway 26, thence over South Dakota Highway 26 to junction South Dakota Highway 45, thence over South Dakota Highway 45 to Miller, S. Dak., thence over U.S. Highway 14 to Philip, S. Dak., thence over South Dakota Highway 73 to Philip Junction, S. Dak., thence over unnumbered highway (formerly U.S. Highway 14) to junction U.S. Highway 14, thence over U.S. Highway 14 to Rapid City, S. Dak., thence over South Dakota Highway 79 to junction South Dakota Highway 36, thence over South Dakota Highway 36 to junction U.S. Alternate Highway 16, thence over U.S. Alternate Highway 16 to Custer, S. Dak., thence over U.S. Highway 16 to junction Wyoming Highway 59, thence over Wyoming Highway 59 becoming Montana Highway 59 to Broadus, Mont., thence over U.S. Highway 212 to junction Montana Highway 8, thence over Montana Highway 8 to Crow Agency, Mont., thence over U.S. Highway 87 to Billings, Mont., thence over Montana Highway 3 to junction U.S. Highway 12, thence over U.S. Highway 12 to Helena, Mont., thence over U.S. Highway 91 to Butte, Mont., thence over U.S. Highway 10 to junction Montana Highway 200 near Bonner, Mont., and return over the same route.

No. MC 66788 (Deviation No. 4), RAYMOND MOTOR TRANSPORTATION, INC., 1912 Broadway NE., Minneapolis, Minn. 55413, filed March 7, 1975. Carrier's representative: Diana E. Murphy, 4200 IDS Center, 80 South 8th Street, Minneapolis, Minn. 55402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 41 to the Illinois-Wisconsin border, thence over Interstate Highway 94 to junction Interstate Highway 894, thence over Interstate Highway 894 to junction Interstate Highway 94, in West Allis, Wis., thence over Interstate Highway 94 to junction U.S. Highway 12 southwest of Wisconsin Dells, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 to junction Interstate Highway 94 southwest of Wisconsin Dells, Wis., and return over the same route.

No. MC 108835 (Deviation No. 5), HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Suite 102, Minneapolis, Minn. 55441, filed February 27, 1975. Carrier's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Omaha, Nebr., across the Missouri River to Council Bluffs, Iowa, thence over Interstate Highway 29 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to Mound City, Mo., thence over Interstate Highway 29 to Kansas City, Mo., and (2) From Omaha, Nebr., over U.S. Highway 73 to Auburn, Nebr., thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to Mound City, Mo., thence over Interstate Highway 29 to Kansas City, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., across the Missouri River to Council Bluffs, Iowa, thence over U.S. Highway 275 to junction U.S. Highway 34, thence over U.S. Highway 34 to Afton, Iowa, thence over U.S. Highway 169 to Tingley, Iowa, thence over unnumbered highway to Grand River, Iowa, thence over Iowa Highway 294 to junction Iowa Highway 2, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 148 to junction U.S. Highway 71, thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 59 to Atchison, Kans., thence over unnumbered highway to junction U.S. Highway 73, thence over U.S. Highway 73 to Kansas City, Mo., and return over the same route.

No. MC 108835 (Deviation No. 6), HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Suite 102, Minneapolis, Minn. 55441, filed March 14, 1975. Carrier's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Des Moines, Iowa over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Des Moines, Iowa over Iowa Highway 5 (formerly portion Iowa Highway 60) to junction Interstate Highway 35, thence south over Interstate Highway 35 to junction Iowa Highway 92, thence west over Iowa Highway 92 to junction U.S. Highway 169, thence south over U.S. Highway 169 to Mount Ayr, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 148 (formerly Missouri Highway 27) to junction U.S. Highway 71, thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 59 to Atchison, Kans., thence over unnumbered highway to junction U.S. Highway 73, thence over U.S. Highway 73 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9277 Filed 4-8-75;8:45 am]

[Notice No. 27]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 4, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

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 in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before May 9, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General 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 a detailed description of 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

(except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner 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) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 75320 (Sub-Nos. 165 and 167) (notice of filing of petition to modify certificates), filed March 24, 1975. Petitioner: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Petitioner's representative: John A. Crawford, 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Petitioner holds motor *common carrier* certificates in No. MC 75320 (Sub-Nos. 165 and 167), issued February 19, 1975 and July 12, 1974, respectively, authorizing transportation, over regular routes, in MC 75320 (Sub-No. 165), of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Pryor, Okla., and Dallas, Tex., serving no intermediate points: From Pryor over U.S. Highway 69 to Denison, Tex., and thence over U.S. Highway 75 to Dallas, Tex., and return over the same route, restricted against the transportation of shipments originating at, destined to, or interchanged with connecting carriers at Pryor, Okla.; and in Sub No. 167, of *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between junction Oklahoma Highway 33 and U.S. Highway 66, east of Tulsa, Okla., and Siloam Springs, Ark., as an alternate route, for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points: From junction Oklahoma Highway 33 and U.S. Highway 66, east of Tulsa, over Oklahoma Highway 33 to the Oklahoma-Arkansas State line, thence over Arkansas Highway 68 to Siloam Springs, Ark., and return over the same route. By the instant petition, petitioner seeks authority to serve the junctions of Oklahoma Highway 33 and U.S. Highway 69 at or near Chouteau, Okla., as intermediate points for joinder purposes only, in the above two authorities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 115279 and (Sub-No. 6) (notice of filing of petition to modify territorial descriptions), filed March 21, 1975. Petitioner: CLICK MESSENGER SERVICE, INC., 922 South Ave. West, Westfield, N.J. 07090. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor *common carrier* certificates in Nos. MC 115279 and (Sub-No. 6), issued May 23, 1957 and August 8, 1967, respectively, authorizing transportation, over irregular routes, in MC-115279, of *General commodities*, in shipments of 100 pounds or less moving from one consignor to one consignee, (except commercial papers, documents, and other written instruments, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), in specialized delivery service, between points in Bergen, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y.; and in MC 115279 (Sub-No. 6) of *General commodities*, in shipments of 100 pounds or less moving from one consignor to one consignee (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commercial papers, documents, and other written instruments used by banking institutions) in specialized delivery service:

(1) Between points in Nassau County, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Essex, Union, Morris, Somerset, Middlesex, and Hudson Counties, N.J.; and (2) Between New York, N.Y., on the one hand, and, on the other, points in Union, Morris, Somerset, Middlesex, and Hudson Counties, N.J. By the instant petition, petitioner seeks to modify the territorial descriptions in the above authorities by changing the terminal area of New York, N.Y. to read: New York, N.Y. and those points in New Jersey within 5 miles of New York, N.Y., and all of any New Jersey municipality any part of which is within 5 miles of New York, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 117851 (Sub-Nos. 2, 4 and 8) (Notice of filing of petition to modify permits), filed March 27, 1975. Petitioner: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Petitioner's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Petitioner holds motor *contract carrier* permits in No. MC 117851 (Sub-Nos. 2, 4 and 8), issued June 4, 1958, September 2, 1970, and March 29, 1972, respectively, authorizing transportation, over irregular routes, in Sub No. 2, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite, refractories, refractory products, lime, limestone products and commodities requiring special equipment): (1) Between the plant site of Fort Recovery Industries, Inc., Recovery Township, Mercer County, Ohio, on the one hand, and, on the other, points in Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Tennessee, Texas and Wisconsin; and (2) From the plant site of Fort Recovery Industries, Inc., in Recovery Township, Mercer County, Ohio, to points in Georgia, North Carolina, and South Carolina, under a continuing contract, or contracts, with Fort Recovery Industries, Inc., of Fort Recovery, Ohio.

In Sub-No. 4, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite, refractories, refractory products, line, limestone products, and commodities requiring special equipment), Between the plant site of Fort Recovery Industries, Inc., in Recovery Township (Mercer County), Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, under a continuing contract, or contracts with Fort Recovery Industries, Inc., of Fort Recovery, Ohio; and in Sub-No. 8, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite, refractories, refractory products, lime, limestone products, and commodities requiring special equipment), (1) From points in North Carolina, South Carolina, and Georgia (except Atlanta), to the plant site of Fort Recovery Industries, Inc., in Recovery Township (Mercer County), Ohio; and (2) Between the above-named plant site on the one hand, and, on the other, points in Arizona, California, Colorado, Delaware, Idaho, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, under a continuing contract, or contracts, with Fort Recovery Industries, Inc., of Fort Recovery, Ohio.

By the instant petition, petitioner seeks to consolidate the authority held in the above permits, and to add the additional base point of Gibson Township (Mercer County), Ohio, so as to read: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite, refractories, refractory products, lime, limestone products, and commodirties requiring special equipment), between the plant sites of Fort Recovery Industries, Inc. located in Recovery Township and Gibson Township (Mercer County) Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii, and except service from Atlanta, Ga.), under a continuing contract or contracts with Fort Recovery Industries, Inc., of Fort Re-

covery, Ohio. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124193 (Sub-No. 1) (notice of filing of petition to modify territorial description), filed January 30, 1975. Petitioner: JOSEPH BENNETT, doing business as M & P TRANSPORTATION CO., 1172 East 96th Street, Brooklyn, N.Y. 11236. Petitioner's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Petitioner holds a motor *contract carrier* permit in No. MC 124193 (Sub-No. 1), issued September 9, 1969, authorizing transportation, over irregular routes, of *Such commodities* as are used in the manufacture, sale, display, repair, 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 in tank vehicles), Between Brooklyn, N.Y., on the one hand, and, on the other, points in New York, Ohio, New Jersey, Pennsylvania, Maryland, Delaware, and points in that part of Virginia on and east of U.S. Highway 1, and the District of Columbia, under a continuing contract, or contracts with Eclipse Sleep Products, Inc., of Brooklyn, N.Y. By the instant petition, petitioner seeks to add points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut as additional points to be served in operations to and from Brooklyn, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127115 (Sub-No. 5) (notice of filing of petition to amend contracting shipper), filed March 17, 1975. Petitioner: MILLER TRANSPORT, INC., 510 West 4th North St., Hyrum, Utah 84319. Petitioner's representative: Harry D. Pugsley, 315 East 2d South, Suite 400, Salt Lake City, Utah 84111. Petitioner holds a motor *contract carrier* permit in No. MC 127115 (Sub-No. 5), issued December 10, 1974, authorizing transportation, as pertinent, over irregular routes, of *Foam and cellular expanded plastics* and *foam rubber*, from Los Angeles and San Francisco, Calif., and Portland, Oreg., to points in Utah, points in that part of Idaho south of Idaho County, and to Reno and Elko, Nev., and points in that part of Nevada on U.S. Highway 40 and Interstate Highway 80 between Reno and Elko, under a continuing contract or contracts with Allstate Foam Corporation at Salt Lake City, Utah. By the instant petition, petitioner seeks to substitute United Foam Company in lieu of Allstate Foam Corporation as a contracting shipper in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 59655 (Sub-No. 5), filed March 17, 1975. Applicant: SHEEHAN CARRIERS, INC., 62 Kime Kiln Road, Suffern, N.Y. 10952. Applicant's representative: John F. O'Donnell, 60 Adams Street, Milton, Mass. 02187. 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, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving points in Massachusetts on and east of U.S. Highway 5 as intermediate and off route points in connection with Vendor's existing regular route authority in Massachusetts.

NOTE.—This is a matter directly related to a Section 5 proceeding in MC-F-12468 published in the FEDERAL REGISTER on March 26, 1975. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 88368 (Sub-No. 28), filed March 12, 1975. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Wallace, N.C. and points in North Carolina within 100 miles thereof, and those in Virginia and South Carolina on the one hand, and, on the other, points in the United States and Hawaii (except Alaska, Nevada and North Dakota).

NOTE.—This is a matter directly related to a Section 5 proceeding in MC-F-12466 published in the FEDERAL REGISTER issue of March 26, 1975. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109847 (Sub-No. 21), filed March 21, 1975. Applicant: BOSS-LINCO LINES, INC., One West Genessee Street, Suite 450, Buffalo, N.Y. 14240. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and department stores, the business of which is the sale of general commodities, from points in that part of West Virginia on and north of West Virginia Highway 3; points in that part of Ohio east and south of a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 40 to Vandalia, thence along U.S. Highway 25 to Findlay, thence along Ohio Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 6, thence along U.S. Highway 6 to Sandusky, Ohio; points in that part of Maryland on and west of U.S. Highway 11; and points in that part of Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State Boundary line and extending along U.S. Highway 422 to junction Pennsylvania Highway 259, thence along Pennsylvania 259 to Brush Valley, thence along Pennsylvania 56 to Seward, thence along Pennsylvania Highway 711 to Normalville, and thence along Pennsylvania 381 to the Pennsylvania-West Virginia State Boundary line, including points on the indicated portions of the highways specified, to points and places on and west of U.S. Highway 15.

NOTE.—The purpose of this filing is to eliminate the gateway of Chartiers Township, Pennsylvania. Common control may be involved. This application is directly related to a Section 5 proceeding in MC-F-12461 published in the FEDERAL REGISTER issue of March 19, 1975. If a hearing is deemed necessary, applicant requests it be held at either Buffalo, N.Y. or Pittsburgh, Pa.

No. MC 12472. Authority sought for merger by SPECTOR FREIGHT SYSTEM, INC., 205 W. Wacker Dr., Chicago, IL 60606, of the operating rights and properties of (1) HENNIS FREIGHT LINES, INC., (E. C. Peterson, Trustee), P.O. Box 612, Winston-Salem, NC 27102, and HENNIS FREIGHT LINES, INC. OF NEBRASKA, also of Winston-Salem, N.C. 27102; and (2) the control by SPECTOR FREIGHT SYSTEM, INC., of M & M TANK LINES, INC., M & M TANK LINES OF VIRGINIA, INC., P.O. Box 30006, Washington, D.C. 20014, and HENNIS FREIGHT LINES OF CANADA LIMITED, through the merger of BENTON-SPRY, INC., and SPECTOR INDUSTRIES, INC. Applicants' attorney and representatives: W. D. Spry and B. M. Shirley, P.O. Box 612, Winston-Salem, NC 27102, and Jack Goodman, 39 So. LaSalle St. Chicago, IL 60603. (1) Operating rights sought to be merged: (a) *General commodities*, excepting among others, Class A and B explosives, household goods, and commodities in bulk, and certain specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Illinois, West Virginia, Ohio, Indiana, South Carolina, North Carolina, Georgia, Virginia, Massachusetts, Maryland, Delaware, Pennsylvania, New York, Connecticut, Rhode Island, Michigan, New Jersey, Florida, Missouri, Wisconsin, Kentucky, Tennessee, and the District of Columbia, with

restrictions, serving various intermediate and off-route points, over one alternate route for operating convenience only, as more specifically described in Docket No. MC 64994 and Sub-numbers thereunder; and (b) *general commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, from, to, and between specified points in the States of Nebraska, Missouri, Iowa, Kansas, Illinois, Indiana, and Colorado, with restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC 105807 and Sub-numbers thereunder.

(2) Operating rights sought to be controlled: (a) *certain specified commodities*, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of South Carolina, Virginia, North Carolina, Georgia, Tennessee, New Jersey, Florida, West Virginia, New York, Kentucky, Maryland, Ohio, Pennsylvania, Illinois, Michigan, Missouri, Texas, Indiana, Kansas, Minnesota, Arkansas, Nebraska, Oklahoma, Wisconsin, Iowa, Alabama, Mississippi, and Delaware, as more specifically described in Docket No. MC 123067 and Sub-numbers thereunder; (b) *General commodities*, excepting among others, Class A and B explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Michigan within 8 miles of Detroit, including Detroit; *frozen meats*, from the ports of entry on the United States-Canada Boundary line located at Champlain, Rouses Point, Trout River, Roosevelton, Buffalo, and Niagara Falls, N.Y., and Port Huron and Detroit, Mich., to points in Florida, with restriction; (c) *liquid petroleum products*, in tank *trucks*, as a *common carrier* over irregular routes, from Norfolk, and Hopewell, Va., and Wilmington, N.C., and points within 10 miles of each, to points in that part of North Carolina on and east of U.S. Highway 21; liquefied petroleum gas, in bulk, from Norfolk, Va., to points in Georgia, Tennessee, Kentucky, West Virginia, Pennsylvania and New Jersey. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Florida, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12474. Authority sought for purchase by BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601, of a portion of the operating rights and property of DUBOSE TRUCKING COMPANY, INC., Route 1, Box 257, Denham Springs, LA 70726, and for acquisition by FRED S. BERRY, also of Longview, TX 75601, of control of such rights and property through the purchase. Applicants' attorneys: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, TX 75205, and Cordell H. Haymon, Suite 305, Baton Rouge Savings & Loan Assn., 101 St. Ferdinand, Baton Rouge, LA 70801. Operating rights sought to be transferred: *Sugar*, in containers, as a *common carrier* over irregular routes, from the plant sites of Colonial Sugars Company at Gramercy, La., and of Godchaux-Henderson Sugar Company at Reserve, La., to points in Alabama, Arkansas, Mississippi, Tennessee, and Texas. Vende is authorized to operate as a *common carrier* in Texas, Arkansas, Louisiana, Tennessee, Kansas, Missouri, New Mexico and Mississippi. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12477. Authority sought for purchase by NEW YORK MASSACHUSETTS MOTOR SERVICE, INC., 83 Progress Ave., Springfield, MA 01104, of a portion of the operating rights of COMMERCIAL FREIGHTWAYS, INC., 449 Silver St., Agawam, MA 01001, and for acquisition by PAUL A. DUBREY, also of Springfield, MA 01103, of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, and David M. Marshall, 135 State St., Springfield, MA 01103. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Massachusetts. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGERS

No. MC-F-12478. Authority sought for lease by TENNESSEE TRAILBLAZERS, INCORPORATED, 1000 4th Ave. North Nashville, TN 37219, of the operating rights of BOWLING GREEN-HOPKINSVILLE BUS CO., INC., 181 E. 4th St., Russellville, KY 42276, and for acquisition by DEVEREAUX T. DAVIS AND CHRISTINE T. TREANOR, also of Nashville, TN 37219, of control of such rights through the lease. Applicants' attorney and representative: A. O. Buck, 618 Hamilton Bank Bldg., Nashville, TN 37219, and William G. Fuqua, P.O. Box 351, Russellville, KY 42276. Operating rights sought to be leased: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between Hopkinsville and Bowling Green, Ky., between Springfield and Owensboro, Ky., serving all intermediate points, between Russellville, Ky. and Clarksville, Tenn., serving all intermediate points, and the off-route point of Allensville, Ky. Vendee is authorized to operate as a common carrier in Kentucky and Tennessee. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9275 Filed 4-8-75;8:45 am]

[Notice 261]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 9, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 29, 1975.

Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75580. By order of March 24, 1975, the Motor Carrier Board on reconsideration approved the transfer to Boweil Storage & Transit Co., a corporation, Cincinnati, Ohio, of the operating rights in Certificate No. MC-9442 issued March 28, 1965, to Thomas L. Reynolds, doing business as Lewis Moving & Storage Co., Cincinnati, Ohio, authorizing the transportation of household goods as defined by the Commission, office furniture, and equipment, and store fixtures, between Dayton, Ky., and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Ohio, Tennessee, and West Virginia. James J. Sheridan, 7350 Miami Avenue, P.O. Box 43229, Madeira, Ohio 45243 Registered Practitioner for applicants.

No. MC-FC-75695. By order of March 17, 1975, the Motor Carrier Board approved the transfer to Metro Distribution, Inc., Wilmette, Ill., of the operating rights evidenced by the Certificate of Registration in No. MC-121705 issued December 27, 1973, to F. J. Murphy, Wilmette, Ill., authorizing the holder to engage in operations in interstate commerce corresponding in scope to the authority granted in certificate of public convenience and necessity No. 6648 MC dated October 5, 1954, transferred and reissued July 5, 1972, by the Illinois Commerce Commission. James R. Madler, 1255 N. Sandburg Terrace, Chicago, Ill. 60610 Attorney for applicants.

No. MC–FC–75712. By order entered March 18, 1975, the Motor Carrier Board approved the transfer to RDC Transportation, Inc., Artesia, Calif., of the operating rights set forth in Permit Nos. MC–136539 and MC–136539 (Sub-No. 1), issued by the Commission March 9, 1973, and June 17, 1974, to Peterson Trucking Co., a corporation, North Hollywood, Calif., authorizing the transportation of baby furniture and baby products and materials and supplies used in the manufacture of baby furniture and baby products (except in bulk), between the plant site of Peterson Baby Products Co., at Los Angeles, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and between the plant site and warehouse facilities of Peterson Baby Products Co., located at Reynoldsburg and Obetz, Ohio (near Columbus, Ohio), on the one hand, and, on the other, points in that part of the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Ohio), under a continuing contract or contracts, with Peterson Baby Products Co. Robert Brown, P.O. Box 5345, Sherman Oaks, Calif. 91413, attorney for applicants

No. MC–FC–75727. By order entered March 13, 1975 the Motor Carrier Board approved the transfer to Hill's Truck Line, Inc., (a North Carolina corporation) Murfreesboro, N.C., of the operating rights set forth in Certificate No. MC–59263, issued November 12, 1974, to Lensey Elias Vinson, doing business as L. E. Vinson Farms, Woodland, N.C., authorizing the transportation of general commodities, with the usual exceptions, from Norfolk, Va., and points in Virginia within 25 miles of Norfolk, to Conway, N.C., and points in North Carolina within 35 miles of Conway; and various specified commodities, from, to, and between points in North Carolina, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, South Carolina, Maryland, Delaware, Georgia, Tennessee, and the District of Columbia. Joseph E. Wall, P.O. Box 709, Raleigh, N.C. 27602, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–9278 Filed 4–8–75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

APRIL 3, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 7971 (Sub-No. 9G), filed June 4, 1974. Applicant: AMERICAN SECURITY VANLINES, INC., P.O. Box 968, Atlanta, Ga. 30344. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and the District of Columbia; except, (1) between points in Arkansas, Kansas, Kentucky, Missouri, and Oklahoma and (2) between points in Delaware, Maine, New Hampshire and Vermont. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and 135 miles thereof, Westchester County, N.Y., Monmouth County, N.J., and Fort Smith, Ark.

No. MC 34231 (Sub-No. 9G), filed May 28, 1974. Applicant: D & H TRUCKING, INC., 4240 South 33rd West Avenue, P.O. Box 9158, Tulsa, Okla. 74107. Applicant's representative: Marion F. Jones, 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: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof and (2) *machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Oklahoma and Texas, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Louisiana, Missouri, Nebraska, New Mexico, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 41951 (Sub.-No. 21G), filed June 3, 1974. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, P.O. Box 458, Cambridge, Md. 21613. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in Ohio and Michigan, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania and those in Virginia on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Cambridge, Md. (2) from Cambridge, Md., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Petersburg, Va.

No. MC 46219 (Sub-No. 11G), filed June 4, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–50 Court Square, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New furniture*, (1) from points in Connecticut, to points in New Jersey, New York and Pennsylvania, (2) from points in Massachusetts, to points in New York, Pennsylvania and New Jersey; and (3) from points in New Jersey, to points in New York, Pennsylvania, Delaware, Maryland, District of Columbia, North Carolina, South Carolina, Alabama, Florida, Georgia, Louisiana, Mississippi and West Virginia. The purpose of this filing is to eliminate the gateway of New York, N.Y. (4) From points in New York, to points in Vermont, New Hampshire, Massachusetts, Ohio, Connecticut, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia and West Virginia. The purpose of this filing is to eliminate the gateways at New York City and Patterson, N.J. (5) From points in New Hampshire, to points in New Jersey, Pennsylvania, New York and West Virginia. The purpose of this filing is to eliminate the gateway at New York City.

(6) From points in Vermont, to points in New Jersey, Pennsylvania, New York and West Virginia. The purpose of this filing is to eliminate the gateway at New York City and Jamestown, N.Y. (7) From points in Pennsylvania, to points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Ohio. The purpose of this filing is to eliminate gateways at New York City, Paterson, N.J. and Warren, Pa. (8) From Points in Maryland, to points in New Jersey, Pennsylvania, New York, and Ohio. The purpose of this filing is to eliminate the gateways at New York City, Paterson, N.J. and Warren, Pa. (9) From points

in Delaware, to points in New Jersey, Pennsylvania, New York and Ohio. The purpose of this filing is to eliminate the gateways at New York City, Paterson, N.J. and Warren, Pa. (10) From points in West Virginia, to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway at New York City. (11) From points in Virginia, to points in Pennsylvania, New York, New Jersey, Ohio and Maine.

The purpose of this filing is to eliminate the gateways at New York City, Warren, Pa. and Jamestown, N.Y.

(B) *New furniture uncrated,* (1.) from points in New York, to points in Rhode Island and Maine. The purpose of this filing is to eliminate the gateways at New York City, New Haven, Conn., Warren, Pa. and Jamestown, N.Y. (2) From points in the District of Columbia, to points in Connecticut, Massachusetts, Rhode Island, Pennsylvania, Vermont, New Hampshire, Ohio and Maine. The purpose of this filing is to eliminate the gateways at New York City, Paterson, N.J., Warren, Pa., and Jamestown, N.Y. (3) from Rhode Island, to points in New York. The purpose of this filing is to eliminate the gateways at New York City and Meriden, Conn. (4) From points in West Virginia, to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateways at New York City and Jamestown, N.Y. (5) From points in Kentucky, to points in Pennsylvania, New York, and Maine. The purpose of this filing is to eliminate the gateways at Alexandria, Va., New York City, Jamestown, N.Y. and Warren, Pa. (6) From points in Tennessee, to points in Pennsylvania, New York, and Maine. The purpose of this filing is to eliminate the gateways at Alexandria, Va., New York City, Jamestown, N.Y. and Warren, Pa.

(7) From points in Louisiana, to points in Pennsylvania, New York, Maine, and Ohio. The purpose of this filing is to eliminate the gateways at Alexandria, Va., Warren, Pa. and Jamestown, N.Y. (8) From points in South Carolina, to points in Pennsylvania, New York, Maine, and Ohio. The purpose of this filing is to eliminate the gateways at Alexandria, Va., Warren, Pa. and Jamestown, N.Y. (9) From points in North Carolina, to points in Pennsylvania, New York, Maine, and Ohio. The purpose of this filing is to eliminate the gateways at Alexandria, Va., Warren, Pa. and Jamestown, N.Y.

(C) *New furniture uncrated* (or crated when moving in the same vehicle with uncrated), (1) from New Jersey, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina and Tennessee; (2) from New York to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, and Tennessee; and (3) from points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways at New York City.

No. MC 56244 (Sub-No. 32G), filed June 5, 1974. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. No. 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit and vegetable products*, (a) from points in that part of West Virginia on and north of U.S. Highway 50 and west of U.S. Highway 522; to points in Illinois, Indiana, Kentucky and Michigan. The purpose of this filing is to eliminate the gateways of Biglerville, Gardners, Orrtanna and Peach Glen, Pa. (b) from points in that part of West Virginia on and north of U.S. Highway 50, to points in Ohio. The purpose of this filing is to eliminate the gateway at Aspers, Pa. (2) *canned fruits and vegetables*, (a) from Baltimore, Md., to points in West Virginia south of U.S. Highway 50, and those in New Jersey on and south of U.S. Highway 33, (b) from New York, N.Y., to points in New Jersey on and south of U.S. Highway 33, (c) from points in Ohio, to points in West Virginia south of U.S. Highway 50, (d) from New York, N.Y., to points in Maryland east of U.S. Highway 15 and U.S. Highway 340 (except Baltimore), (e) from points in Ohio, to points in Maryland (except Baltimore), (f) from points in West Virginia on and north of U.S. Highway 50, to points in Maryland (except Baltimore), and (g) from points in Ohio, to points in New York (except New York City and points within 15 miles thereof). The purpose of this filing is to eliminate the gateway of Littlestown, Pa. (h) from Baltimore, Md., to points in Pennsylvania east of U.S. Highway 15, (i) from New York, N.Y., to points in Pennsylvania, (j) from points in Ohio, to points in Pennsylvania, and (k) from points in West Virginia on and north of U.S. Highway 50, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Littlestown, Pa., New Windsor, Md., and Westminster, Md.

No. MC 95876 (Sub-No. 153G), filed June 4, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building woodwork*, from points in Minnesota, to points in Illinois and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of New London, Wis. (2) *Machinery* (except tractors and agricultural machinery), between points in Minnesota, on the one hand, and, on the other, points in Illinois and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of New London, Wis. (3) *Lumber*, from points in Minnesota, to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Michigan, and New York. The purpose of this filing is to eliminate the gateway of Superior, Wis. (4) *Cast iron pipe and fittings*, from points in Minnesota, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, South Carolina, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 106603 (Sub-No. 134G), filed June 3, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Building and roofing materials*, (a) from points in Illinois, Indiana, Ohio, and the St. Louis, Missouri Commercial Zone, to points in Michigan. The purpose of this filing is to eliminate the gateways at Whiting, Ind., points in Indiana; and Wilmington, Ill. (b) From points in Illinois to points in Ohio, Delaware, Maryland, New Jersey, New York, Pennsylvania, the District of Columbia, West Virginia (points north of U.S. Highway 50), and Virginia (points north of U.S. Highway 50), Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways of Joliet, Ill., Vandalia, Ill., Whiting, Ind., and points in Indiana, Chicago Heights, Ill., and Avery, Ohio. (c) From points in Ohio to points in Illinois, Missouri (within 10 miles of the west bank of the Mississippi River), Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways of Lowell, Ind., points in Indiana, Lockland, Ohio, Joliet, Ill., Vandalia, Ill., and Shoals, Ind.

(d) From points in Indiana to points in Missouri (within 10 miles of the west bank of the Mississippi River), the St. Louis Commercial Zone, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia (points north of U.S. Highway 50), West Virginia (points north of U.S. Highway 50), the District of Columbia and Illinois. The purpose of this filing is to eliminate the gateways of Joliet, Ill., Vandalia, Ill., Lowell, Ind., Whiting, Ind., and Avery, Ohio. (e) From points in the St. Louis, Missouri Commercial Zone to points in Kentucky, Delaware, Maryland, New Jersey, New York, Pennsylvania, Tennessee (points east of Interstate Highway 65), the District of Columbia, Virginia (points north of U.S. Highway 50), and West Virginia (points north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways at Chicago Heights, Ill., Wilmington, Ill., Shoals, Ind., South Bend, Ind., Whiting, Ind., points in Illinois, points in Indiana and Avery, Ohio. (f) From Grand Rapids and Grandville, Michigan to Delaware, Kentucky, Maryland, Missouri (points within 10 miles of the west bank of the Mississippi River), New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateways at Avery, Ohio, Joliet, Ill., Vandalia, Ill., Shoals, Ind., Whiting, Ind. and points in Indiana. (g) From points in Ohio (on and

west of Interstate Highway 75) to points in Delaware, New Jersey, New York, Pennsylvania, the District of Columbia, Virginia (points north of U.S. Highway 50) and West Virginia (points north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways of points in Indiana and Avery, Ohio.

(h) From Louisville, Kentucky, to points in Illinois (on and north of Highway 17) and Michigan. The purpose of this filing is to eliminate the gateways at Whiting and Lowell, Ind., Wilmington, Ill., and South Bend, Ind. (i) From points in Michigan (east of a line along Highway 127 north from the Indiana-Michigan state line to Lansing, Michigan, thence along Highway 27 north to Clare, Michigan, thence along Interstate Highway 75 north of Mackinaw City) to points in Indiana (on and south of Highway 40), Kentucky (west of Interstate Highway 65) and Tennessee (west of Interstate Highway 65). The purpose of this filing is to eliminate the gateways at Avery, Ohio, and Shoals, Ind. (j) From points in Pennsylvania, New York, Delaware, New Jersey, Washington, D.C., Maryland, Virginia (points north of U.S. Highway 50), and West Virginia (points north of U.S. Highway 50) to points in Missouri (within 10 miles of the west bank of the Mississippi River). The purpose of this filing is to eliminate the gateways at Whiting and Lowell, Ind., and Avery, Ohio. (k) From points in Pennsylvania, New York, Indiana, New Jersey, Washington, D.C., Maryland, Virginia (points north of U.S. Highway 50), and West Virginia (points north of U.S. Highway 50) to points in Illinois. The purpose of this filing is to eliminate the gateways at Whiting, Ind., Lowell, Ind., and Avery, Ohio. (l) From points in Pennsylvania, New York, Delaware, New Jersey, the District of Columbia, Maryland, Virginia (points north of U.S. Highway 50), and West Virginia (points north of U.S. Highway 50) to points in Indiana. The purpose of this filing is to eliminate the gateways at Whiting, Ind., Lowell, Ind., and Avery, Ohio. (2) *Salt and salt products,* from Manistee, Midland and St. Louis, Michigan to points in Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateways at Akron and Rittman, Ohio.

(3) *Composition board,* from the facilities of Champion International Corporation at Oxford, Mississippi to points in Indiana. The purpose of this filing is to eliminate the gateway at any point in Illinois or point in Ohio. (4) *Brick and tile,* from the plantsites of Metropolitan Brick at West Darlington, Bessemer, Beaver Falls, and East Dale, Pennsylvania, to points in Illinois, Iowa (on and east of Highway 63), Kentucky, Michigan, St. Louis, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateways at Avery, Ohio, Vandalia, Ill., Wilmington, Ill., Shoals, Ind., Whiting, Ind., and points in Indiana. (5) *Glazed structural masonry products and glazed masonry products,* from Lansing and Ypsilanti, Michigan to points in Iowa (on and east of U.S. Highway 63), and St. Louis, Missouri. The purpose of this filing is to eliminate the gateway at points in Indiana and Vandalia, Ill. (6) *Building stone, blocks and clay products,* from points in Ohio to points in Iowa, Missouri (on and east of U.S. Highway 63), and Wisconsin (on and east of U.S. Highway 10). The purpose of this filing is to eliminate the gateway at Indiana, on and south of U.S. Highway 36 (except Indianapolis and Lawrence and Monroe Counties); points in Indiana.

No. MC 108207 (Sub-No. 393G), filed June 4, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and frozen foods,* from points in Kansas, Iowa, and Nebraska, to points in Oklahoma, Arkansas, Mississippi, and Memphis, Tenn., and (2) *frozen foods, meats, meat products, meat byproducts, dairy products, salad dressing, yeast, and uncooked bakery goods,* from points in Oklahoma, Arkansas, Mississippi, and Memphis, Tenn., to points in Kansas, Iowa, and Nebraska. The purpose of this filing is to eliminate the gateways of points in Texas and Louisiana.

No. MC 118831 (Sub-No. 111G), filed June 4, 1974. Applicant: CENTRAL TRANSPORT, INC., Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except Petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, from points in North Carolina (except Charlotte), to points in Georgia, restricted against the transportation of caustic soda, in bulk, from Acme, N.C., and points within five miles thereof. The purpose of this filing is to eliminate the gateway at points in South Carolina. (2) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, from points in North Carolina, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (3) *Liquid chemicals* (except petrochemicals), in bulk, from points in South Carolina, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway at Charlotte, N.C.

(4) *Liquid chemicals,* in bulk, from points in Richmond County, Ga., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (5) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials, and vegetable oils), from points in North Carolina (except Charlotte), to points in Alabama. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (6) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials), in bulk, from points in North Carolina (except Charlotte), to points in Florida. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (7) *Liquid chemicals* (except petrochemicals anyhdrous ammonia, fertilizer and fertilizer materials and vegetable oils), in bulk, from points in North Carolina (except Charlotte), to filing is to eliminate the gateway at Charlotte, N.C. (8) *Liquid chemicals,* in bulk, from Charlotte, North Carolina, to points in Mississippi. The purpose of this filing is to eliminate the gateway at Lanett, Ala. (9) *Liquid chemicals* (except petrochemicals), in bulk, from points in South Carolina, to points in Alabama. The purpose of this filing is to eliminate the gateway at Charlotte, N.C.

(10) *Liquid chemicals* (except petrochemicals, fertilizer, and vegetable oils), in bulk, from points in South Carolina, to points in Mississippi. The purpose of this filing is to eliminate the gateway at Lanett, Ala. (11) *Liquid chemicals,* in bulk, from points in Richmond County, Ga., to points in Alabama. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (12) *Liquid chemicals* (except fertilizer and vegetable oils), in bulk, from Richmond County, Ga., to points in Mississippi. The purpose of this filing is to eliminate the gateways at Charlotte, N.C., and Lanett, Ala. (13) *Liquid chemicals* (except petrochemicals), in bulk, from points in South Carolina to points in Florida. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (14) *Liquid chemicals,* in bulk, from Richmond County, Ga., to points in Florida. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (15) *Liquid chemicals,* in bulk, from Robertson County, Tenn., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Charlotte, N.C. (16) *Liquid chemicals,* in bulk, from Robertson County, Tenn., to points in Florida. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

(17) *Liquid chemicals* in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company, Incorporated in Chesapeake, Virginia (within the Norfolk Commercial Zone), to points in Alabama, Florida, Georgia, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway in that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74, co-extensive with the gateway of Charlotte, North Carolina. (18) *Liquid chemicals,* in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company, Incorporated located at Chesapeake, Virginia, to points in Connecticut, Delaware, Maryland, Massachusetts, New

Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway at that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74, co-extensive with Charlotte, North Carolina which lies within the above described area. (19) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company located at Chesapeake, Virginia, to points in North Carolina, west of U.S. Highway 21 and south of U.S. Highway 74. The purpose of this filing is to eliminate the gateway at that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74.

(20) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from the plant site of Howerton-Gowen Company located at Chesapeake, Virginia, to points in Virginia. The purpose of this filing is to eliminate the gateway at any point in North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74. (21) Liquid chemicals (except fertilizer and vegetable oils), in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company located at Chesapeake, Virginia, to points in Mississippi. The purpose of this filing is to eliminate the gateway at that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74; Charlotte, North Carolina and Lanett, Alabama. (22) *Dry chemicals* (except fertilizer), in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway at Lanett, Alabama. (23) *Dry chemicals*, in bulk, in tank type vehicles, from Kanawha County, West Virginia, to points in Georgia and Virginia. The purpose of this filing is to eliminate the gateway in North Carolina. (24) *Dry chemicals* (except fertilizer), in bulk, in tank vehicles, from Kanawha County, West Virginia, to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway at points in North Carolina and Lanett, Alabama.

(25) *Dry chemicals*, in bulk, from the plant site of Howerton-Gowen Company located in the Chesapeake, Virginia, to points in Georgia, South Carolina and Virginia. The purpose of this filing is to eliminate the gateway at any point in North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74. (26) *Dry chemicals* (except fertilizer), in bulk, in tank vehicles, from the plant-site of Howerton-Gowen Company of Chesapeake, Virginia, to points in Alabama and Mississippi. The purpose of filing is to eliminate the gateway at that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74 and Lanett, Alabama. (27) *Dry chemical fertilizers and fertilizer materials*, in bulk, in tank or hopper-type vehicles, from the plant site of the Smith-Douglas Division of Borden, Incorporated at Chesapeake, Virginia, and the plant site of F. S. Royster Company at Norfolk, Virginia, to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway at points in Hertford County, N.C. (28) *Liquid fertilizers and fertilizer materials*, in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company located at Chesapeake, Virginia, to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia (except points in Kanawha and Pleasants Counties, West Virginia. The purpose of this filing is to eliminate the gateway at points in Hertford County, N.C.

(29) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in South Carolina, Georgia, and Virginia. The purpose of this filing is to eliminate the gateway at Transylvania County, N.C. (30) *Dimethyl Terephthalate molten*, in bulk, from Old Hickory, Tenn., to points in North Carolina. The purpose of this filing is to eliminate the gateways at Transylvania County, N.C. and points in South Carolina. (31) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at Transylvania County, N.C. and Lanett, Ala. (32) *Dimethyl Terephthalate molten*, in bulk, in tank or hopper-type vehicles from Old Hickory, Tenn., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at Transylvania County, South Carolina, and Lanett, Ala. (33) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in Florida. The purpose of this filing is to eliminate the gateways at Transylvania County and Charlotte, N.C. (34) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in South Carolina and Virginia. The purpose of this filing is to eliminate the gateway at Transylvania County, N.C. (35) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in Georgia. The purpose of this filing is to eliminate the gateways at Transylvania County, and points in South Carolina.

(36) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways at Transylvania County, and Charlotte, N.C. (37) *Dimethyl Terephthalate*, in bulk, from New Hanover County, N.C. and Spartanburg County, S.C. to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Michigan, Missouri, Mississippi, Ohio, Tennessee (except Kingsport and Elizabethton and except Lowland when from Spartanburg, County), and West Virginia (except Lowland when from Spartanburg, filing is to eliminate the gateway of Robertson County, Tenn. (38) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, Tennessee (except Elizabethton, Kingsport, and Lowland), and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at Spartanburg County, S.C. and Robertson County, Tenn. (39) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, Tennessee (except Elizabethton, Kingsport, and Lowland), and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateway of Spartanburg County, S.C., and Robertson County, Tenn.

(40) *Dimethyl Terephthalate Molten*, in bulk, from points in South Carolina, to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, Tennessee (except Elizabethton, Kingsport and Lowland), and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at North Carolina, Spartanburg County, S.C., and Robertson County, Tenn. (41) *Dimethyl Terephthalate*, dry, in bulk, from Gibbstown, N.J., to points in Georgia, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway at the plant site of Du Pont Company at Graingers, N.C. (42) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from Gibbstown, N.J., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company at Graingers, North Carolina, and Lanett, Alabama. (43) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from Gibbstown, N.J., to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, North Carolina, Ohio, Tennessee (except Elizabethton, Kingsport, and Lowland), and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company, Graingers, N.C., Spartanburg, S.C., and Robertson County, Tenn.

(44) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in South Carolina and Virginia. The purpose of this filing is to eliminate the gateway at the plant site of E. I. Du Pont Company at Graingers, N.C. (45) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in North Carolina and Georgia. The purpose of this filing is to eliminate the gateway at the plant site of Du Pont Company at Graingers, N.C. and the State of South Carolina.

(46) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Alabama and Florida. The purpose of this filing is to eliminate the gateway at the plant site of Du Pont Company at

Graingers, N.C., and Charlotte, N.C. (47) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Mississippi. The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company at Graingers, N.C., and the State of South Carolina, and Lanett, Ala. (48) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Tennessee (except Elizabethton, Kingsport and Lowland). The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company at Graingers, N.C., and Spartanburg County, S.C. (49) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company at Graingers, N.C., Spartanburg County, S.C., and Robertson County, Tenn.

(50) *Dry Synthetic Plastic Resins*, in bulk, in tank or hopper-type vehicles, from Greenville County, S.C., to points in Georgia, South Carolina and Virginia. The purpose of this filing is to eliminate the gateway of the State of North Carolina. (51) *Dry Synthetic Plastic Granules or Pellets*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Georgia, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway at North Carolina. (52) *Dry Synthetic Plastic Resins*, in bulk, in tank or hopper-type vehicles, from Greenville County, S.C., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway at North Carolina and Lanett, Ala. (53) *Dry Synthetic Plastic Granules or Pellets*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at North Carolina and Lanett, Ala. (54) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Alabama, Florida, and Tennessee (except Elizabethton and Kingsport). The purpose of this filing is to eliminate the gateway at Greenville County, S.C. (55) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Alabama, Florida, and Tennessee (except Elizabethton and Kingsport). The purpose of this filing is to eliminate the gateways at North Carolina and Greenville County, S.C.

(56) *Dry Polyethylene Resins*, in bulk, from Greenville County, S.C., to points in Arkansas, Kentucky, Indiana, Mississippi, Ohio, South Carolina, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateway at Robertson County, Tenn. (57) *Dry Polyethylene Resins*, in bulk, from points in North Carolina, to points in Arkansas, Kentucky, Indiana, Mississippi, North Carolina, Ohio, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at Greenville County, S.C., and Robertson County, Tenn. (58) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Arkansas, Kentucky, Indiana, Mississippi, Ohio, South Carolina, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at North Carolina, Greenville County, S.C., and Robertson County, Tenn. (59) *Dry Plastic Granules or Pellets*, in bulk, in tank or hopper-type vehicles, from Hopewell, Va., to points in Georgia, and Virginia. The purpose of this filing is to eliminate the gateway at North Carolina. (60) *Dry Polyethylene Resins*, in bulk from Hopewell, Va., to points in Alabama, Florida, Tennessee (except Kingsport and Elizabethton). The purpose of this filing is to eliminate the gateways at Greenville County, S.C. (61) *Dry Polyethylene Resins*, in bulk, from Hopewell, Va., to points in Mississippi. The purpose of this filing is to eliminate the gateways at Greenville County, S.C., and Lanett, Ala. (62) *Dry Polyethylene Resins*, in bulk, from Hopewell, Va., to points in Arkansas, Kentucky, Indiana, Mississippi, Ohio, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at Greenville County, S.C., and Robertson County, Tenn.

(63) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from Laurens County, S.C., to points in Alabama, Florida, Georgia, and Tennessee (except Elizabethton and Kingsport). The purpose of this filing is to eliminate the gateways at North Carolina and Greenville County, S.C. (64) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from Laurens County, S.C., to points in Arkansas, Kentucky, Indiana, Mississippi, Ohio, South Carolina, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at North Carolina, Greenville County, S.C., and Robertson County, Tenn. (65) *Liquid Fertilizer and Fertilizer Materials*, in bulk, from Hertford County, N.C., to points in Florida. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (66) *Liquid Fertilizer and Fertilizer Materials*, in bulk, from points in South Carolina, to points in Delaware, Maryland, New Jersey, Pennsylvania, South Carolina, and West Virgina (except Kanawha and Pleasants Counties). The purpose of this filing is to eliminate the gateway at Hertford County, N.C. (67) *Liquid Fertilizer and Fertilizer Materials*, in bulk, from Richmond County, Ga., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, and West Virginia (except Pleasants and Kanawha Counties). The purpose of this filing is to eliminate the gateway at Hertford County, N.C.

(68) *Coconut Oil*, in bulk, from Memphis, Tenn., to points in Delaware, Maryland, Pennsylvania, and Virginia (except Portsmouth and Suffolk and points within five miles of each). The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (69) *Coconut Oil*, in bulk, from Memphis, Tenn., to points in West Virginia. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (70) *Barite*, in bulk, from Cartersville, Ga., to points in Georgia and Virginia. The purpose of this filing is to eliminate the gateway at North Carolina. (71) *Dry Sand, Ground and Pulverized*, in bulk, in tank or hopper-type vehicles equipped with pneumatic unloading devices, from the plantsite of Pennsylvania Glass-Sand Company at Edmund, S.C. (in Lexington County, approximately 10 miles south of Columbia, South Carolina), to points in South Carolina and Virginia. The purpose of this filing is to eliminate the gateway at North Carolina. (72) *Kaolin Clay*, in bulk, in tank or hopper-type vehicles, from Aiken County, S.C., to points in Georgia and South Carolina. The purpose of this filing is to eliminate the gateway at North Carolina. (73) *Dry Cement*, in bulk, from points in North Carolina, to points in South Carolina and Virginia (limited to shipments which have received immediate prior movement by rail from Cowan or Nashville, Tennessee; Rockmart, Georgia; or Security, Maryland). The purpose of this filing is to eliminate the gateway at Wilmington, N.C.

(74) *Dry Cement*, in bulk, from points in North Carolina, to points in South Carolina and Virginia (limited to shipments which have had a prior movement by rail or water from Baltimore, Maryland; Norfolk, Virginia; Wilmington, North Carolina; Charleston, South Carolina; or Savannah, Georgia). The purpose of this filing is to eliminate the gateway at Wilmington, N.C. (75) *Dry Cement*, in bulk, from Spencer, N.C., to points in South Carolina and Virginia (limited to the transportation of shipments having prior movement by rail). The purpose of this filing is to eliminate the gateway at Wilmington, N.C. (76) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways at the plantsite of Du Pont Company, Garingers, N.C., and Charlotte, N.C. (77) *Dry Kaolin Clay*, in bulk, in tank or hopper-type vehicles, from Aiken County, S.C., to points in Maine, New Jersey, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateways at North Carolina and McIntyre, Ga. (78) *Dry Clay*, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Maine, New Jersey, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway at McIntyre, Ga. (79) *Limestone*, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in New Jersey, New York, Ohio, Pennsylvania, and Texas. The purpose of this filing is to eliminate the gateway of Cartersville, Ga.

(80) *Dry Plastic Granules and Pellets*, in bulk, from Hopewell, Va., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at North Carolina and Lanett, Ala. (81) *Urea Fertilizer and Fertilizer Materials*, in bulk, in tank or hopper-type vehicles,

from Wilmington, N.C., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia (restricted against the transportation of liquid fertilizer and liquid fertilizer materials to points in Kanawha and Pleasants Counties, West Virginia, and restricted to shipments having a prior movement by water). The purpose of this filing is to eliminate the gateway at Hertford County, N.C. (82) *Dry Plastic Granules or Pellets*, in bulk, from Hopewell, Va., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway at North Carolina and Lanett, Ala. (83) *Liquid chemicals*, in bulk (except fertilizer and vegetable oils), from Lanett, Ala., to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway at Richmond County, Ga. (84) *Liquid chemicals*, in bulk (except fertilizer and vegetable oils), from Lanett, Ala., to points in Florida. The purpose of this filing is to eliminate the gateways at Richmond County, Ga., and Charlotte, N.C.

(85) *Liquid Chemicals* (except fertilizer and vegetable oils), in bulk, from Lanett, Ala., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways at Richmond County, Ga., and Charlotte, N.C. (86) *Liquid Chemicals* (except fertilizer and vegetable oils), in bulk, from Charlotte, N.C., to points in Mississippi. The purpose of this filing is to eliminate the gateway at Lanett, Ala. (87) *Liquid Chemicals* (except petrochemicals, fertilizer and vegetable oils), in bulk, from Richmond County, Ga., to points in Alabama. The purpose of this filing is to eliminate the gateways at South Carolina and Lanett, Ala. (88) *Liquid Chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials), in bulk, from points in North Carolina, to points in North Carolina. The purpose of this filing is to eliminate the gateway at South Carolina. (89) *Liquid Chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, from points in South Carolina, to points in South Carolina. The purpose of this filing is to eliminate the gateway at North Carolina. (90) *Liquid chemicals*, in bulk (except petrochemicals) from points in Richmond County, Ga., to points in Georgia. The purpose of this filing is to eliminate the gateway at South Carolina.

No. MC 124947 (Sub-No. 26G), filed June 4, 1974. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 266, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, Suite 223, Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, (1) between points in Ohio, on the one hand, and, on the other, points in Colorado, New Mexico, Kansas, Oklahoma, Texas, and Louisiana, (2) between points in Kentucky, on the one hand, and, on the other, points in Colorado, New Mexico, Kansas, Oklahoma, Texas, and Louisiana, (3) from points in Indiana, Kentucky, Ohio, and Missouri, to points in Arkansas, (4) between points in Missouri, on the one hand, and, on the other, points in Colorado, New Mexico, Oklahoma, Texas, Kansas, and Louisiana, (5) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas, and (6) between points in Indiana, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of points in Williamson, Franklin, or Saline Counties, Ill.

(7) from points in Louisiana, to points in Colorado, Kansas, and New Mexico, (8) from points in Colorado, to points in Kansas, and New Mexico, (9) from points in Kansas, to points in Colorado, and New Mexico, (10) from points in New Mexico, to points in Colorado, and Kansas, and (11) from points in Oklahoma, to points in Colorado, Kansas, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Illinois. (12) from Chicago, Ill., to points in Arkansas, Colorado, Kansas, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Texas. (13) from points in Texas, to points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Williamson, Franklin or Saline Counties, Ill. (B) *heavy machinery*, between Rock County, Wis., on the one hand, and, on the other, points in Colorado, New Mexico, Texas, Oklahoma, Kansas, Louisiana, Indiana, Ohio, Kentucky, Missouri, and Arkansas. The purpose of this filing is to eliminate the gateways of points in Illinois or points in Williamson, Franklin or Saline Counties, Ill.

No. MC 126625 (Sub-No. 14G), filed June 3, 1974. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Bluegrass Airport, Lexington, Ky. 40504. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Weir-Cook Airport near Indianapolis, Ind., on the one hand, and, on the other, O'Hare International Airport, Chicago, Ill., restricted to the transportation of shipments having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of the Greater Cincinnati Airport (Boone County), Ky. (2) between points in Barren County, Ky., on the one hand, and, on the other, Standiford Field, Louisville, Ky., restricted to the transportation of shipments having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateways of the Weir-Cook Airport near Indianapolis, Ind. and the Greater Cincinnati Airport (Boone County), Ky.

NOTICES

APRIL 3, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 21, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 19157 (Sub-No. E1), filed May 31, 1974. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. No. 3, P.O. Box 4, Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, 1111 E. St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Radioactive source, special nuclear and by-products materials, radioactive material shipping containers, nuclear reactor component parts and equipment* used in the operation of nuclear reactors (except commodities in bulk or in tank vehicles, and commodities which by reason of size or weight require the use of special equipment); (1) between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 219, and points in Illinois, Indiana, Ohio, Kentucky, Louisiana, Michigan, Mississippi, Wisconsin, Florida, Alabama, Tennessee, and West Virginia (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.J.)*; (2) between points in Vermont, New Hampshire, and Maine (except points in that part of New Hampshire and Maine south of a line beginning at the Massachusetts-New Hampshire State line, thence along U.S. Highway 202 to Portland, Maine), on the one hand, and, on the other, points in Georgia (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.Y.)*; (3) be-

tween points in Massachusetts, on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Ohio, Kentucky, Louisiana, Michigan, Mississippi, and Wisconsin, and points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to DuBois, Pa., thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, points in that part of West Virginia on and west of U.S. Highway 119, points in that part of Tennessee on and west of U.S. Highway 27, including points in Roane and Anderson Counties, Tenn., points in that part of Georgia on and west of U.S. Highway 27, and points in that part of Florida on, west, and south of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 27 to Tallahassee, thence along U.S. Highway 19 to junction Florida Highway 50, thence along Florida Highway 50 to Cape Kennedy, Fla. (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.Y.) *;

(4) between points in Rhode Island, on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Ohio, Kentucky, Louisiana, Michigan, Mississippi, Wisconsin, points in that part of Tennessee on and west of a line along the Powell River from the Tennessee-Kentucky State line to the Tennessee River, thence along the Tennessee River south to Chattanooga (including Anderson and Roane Counties), points in Florida west of the Appalachicola River and points south of a line along Florida Highway 60 from Tampa to Vero Beach, and points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to Charleston, thence along U.S. Highway 119 to the Kentucky-West Virginia State line (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.Y.) *; (5) between points in Passaic, Bergen, Essex, Union, and Hudson Counties, N.J., on the one hand, and, on the other, points in Wisconsin, the Upper Peninsula of Michigan, and those points in New York on and north of U.S. Highway 20 (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.Y.) *; (6) between points in New York, on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Michigan, Kentucky, Mississippi, and Louisiana (Cattaraugus County, N.Y.) *; (7) between points in Chautaugua, Erie, Niagara, Allegany, Wyoming, Genesee, and Orleans Counties, N.Y., on the one hand, and, on the other, points in New Jersey and Maryland (Cattaraugus County, N.Y.) *; (8) between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to Elmira, thence along New York Highway 13 to Cortland, thence along Interstate Highway 81 to the St. Lawrence River, on the one hand, and, on the other, points in North Carolina (Cattaraugus County, N.Y.) *;

(9) between points in North Carolina, Virginia, and South Carolina, on the one hand, and, on the other, points in that part of New York on and north of a line beginning at Buffalo, thence along U.S. Highway 20 to junction New York Highway 145, thence along New York Highway 145 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line (Cattaraugus County, N.Y., and Niskayuna, N.Y.) *; (10) between points in Tennessee and Georgia, on the one hand, and, on the other, points in New York (except Long Island, New York City, and points in Richmond, Bronx, Rockland, Westchester, Putnam, Orange, Dutchess, Ulster, Sullivan, and Delaware Counties) (Cattaraugus County, N.Y., and Niskayuna, N.Y.) *; (11) between points in that part of Tennessee on and west of U.S. Highway 231, on the one hand, and, on the other, Long Island, New York City, and Richmond, Bronx, Rockland, Westchester, Putnam, Orange, Dutchess, Ulster, Sullivan, and Delaware Counties, N.Y. (Cattaraugus County, N.Y.) *; (12) between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the St. Lawrence River, on the one hand, and, on the other, points in West Virginia (Cattaraugus County, N.Y.) *;

(13) between points in New York (except New York, N.Y., and Nassau and Suffolk Counties, N.Y.), on the one hand, and, on the other, points in Ohio (Cattaraugus County, N.Y.) *; (14) between points in that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in New York (except Long Island, New York City, and Richmond, Bronx, Westchester, Putnam, Orange, Dutchess, Ulster, Sullivan, Delaware, and Chautauqua Counties, N.Y.) (Cattaraugus County, N.Y.) *; (15) between points in Washington, D.C., on the one hand, and, on the other, points in Chautauqua, Erie, Niagara, Orleans, Monroe, Genesee, Wyoming, Livingston, and Allegany Counties, N.Y., and points in that part of New York on, north, and east of a line beginning at the St. Lawrence River, thence along New York Highway 12 to Utica, thence along Interstate Highway 90 to the New York-Massachusetts State line (including all points in Montgomery, Schenectady, and Albany Counties, N.Y.) (Cattaraugus County, N.Y., or Niskayuna, N.Y.) *; (16) between points in Alabama, on the one hand, and, on the other, points in New York (except Long Island, New York City, Westchester, and Rockland Counties) (Cattaraugus County, N.Y.) *; (17) between points in Delaware, on the one hand, and, on the other, points in that part of New York on and north or east of a line beginning at the St. Lawrence River, thence along New York Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, and points in Chautauqua, Erie, Niagara, Orleans, Genesee, Wyoming, and Allegany Counties, N.Y. (Cattaraugus County, N.Y., and Niskayuna, N.Y.) *;

(18) between points in Florida, on the one hand, and, on the other, points in New York (except Long Island, New York City, Westchester, and Rockland Counties) (Cattaraugus County, N.Y.) *; (19) between points in Litchfield, Hartford, Tolland, Windham, New London, and Middlesex Counties, Conn., on the one hand, and, on the other, points in Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Mississippi, Louisiana, points in that part of Tennessee on and west of U.S. Highway 231, points in that part of Alabama on, north, and west of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 72 to Scottsboro, Ala., thence along Alabama Highway 79 to Birmingham, Ala., thence along Alabama Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to Mobile, Ala. (Niskayuna, N.Y., and Cattaraugus County, N.Y.) *; (20) between points in New Haven and Fairfield Counties, Conn., on the one hand, and, on the other, points in Illinois, Michigan, Wisconsin, Louisiana, Mississippi, points in Indiana on and west of Indiana Highway 37 and Crawford and Perry Counties, Ind., points in that part of Kentucky on and west of U.S. Highway 431, points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 431 to Nashville, Tenn., thence along U.S. Highway 31 to Columbia, Tenn., thence along U.S. Highway 43 to the Tennessee-Alabama State line (Niskayuna, N.Y., and Cattaraugus County, N.Y.) *; (21) between points in Vermont, on the one hand, and, on the other, points in that part of Virginia, North Carolina, and South Carolina on and west of U.S. Highway 21 (Niskayuna, N.Y., and Cattaraugus County, N.Y.) *;

(22) between points in New Hampshire and Maine, on the one hand, and, on the other, points in that part of North Carolina on and west of U.S. Highway 221, and points in that part of South Carolina on, west, and south of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 221 to Greenwood, thence along U.S. Highway 178 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-Georgia State line (Niskayuna, N.Y., and Cattaraugus County, N.Y.) *.

(B) *Radioactive material*, new and spent, *radioactive source, special nuclear and by-product materials, radioactive material shipping containers, nuclear reactor component parts and equipment* used in the operation and maintenance of nuclear reactors (except commodities in bulk or in tank vehicles, and commodities which by reason of size or weight require the use of special equipment); (1) between points in that part

of New York on, north, and east of a line beginning at the St. Lawrence River, thence along New York Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, on the one hand, and, on the other, points in New Jersey (Niskayuna, N.Y.)*; (2) between points in West Virginia, on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the United States-Canada International Boundary line, thence along New York Highway 30 to junction New York Highway 145, thence along New York Highway 145 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line (Niskayuna, N.Y.)*;

(3) between points in that part of New York on, east, and north of a line beginning at the United States-Canada International Boundary line, thence along New York Highway 30 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line (including all points in Albany and Schenectady Counties), on the one hand, and, on the other, points in Pennsylvania and Maryland (Niskayuna, N.Y.)*; (4) between points in Maine and New Hampshire, on the one hand, and, on the other, points in that part of New York bounded by a line beginning at the St. Lawrence River, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 29, thence along New York Highway 29 to the New York-Vermont State line to junction New York Highway 23, thence along New York Highway 23 to Oneonta, N.Y., thence along New York Highway 7 to Binghamton, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to the United States-Canada International Boundary line, thence along the United States-Canada International Boundary line to point of beginning (Niskayuna, N.Y.)*; (5) between points in Rhode Island, on the one hand, and, on the other, points in New York (except points in or south of Greene, Delaware, and Columbia Counties and except Nassau and Suffolk Counties, N.Y.) (Niskayuna, N.Y.)*; (6) between points in Connecticut, on the one hand, and, on the other, points in that part of New York on and north of a line beginning at Buffalo, thence along U.S. Highway 20 to Schenectady, N.Y., thence along New York Highway 50 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line (Niskayuna, N.Y.)*;

(7) between points in Massachusetts, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 11 to Binghamton, N.Y., thence along New York Highway 7 to Schenectady, N.Y., thence along New York Highway 50 to Glen Falls, N.Y., thence along New York Highway 32 to Hudson Falls, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line, and thence along the New York-Vermont State line to the United States-Canada International Boundary line (Niskayuna, N.Y.)*; (8) between points in Vermont, on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the St. Lawrence River, thence along New York Highway 12 to Utica, N.Y., thence along Interstate Highway 90 to the New York-Massachusetts State line (including Schenectady, Saratoga, Suffolk, and Nassau Counties, N.Y.) (Niskayuna, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 21170 (Sub-No. E80), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* and *packinghouse products*, restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from Omaha and South Omaha, Nebr., to points in Minnesota east of a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 60 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Minnesota Highway 91, thence along Minnesota Highway 91 to Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 119, thence along Minnesota Highway 119 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 40, thence along Minnesota Highway 40 to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateways of Benton, Boone, Cedar, Carroll, Dallas, Grundy, Guthrie, Hamilton, Hardin, Iowa, Jasper, Johnson, Linn, Marshall, Muscatine, Poweshiek, Story, and Tama Counties, Iowa.

No. MC 21170 (Sub-No. E83), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, such as are dealt in by wholesale, retail, or chain grocery stores; (A) from points in that part of Iowa west of a line beginning at the Iowa-South Dakota State line along unnumbered highway to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 183, thence along Iowa Highway 183 to junction Iowa Highway 37, thence along Iowa Highway 37 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 44, thence along Iowa Highway 44 to junction Iowa Highway 191, thence along Iowa Highway 191 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line, (1) to points in that part of Illinois south of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, (2) to points in Pennsylvania, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in New York, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, (13) to points in Maine (except points north of Maine Highway 25).

(B) from points in that part of Iowa bounded on the east by a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 148, thence along Iowa Highway 148 to junction U.S. Highway 34, thence along U.S. Highway 92 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Iowa-Missouri State line, and bounded on the west by a line beginning at the Iowa-South Dakota State line extending along unnumbered highway to junction Iowa Highway 183, thence along Iowa Highway 183 to junction Iowa Highway 37, thence along Iowa Highway 37 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 44, thence along Iowa Highway 44 to junction Iowa Highway 191, thence along Iowa Highway 191 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line, (1) to points in Illinois south of a line extending from the Iowa-Illinois State line at Hamilton east on U.S. Highway 136 to junction Illinois Highway 119, thence along Illinois Highway 119 to the Illinois-Indiana State line, (2) to points in Pennsylvania, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in New York, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, (13) to points in Maine (except points north of Maine Highway 25).

(C) from points in that part of Iowa bounded by U.S. Highway 69 on the east, U.S. Highway 30 on the north, by a line from junction U.S. Highway 30 and 59 along U.S. Highway to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 148, thence along Iowa Highway 148 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Iowa-Missouri State line, (1) to points in Illinois south of a line extending from the Iowa-Illinois State line at Quincy on U.S. Highway 24 to junction Illinois Highway 103 at Ripley, thence along Illinois Highway 103 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 36 at Springfield, thence along U.S. Highway 36 to junction Illinois Highway 121 at Decatur, thence along Illinois Highway 121 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction of unnumbered highway at Charleston, thence along unnumbered highway through Westfield and Clarkesville to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania south of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 422 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in New York, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, and (13) to points in Maine (except points north of Maine Highway 25);

(D) from points in that part of Iowa bounded by U.S. Highway 69 on the west, U.S. Highway 20 on the north, U.S. Highway 63 on the east, and by the Iowa-Missouri State line, on the south, (1) to points in that part of Illinois south of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 177 to junction Illinois Highway 160, thence along Illinois Highway 160 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 130, thence along Illinois Highway 130 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania south and east of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, (3) to points in the District of Columbia, (4) to points in that part of Maryland east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 140 to junction Maryland Highway 27, thence along Maryland Highway 27 to junction Maryland Highway 118, thence along Maryland Highway 118 to junction Maryland Highway 112, thence along Maryland Highway 112 to the Maryland-Virginia State line, (5) to points in Delaware, (6) to points in that part of New Jersey south and east of a line beginning at the Pennsylvania-New Jersey State line, extending along New Jersey Highway 57 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line,

(7) to points in that part of New York east of a line beginning at the New York-New Jersey State line extending along U.S. Highway 87 to junction U.S. Highway 9–W, thence along U.S. Highway 9–W to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Taconic State Parkway, thence along Taconic State Parkway to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, and points east of a line beginning at the New York-Vermont State line, thence along New York Highway 67 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 32, thence along New York Highway 32 to junction U.S. Highway 9, thence along U.S. Highway 9 to the United States-Canada International Boundary line, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in that part of Massachusetts east and south of a line beginning at the Massachusetts-Vermont State line extending along Massachusetts Highway 112 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Massachusetts Highway 66, thence along Massachusetts Highway 66 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Massachusetts Highway 23, thence along Massachusetts Highway 23 to the Massachusetts-New York State line, (11) to points in that part of Vermont north and east of a line beginning at the New York-Vermont State line, extending along Vermont Highway 9 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 112, thence along Vermont Highway 112 to the Vermont-Massachusetts State line, (12) to points in New Hampshire, (13) to points in Maine (except points north of Maine Highway 25);

(E) from points in that part of Iowa on or bounded by a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to point of origin, (1) to points in that part of Illinois south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania south of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 70 to junction Pennsylvania Highway 136, thence along Pennsylvania Highway 136 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 164, thence along Pennsylvania Highway 164 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction Pennsylvania Highway 994, thence along Pennsylvania Highway 994 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Pennsylvania-New York State line, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in that part of New York east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 81 to the New York-Pennsylvania State line, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, and (13) to points in Maine (except points north of Maine Highway 25);

(F) from points in that part of Iowa on or bounded by a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to point of origin, (1) to points in that part of Illi-

nois south of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 96 to junction Illinois Highway 100, thence along Illinois Highway 100 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line, (2) to points in Pennsylvania south of a line extending from the Pennsylvania-New Jersey State line at Morrisville on U.S. Highway 1 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 through Philadelphia to junction Pennsylvania Highway 291, thence along Pennsylvania Highway 291 to the Pennsylvania-Delaware State line at Eddystone, (3) to points in that part of Maryland east of a line beginning at the Maryland-Delaware State line extending along U.S. Highway 95 to junction U.S. Highway 495, thence along U.S. Highway 495 to junction Maryland Highway 210, thence along Maryland Highway 210 to the Maryland-Virginia State line, (4) to points in that part of Delaware south of a line beginning at the Maryland-Delaware State line extending along U.S. Highway 95 to junction U.S. Highway 295, thence along U.S. Highway 295 to the Delaware-New Jersey State line,

(5) to points in that part of New Jersey south of a line beginning at the New York-New Jersey State line extending along U.S. Highway 78 to junction U.S. Highway 1, thence along U.S. 1 to the New Jersey-Pennsylvania State line, (6) to points in that part of New York south and east of a line beginning at the New York-Connecticut State line extending along U.S. Highway 6 to junction New York Highway 22, thence along New York Highway 22 to junction New York Highway 100, thence along New York Highway 100 to junction U.S. Highway 9, thence along U.S. Highway 9 to the New York-New Jersey State line, (7) to points in that part of Connecticut south and east of a line beginning at the Connecticut-New York State line extending along U.S. Highway 84 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Connecticut-Massachusetts State line, (8) to points in Rhode Island, (9) to points in that part of Massachusetts east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 91 to junction Massachusetts 116, thence along Massachusetts Highway 116 to junction Massachusetts Highway 63, thence along Massachusetts Highway 63 to junction Massachusetts Highway 10, thence along Massachusetts Highway 10 to the Massachusetts-Vermont State line, (10) to points in that part of New Hampshire east of a line beginning at the New Hampshire-Massachusetts State line extending along New Hampshire Highway 10 to junction U.S. Highway 3, thence along U.S. Highway 3 to the United States-Canada International Boundary line, and (11) to points in Maine (except points north of Maine Highway 25). The purpose of this filing is to eliminate the gateways of Carrollton, Macon, Marshall, Moberly, and Milan, Mo.

No. MC 21170 (Sub-No. E180), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces*, from Syracuse, N.Y., to Chicago, Joliet, Peoria, and Rockford, Ill., Fort Wayne, Gary, Hammond, and South Bend, Ind., Cedar Rapids, Davenport, and Des Moines, Iowa, and Madison, Manitowoc, and Sheboygan, Wis. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 29886 (Sub-No. E22), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles* and *new trucks*, in driveaway service, from South Bend, Ind., to points in New Mexico, Arizona, and California (those points in Texas on and west of U.S. Highway 83)*; *New automobiles* and *new trucks*, in driveaway service, from Detroit and Warren Township, Macomb County, Mich., to points in Arizona, New Mexico, and California (those points in Texas on and west of U.S. Highway 83 and those points in Colorado on, south, and east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line)*; *New trucks*, in secondary movements, in driveaway service, from Detroit and Warren Township, Macomb County, Mich., to those points in King County, Wash. (Colorado and Utah)*; *New automobiles* and *new trucks*, in secondary movements, in driveaway service, from Toledo, Ohio, to points in New Mexico, Arizona, and California (those points in Colorado on, south, and east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line, and those points in Texas on and west of U.S. Highway 83)*; *New trucks*, in secondary movements, in driveaway service, from Toledo, Ohio, to those points in King County, Wash. (Colorado, Kansas, and Utah)*; and *New motor vehicles*, except new passenger automobiles, in driveaway service, from Toledo, Ohio, to points in Idaho, Oregon, and Washington (Montana)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E24), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks*, in initial movements, in driveaway service, from those points in Macomb County, Mich., south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, Mich.), to points in Texas (South Bend, Ind.)*, and those in Arkansas, Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, Connecticut, Massachusetts, Alabama, Delaware, Florida, Georgia, Louisiana, Mississippi, New Hampshire, South Carolina, Vermont, Virginia, and the District of Columbia (Toledo, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E25), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction and earth moving machinery and equipment* (except trailers designed to be drawn by a truck tractor), from Newport News, Norfolk, and Portsmouth, Va., and Baltimore, Md., to points in Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Arizona, and Colorado (South Bend, Ind.)*; and *self-propelled construction and earth moving machinery and equipment*, from Newport News, Norfolk, and Portsmouth, Va., and Baltimore, Md., to those points in Oklahoma on and west of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line and those points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 283 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 208, thence along Texas Highway 208 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-New Mexico State line (Benton Harbor, Mich.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E26), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power cranes* from Newport News, Norfolk, Portsmouth, and Hampton, Va., to points in Montana, Wyoming, Colorado, New Mexico, Idaho,

Vermont, Arizona, Washington, Oregon, Nevada, California, those in Oklahoma on and west of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line, and those in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 283 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 208, thence along Texas Highway 208 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Benton Harbor, Mich.

No. MC 29886 (Sub-No. E27), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-Propelled street sweepers* weighing less than 15,000 pounds, each (except those which because of size or weight require the use of special equipment or special handling), from Indianapolis, Ind., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 29886 (Sub-No. E28), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), each weighing 15,000 pounds or more, in truckaway service, (1) from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New York to points in Texas, Arkansas, New Mexico, Wyoming, Montana, and those in Louisiana in, north, and west of Concordia, Avoyelles, St. Landry, Lafayette, and Vermillion Parishes, La. (those points in New York on and west of a line beginnig at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction U.S. Highway 39, thence along U.S. Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and South Bend, Ind.)*; (2) be from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Ohio-West Virginia State line to points in Arkansas, Texas, New Mexico, Wyoming, and Montana (South Bend, Ind.)*; (3) from points in Wisconsin to points in Alabama, Georgia, North Carolina, South Carolina, Florida, and those in Tennessee in and east of Sumner, Wilson, Rutherford, Williamson, Maury, and Giles Counties (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.)*; and (4) from points in Iowa to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, the District of Columbia, and those points in Florida on and east of U.S. Highway 319 (same as in (3) above). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E29), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self propelled motor vehicles* (except trailers), each weighing 15,000 pounds or more, in truckaway service; (1) from points in Iowa to those points in Georgia on and east of a line beginning at the Georgia-North Carolina State line and extending along Georgia Highway 17 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Florida-Georgia State line; and (2) from points in New Jersey to points in Arkansas, Texas, New Mexico, Wyoming, Montana. The purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.

No. MC 29886 (Sub-No. E30), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cargo containers, cargo container bodies, cargo container boxes*, and *truck and trailer bodies*, which because of size or weight require the use of special equipment or special handling, (1) from points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York to points in Wisconsin, Iowa, Missouri, Arkansas, Texas, Oklahoma, New Mexico, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Montana, Wyoming, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, and those points in Louisiana in and west of East Feliciana, East Baton Rouge, Iberville, Iberia, St. Martin, and St. Mary Parishes, La. (New York, Michigan City, Ind., and those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line).*

(2) From points in Pennsylvania and New Jersey to points in Wisconsin, Iowa, Missouri, Arkansas, Texas, Oklahoma, New Mexico, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Montana, Wyoming, Idaho, Utah, Arizona, California, Nevada, Oregon, and Washington (Michigan City, Ind., and those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line)*; (3) from those points in the Lower Peninsula of Michigan to points in Wisconsin, Iowa, Missouri, Arkansas, Texas, Oklahoma, New Mexico, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Montana, Wyoming, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, Mississippi, Louisiana, and those in Alabama in and west of Lauderdale, Lawrence, Winston, Walker, Jefferson, Shelby, Coosa, Elmore, Montgomery, Pike, Dale, and Houston Counties, Ala. (same as in (2) above)*; (4) from points in Illinois to points in Maine, Vermont, New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, and those in the Lower Peninsula of Michigan (Michigan City, Ind.)*; (5) from those points in Illinois on and north of U.S. Highway 36 to points in New Jersey, Maryland (except Garrett and Allegheny Counties), Delaware, Pennsylvania (except Beaver, Allegheny, Westmoreland, Washington, Greene, Fayette, and Somerset Counties), and the District of Columbia (Michigan City, Ind.).*

(6) From those points in Indiana on and east of a line beginning at Lake Michigan and extending along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line, and those in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the

Ohio-Pennsylvania State line to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California (Michigan City, Ind.)*; (7) from points in Wisconsin to points in Ohio, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Vermont, New Hampshire, Maine, Connecticut, Massachusetts, Rhode Island, those in Indiana on and north of U.S. Highway 30, and the District of Columbia (same as in (2) above)*; (8) from those points in Iowa on and north of U.S. Highway 20 to points in Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, those in Indiana on and north of U.S. Highway 30, and the District of Columbia (same as in (2) above)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E49), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailors designed to be drawn by a truck tractor), which because of size or weight require the use of special equipment or special handling, and *self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 pounds or more, from those points in the Lower Peninsula of Michigan to points in Nebraska, Colorado, Wyoming, Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.

No. MC 40978 (Sub-No. E10), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS CO., Sheboygan, Wis. Applicant's representative: William C. Dineen, 412 Empire Bldg., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from points in that part of Wisconsin bounded by a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, to points in that part of Illinois bounded by a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction U.S. Highway I–80, thence along U.S. Highway I–80 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 89, thence along Illinois Highway 89 to junction Illinois Highway 117, thence along Illinois Highway 117 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 3, thence along Illinois Highway 3 to the Illinois-Kentucky State line.

(2) *New institutional, new household, and new office fixtures and equipment*, uncrated, from points in that part of Wisconsin bounded by a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, to points in that part of Illinois bounded by a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction U.S. Highway I–80, thence along U.S. Highway I–80 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 89, thence along Illinois Highway 89 to junction Illinois Highway 117, thence along Illinois Highway 117 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 3, thence along Illinois Highway 3 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Sheboygan Falls, Wis.

No. MC 51146 (Sub-No. E3), filed April 29, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Paper* and *paper products* (except commodities in bulk), from the facilities of Nekoosa Edwards Paper Company, Inc., at or near Potsdam, N.Y., to points in Montana, Wyoming, Colorado, Oklahoma, Arkansas, Mississippi, Louisiana, Texas, New Mexico, Arizona, California, Nevada, Utah, Idaho, Oregon, and Washington, and (b) *Materials* and *supplies* (except commodities in bulk), used in the manufacture and distribution of paper and paper products, from points in the above-described destination territory to the facilities of Nekoosa Edwards Paper Company, Inc., at or near Potsdam, N.Y. (Muncie, Ind.)*; (2) *Paper* and *paper products*, from the facilities of Nekoosa Edwards Paper Co., Inc., at or near Potsdam, N.Y., to points in Alabama, and to Memphis, Tenn. (South Bend, Ind.)*; (3) (a) *Paper* and *paper products* (except in bulk), from the facilities of Nekoosa Edwards Paper Co., Inc., at or near Potsdam, N.Y., to points in Tennessee (except Memphis, Tenn., and points in its commercial zone as defined by the Commission), and points in West Virginia (except points east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line), and (b) *Materials* and *supplies* (except cardboard cartons and commodities in bulk), used in the manufacture and distribution of paper and paper products, from points in the above-described destination territory to the facilities of Nekoosa Edwards Paper Co., Inc., at or near Potsdam, N.Y. (East Liverpool, Ohio).*

(4) *Metal containers* and *metal container ends*, from Chicago, Ill., to points in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas (except points north of U.S. Highway 66), and Oklahoma (except points north of a line beginning at the Arkansas-Oklahoma State line and extending along Oklahoma Highway 3 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origin named above. (Madisonville, Ky.)*; (5) *Metal containers* (except cargo containers and refuse containers, and except those which because of size or weight, require the use of special equipment), and *container ends*, from the facilities of National Can Corporation at Chicago, Ill., to points in Maine, New Hampshire, and Vermont (facilities of National Can Corporation at Hamburg, Pa.).*

(6) *Metal containers* and *meat container ends*, and, when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Marion, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri (except points east of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to the junction of Missouri Highway 17, thence along Missouri Highway 17 to the junction of U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 17, thence along

Missouri Highway 17 to the Missouri-Arkansas State line), Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line), and the Upper Peninsula of Michigan (except those points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to junction Michigan Highway 35, thence along Michigan Highway 35 to the Michigan-Wisconsin State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origin named above (Chicago, Ill.).*

(7) *Metal containers* and *metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Hamilton, Ohio, to points in North Dakota, South Dakota, Nebraska (except points east of a line beginning at the Iowa-Nebraska State line and extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points east of a line beginning at the Nebraska-Kansas State line and extending along Kansas Highway 14 to junction Kansas St. Highway 8, thence along Kansas Highway 8 to the Kansas-Oklahoma State line), and the Upper Peninsula of Michigan (except points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to junction Michigan St. Highway 35, thence along Michigan St. Highway 35 to the Michigan-Wisconsin State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Chicago, Ill.)*; (8) *Metal containers* and *metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Cleveland, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Arkansas, Kentucky, (except points east of U.S. Highway 45), and Tennessee (except points east of U.S. Highway 51). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Chicago, Ill.).*

(9) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Green Bay, Wis., to points in Arkansas, Oklahoma, Kansas, and Nebraska (except points north and east of a line beginning at the Wyoming-Nebraska State line and extending along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origin named above (Kankakee, Ill.); (10) *Metal containers* and *metal container ends*, from Green Bay, Wis., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, and Texas (except points north of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 70 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line. Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Madisonville, Ky.)*; (11) *Metal containers* and *metal container ends*, from Rockford, Ill., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi. Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Madisonville, Ky.).*

(12) *Metal containers* (except containers which because of size or weight require the use of special equipment), *metal container ends*, and *accessories* for metal containers and metal container ends when moving therewith, from Livonia, Mich., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Arkansas (Kankakee, Ill.)*; (13) *Metal containers* and *metal container ends*, from Livonia, Mich., to points in Texas, Louisiana, Mississippi, Alabama, Florida, Tennessee (except points east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line), and Georgia (except points east of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 41 to junction U.S. Highway 341, thence along U.S. Highway 341 to the Atlantic Ocean and Brunswick, Ga.) (Madisonville, Ky.)*; (14) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plant and warehouse sites of Crown Cork and Seal Company, Inc., and National Can Corporation at Baltimore, Md., and points in its commercial zone as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, and Arkansas. Restriction: The operations authorized herein is restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Kankakee, Ill.).*

(15) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plant and warehouse sites of Crown Cork & Seal Company, Inc., at North Bergen, N.J., and Philadelphia, Pa. and points in their commercial zone as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, and Arkansas. Restriction: The operations authorized herein is restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Kankakee, Ill.)*; (16) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plant and warehouse sites of Crown Cork & Seal Co., Inc., at Salisbury, Md., and points in its commercial zone as defined by the Commission, to points in North Dakota, South Dakota, Iowa, Nebraska, Kansas, Oklahoma, and Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 67 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. Restriction: The operations authorized herein is restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Kankakee, Ill.).*

(17) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plant and warehouse sites of Crown Cork & Seal Co., Inc., at Winchester, Va., and points in its commercial zone as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, and Arkansas (except points east of Arkansas Highway 7). Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Kankakee, Ill.)*; (18) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends

when moving with metal containers and container ends, from the plant site of Crown Cork & Seal Co., Inc., at St. Louis, Mo., to points in North Dakota, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia (except points west of U.S. Highway 250), Virginia (except points west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line), and South Dakota (except points south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line (Kankakee, Ill.).*

(19) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *metal container ends* and *accessories* therefor, and *materials* and *supplies* used in the manufacture and distribution of metal containers and metal container ends when moving with metal containers and metal container ends, from the plant sites and storage facilities of the National Can Corporation at Danbury, Conn., and Edison, N.J., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Arkansas. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-described facilities (Kankakee, Ill.)*; (20) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *metal container ends*, and *accessories* thereof, and *materials* and *supplies* used in the manufacture and distribution of metal containers and metal container ends when moving with metal containers and metal container ends, from the plant sites and storage facilities of the National Can Corporation at Cambridge, Md., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 67 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-described facilities (Kankakee, Ill.).*

(21) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *metal container ends* and *accessories* therefor, and *materials* and *supplies* used in the manufacture and distribution of metal containers and metal container ends when moving with metal containers and metal container ends, from the plant sites and storage facilities of the National Can Corporation at Fairless and Hanover, Pa., and within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), to North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Arkansas. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-described facilities (Kankakee, Ill.)*; (22) (a) *Metal containers*, and (b) *metal container ends* and *metal container accessories* when moving with metal containers, from the plant and warehouse sites of National Can Corporation at points in the Minneapolis-St. Paul, Minn., commercial zone defined by the Commission, to points in North Carolina. Restriction: The authority granted herein is restricted to traffic originating at the named plant and warehouse sites (Chicago, Ill.)*; (23) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), and (b) *metal container ends* and *metal container accessories* when moving with metal containers, from the plant and warehouse sites of National Can Corporation at points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, and Tennessee. Restriction: The authority granted herein is restricted to traffic originating at the named plant and warehouse sites (Kankakee, Ill.).*

(24) *Metal containers* (except containers which, because of size or weight, require the use of special equipment), and *metal container ends* when moving with metal containers, from the plant and warehouse sites of National Can Corporation at points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, to points in Mississippi, Alabama, Georgia, Florida, and South Carolina. Restriction: The authority granted herein is restricted to traffic originating at the named plant and warehouse sites (Kankakee, Ill., and Madisonville, Ky.)*; (25) *Metal containers* and *container ends*, from Birmingham, Ala., to points in North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, Arizona, Utah, Idaho, Nevada, Washington, Oregon, California, Oklahoma (except points east of Oklahoma Highway 136), and New Mexico (except points south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 54 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Arizona State line) (Madisonville, Ky.)*; (26) *Metal containers* and *container ends*, from Birmingham, Ala., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (Madisonville, Ky.).*

(27) *Metal containers* and *container ends*, from Bartow, Fla., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Arkansas (except points south of U.S. Highway 62), Oklahoma (except points south of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line), New Mexico (except points south and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line), and points in that part of Texas in and north of Deaf-smith, Randall, Armstrong, Douley, and Collingsworth Counties, Tex. (Madisonville, Ky.)*; (28) *Metal containers* and *container ends*, from Orlando, Fla., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Arkansas (except points south of U.S. Highway 62), Texas (except points south of U. S. Highway 66), Oklahoma (except points south and east of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line), and New Mexico (except those points south and east of a line beginning at the Texas-New Mexico and extending along U.S. Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line) (Madisonville, Ky.).*

(29) *Metal containers* and *container ends*, from Spartansburg, S.C., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Texas (except points east of Interstate Highway 35), and Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 7 to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line) (Madisonville, Ky.)*; (30) *Metal containers* and *container ends*, from the plant sites and warehouse facilities of Crown Cork & Seal Co., Inc., at Atlanta, Ga., to points in North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Oklahoma (except points south of U.S. Highway 62), and Texas (except points south of U.S. Highway 62) (Madisonville, Ky.)*; (31) *Metal containers, container ends*, and when transported at the same time and in the same vehicle with metal containers, materials and supplies used in the distribution of metal containers, from the facilities of R. J. R. Foods, Inc., at Plymouth, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin (except Kenosha, Milwaukee, and Racine), Tennessee (except points east of Tennessee Highway 69), Kentucky (except

points east of U.S. Highway 45), and the Upper Peninsula of Michigan (except points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to the Wisconsin-Michigan State line). Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities (Chicago, Ill.).*

(32) *Metal containers, container ends,* and when transported at the same time and in the same vehicle with metal containers, *materials* and *supplies* used in the distribution of metal containers, from the facilities of R. J. R. Foods, Inc., at Plymouth, Ind., to points in Connecticut, Massachusetts, Rhode Island (except those points west of a line beginning at Ogdensburg, N.Y., and extending along New York Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line), New Jersey (except points south of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction Interstate Highway 278, thence along Interstate Highway 278 to the New Jersey-New York State line), and North Carolina (except points west of Interstate Highway 95). Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities (Chicago, Ill)*; (33) *Canned pickles, sauerkraut,* and *relish,* from Oconto, Wis., to points in West Virginia (Hoopeston, Ill.)*; (34) *Canned pickles, sauerkraut,* and *relish,* from Oconto, Wis., to points in Tennessee (Fowler, Ind.)*; (35) *Canned pickles, sauerkraut,* and *relish,* from Oconto, Wis., to points in Alabama (Milford, Ill.)*; (36) *Canned goods,* from Fowler, Ind., to points in Washington, Oregon, California, Nevada, Idaho, Montana, North Dakota, South Dakota (except points south of U.S. Highway 16), Wyoming (except points south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line), and Utah (except points east of U.S. Highway 91) (Green Bay, Wis.)*; (37) *Canned goods,* from Fowler, Ind., to points in Alabama (Milford, Ill.).*

(38) *Canned vegetables,* from Fowler, Ind., to points in Michigan (except those points south and west of a line beginning at Muskegon, Mich., and extending along Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line (Hoopeston, Ill.)*; (39) *Canned goods;* from Klondike, Ind., to points in Washington, Oregon, Idaho, Montana, North Dakota, South Dakota (except points south of U.S. Highway 16), Wyoming (except points south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line), Utah (except points east of U.S. Highway 91), Nevada (except points east of U.S. Highway 91), and California (except points south and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line) (Green Bay, Wis.)*; (40) *Canned goods,* from Klondike, Ind., to points in Alabama (Milford, Ill.)*; (41) *Canned goods,* from Klondike, Ind., to points to Pennsylvania and West Virginia (except points west of a line beginning at the Ohio River at Sisterville, Va., and extending along Virginia Highway 18 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line) (Hoopeston, Ill.)*;

(42) *Canned goods,* from Klondike, Ind., to points in Michigan (except points south and west of a line beginning at Traverse City, Mich., and extending along Michigan Highway 37 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron at Tawas City, Mich.) (Hoopeston, Ill.)*; (43) *Canned goods,* from Trafalgar, Ind., to points in North Dakota, Montana, Idaho, Washington, Oregon, South Dakota (except points south of U.S. Highway 16), Wyoming (except points south of U.S. Highway 16), Utah (except points south and east of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 91 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 91), and California (except points east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Pacific Ocean) (Green Bay, Wis.)*; (44) *Canned vegetables,* from Trafalgar, Ind., to points in Michigan (except points south of a line beginning at Mackinaw City and extending along Interstate Highway 75 to junction Michigan Highway 72, thence along Michigan Highway 72 to Lake Michigan at Empire, Mich.) (Hoopeston, Ill.).*

(45) *Canned goods,* from Milford, Ill., to points in North Dakota, Montana, Idaho, Washington, Oregon, South Dakota (except points south and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to the Minnesota-South Dakota State line and extending along U.S. Highway 14 to the junction of U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line), Wyoming (except points south of U.S. Highway 26), Utah (except points east of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points south and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line) (Fowler, Ind., and Green Bay, Wis.)*; (46) *Canned vegetables,* from Milford, Ill., to points in Michigan (except points south and west of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line) (Fowler, Ind., and Hoopeston, Ill.)*; (47) *Canned goods,* from Milford, Ill., to points in Pennsylvania, West Virginia, Tennessee, and Wisconsin (Fowler, Ind.)*; (48) *Canned vinegar,* from Manitowoc, Wis., to points in West Virginia and Pennsylvania (Hoopeston, Ill.).*

(49) *Canned vinegar,* from Manitowoc, Wis., to points in Alabama, Kentucky, Missouri (except points north of U.S. Highway 36), Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line), and Ohio (except points north and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 3, thence along Ohio Highway 3 to Lake Erie at Cleveland, Ohio) (Milford, Ill.)*; (50) *Canned vinegar,* from Manitowoc, Wis., to points in Tennessee (Hoopeston, Ill., and Fowler, Ind.)*; (51) *Canned goods,* from Ft. Atkinson, Wis., to points in Pennsylvania and West Virginia (Hoopeston, Ill.)*; (52) *Canned vegetables,* from Ft. Atkinson, Wis., to points in Kentucky and Missouri (except points north of a line beginning at the Mississippi River at Claryville, Mo., and extending along Missouri Highway 51 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Missouri-Kansas State line) (Hoopeston, Ill.)*; (53) *Canned goods,* from Ft. Atkinson, Wis., to points in Tennessee (Fowler, Ind.)*; (54) *Canned goods,* from Ft. Atkinson, Wis., to points in Alabama (Fowler, Ind., and Milford, Ill.)*; (55) *Canned goods,* from points in Shawano, Waupaca and Brown Counties, Wis., to points in Pennsylvania and West Virginia (Hoopeston, Ill.)*; (56) *Canned goods,* from points in Outagamie, Oconto, and Marinette Counties, Wis., to points in Pennsylvania and West Virginia (Hoopeston, Ill.)*; (57) *Canned goods* from points in Shawano, Waupaca, and Brown Counties, Wis., to points in Tennessee (Fowler, Ind., and Hoopeston, Ill.).*

(58) *Canned goods,* from points in Outagamie, Oconto, and Marinette Counties, Wis., to points in Tennessee (Hoopeston, Ill., and Fowler, Ind.)*; (59) *Canned goods,* from points in Oconto and Marinette Counties, Wis., to points in Alabama, Kentucky, Ohio (except points north and west of a line be-

ginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie at Sandusky, Ohio), Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line), and Missouri (except points north of U.S. Highway 36) (Milford, Ill.)*; (60) *Canned goods*, from points in Waupaca and Outagamie Counties, Wis., to points in Alabama, Kentucky, Ohio (except points north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie at Sandusky, Ohio), Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line), and Missouri (except points north of U.S. Highway 54) (Milford, Ill.).*

(61) *Canned goods*, from points in Shawano and Brown Counties, Wis., to points in Alabama, Kentucky, Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line), Missouri (except points north of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Missouri-Kansas State line), and Ohio (except those points north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to the junction of Ohio Highway 12, thence along Ohio Highway 12 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to Lake Erie at Sundusky, Ohio) (Milford, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 51146 (Sub-No. E17), filed January 30, 1975. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products* (except commodities in bulk), from the plant and warehouse sites of International Paper Co., at Litchfield, Ill., to points in California, restricted to transportation of traffic originating at the plant and warehouse sites of International Paper Co. (Clearfield, Utah)*; (2)(a) *Such plastic bags, liners*, and *films*, as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from Sibley, Iowa, to points in California, Nevada, Utah (except points east of U.S. Highway 91), Arizona (except points east of a line beginning at the Arizona-Nevada State line, thence along U.S. Highway 93 to Phoenix, thence along U.S. Highway 80 to junction Arizona Highway 85, thence along Arizona Highway 85 to the United States-Mexico International Boundary line), Idaho (except points north and east of a line beginning at the Oregon-Idaho State line, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to Pocatello, Idaho, thence along U.S. Highway 91 to the Idaho-Utah State line), Oregon (except points west and north of a line beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to the Oregon-Idaho State line), and Washington (except points east and north of a line beginning at the United States-Canada International Boundary line, thence along Interstate Highway 5 to junction Washington Highway 410, thence along Washington Highway 410 to junction U.S. Highway 12, thence along U.S. Highway 12 to Walla Walla, thence along Washington Highway 11 to the Washington-Oregon State line), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment), used in the manufacture and distribution of the commodities described in (a) above, from the destination territory described above to Sibley, Iowa (Sterling, Colo., and Clearfield, Utah)*;

(3) *Expanded plastic articles* (except commodities in bulk), from points in Kern County, Calif., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas (except points south of a line beginning at the Colorado-Kansas State line, thence along Kansas Highway 96 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 196, thence along Kansas Highway 196 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line), Missouri (except points south of a line beginning at the Oklahoma-Missouri State line, thence along Interstate Highway 44 to Springfield, Mo., thence along U.S. Highway 60 to Cabool, thence along U.S. Highway 63 to the Missouri-Arkansas State line), Tennessee (except points southwest of a line beginning at the Missouri-Tennessee State line, thence along Tennessee Highway 20 to Jackson, Tenn., thence along U.S. Highway 45 to the Mississippi-Tennessee State line), Alabama (except points south and west of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 72 to junction U.S. Highway Alternate 72, thence along U.S. Highway Alternate 72 to junction Interstate Highway 65, thence along Interstate Highway 65 to Montgomery, Ala., thence along U.S. Highway 231 to the Alabama-Florida State line), and Florida (except points west of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 27 to Tallahassee, Fla., thence along Florida Highway 363 to its termination on the Apalachee Bay), and the District of Columbia (Clearfield, Utah)*;

(4)(a) *Such plastic products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from points in Washington to points in Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, Nebraska (except points north of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line), Iowa (except points north of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 30 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to Dubuque, Iowa), and those points in the Lower Peninsula of Michigan (except points north of a line beginning at Ludington, thence along U.S. Highway 10 to Bay City), and the District of Columbia, and (b) *Materials* and *supplies* used in manufacture and distribution of commodities described in (a) above (except commodities in bulk, and those which because of size or weight require special equipment), from the destination territory described in (a) above to points in Washington (Clearfield, Utah)*;

(5)(a) *Such plastic products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from points in Washington (except points east of U.S. Highway 97), points in Nebraska (except points east and north of a line beginning at the South Dakota-Nebraska State line, thence along Nebraska Highway 2 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 7, thence along Nebraska Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Iowa State line), Iowa (except points north of a line beginning at Sioux City, Iowa, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 9, thence along Iowa Highway 9 to Lansing, Iowa), Wisconsin (except points north of a line beginning at the Mississippi River, thence along Wisconsin Highway 171 to junction U.S. Highway 14, thence along U.S. Highway 14 to Madison, thence along U.S.

Highway 151 to Beaver Dam, thence along Wisconsin Highway 33 to Horicon, thence along Wisconsin Highway 28 to Sheboygan), and points in the Lower Peninsula of Michigan (except points east and north of a line beginning at Traverse City, thence along Michigan Highway 37 to junction Michigan Highway 42, thence along Michigan Highway 42 to junction Michigan Highway 55, thence along Michigan Highway 55 to Tawas City), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah)*;

(6) (a) *Such plastic products* (except commodities in bulk) as are manufactured and distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Washington (except points east of Interstate Highway 5), to points in Nebraska, Iowa, Michigan (except points west of a line beginning at the Wisconsin-Michigan State line, thence along Michigan Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette), Wisconsin (except points north of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 12 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Michigan-Wisconsin State line), Minnesota (except points north of a line beginning at the South Dakota-Minnesota State line, thence along Minnesota Highway 19 to junction Minnesota Highway 5, thence along Minnesota Highway 5 to junction U.S. Highway 212, thence along U.S. Highway 212 to Minneapolis, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line), and South Dakota (except points north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-South Dakota State line), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above, to the origin territory described in (a) above (Clearfield, Utah)*;

(7) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Oregon to points in Texas, Oklahoma, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Iowa (except points north and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line), Wisconsin (except points north of a line beginning at LaCrosse, thence along U.S. Highway 16 to Sparta, thence along Wisconsin Highway 21 to Oshkosh, thence along U.S. Highway 41 to Green Bay), the Lower Peninsula of Michigan (except points north of Michigan Highway 72), and the District of Columbia, and (b) *Materials and supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above to Oregon (Clearfield, Utah)*; (8) (a) *Such plastic products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from points in Oregon (except points east of a line beginning at the Washington-Oregon State line, thence along U.S. Highway 197 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line), to points in Michigan, Wisconsin, Minnesota (except points north of Minnesota Highway 210), and South Dakota (except points north and west of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to the North Dakota-South Dakota State line), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above, to the origin territory described in (a) above (Clearfield, Utah)*;

(9) (a) *Such plastic products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from points in that part of California on and north of Interstate Highway 80, to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except points in Texas west of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 84 to Lubbock, thence along U.S. Highway 87 to San Anotonio, thence along U.S. Highway 81 to Laredo), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment), used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above, to the origin territory described in (a) above (Clearfield, Utah)*; (10) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of California on and south of Interstate Highway 80, to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Ohio, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Virginia (except points west of U.S. Highway 52), Kentucky (except points south of U.S. Highway 460), Indiana (except points south and west of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 70 to junction Indiana Highway 46, thence along Indiana Highway 46 to Bloomington, thence along Indiana Highway 37 to the Indiana-Kentucky State line), Illinois (except points south of U.S. Highway 36), and the District of Columbia, and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah)*;

(11) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or convertors of cellulose materials and products, and paper products, from points in that part of California on, south, and west of a line beginning at San Francisco, thence along Interstate Highway 80 to Sacramento, thence along California Highway 99 to junction Interstate Highway 5, thence along Interstate Highway 5 to Los Angeles, to points in Virginia, North Carolina, South Carolina, Kentucky, Indiana, Illinois, Kansas (except points south of a line beginning at the Colorado-Kansas State line, thence along Kansas Highway 96 to Great Bend, thence along U.S. Highway 56 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 196, thence along Kansas Highway 196 to El Dorado, thence along U.S. Highway 54 to the Kansas-Missouri State line), Missouri (except points south and west of a line beginning at the Oklahoma-Missouri State line, thence along Interstate Highway 44 to Springfield, thence along U.S. Highway 60 to Cabool, thence along U.S. Highway 63 to the Arkansas-Missouri State line), Tennessee (except points south and west of a line beginning at the Missouri-Tennessee State line, thence along Tennessee Highway 20 to Jackson, thence along U.S. Highway 45 to the Mississippi-Tennessee State line), Alabama (except points south and west of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 72 to junction U.S. Highway Alternate 72 to Decatur, thence along U.S. Highway 31 to Birmingham, thence along U.S. Highway 78 to the Alabama-Georgia State line), Georgia (except points south and west

of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Atlanta, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 23 to the Georgia-Florida State line), and points in Florida (except points west of U.S. Highway 301), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from points in the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah)*;

(12)(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Nevada, to points in South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, South Dakota (except points north and west of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to the North Dakota-South Dakota State line), North Dakota (except points west of U.S. Highway 83), Missouri (except points south of U.S. Highway 40), Kentucky (except points south and west of a line beginning at the Illinois-Kentucky State line, thence along Kentucky Highway 91 to Hopkinsville, thence along U.S. Highway 41 to the Kentucky-Tennessee State line), Tennessee (except points south and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to Crossville, thence along U.S. Highway 70 to the Tennessee-North Carolina State line), and the District of Columbia, and (b) *Materials and supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of the commodities described in (a) above, from the destination territory described in (a) above to Nevada (Clearfield, Utah)*;

(13)(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products), from points in that part of Nevada on and north of U.S. Highway 50, to points in Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas (except points west of a line beginning at the New Mexico-Texas State line and U.S. Highway 285, thence along U.S. Highway 285 to Pecos, thence along Texas Highway 17 to Marfa, thence along U.S. Highway 67 to Presidio), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities in (a) above, from the destination described in (a) above to the origin territory described in (a) above (Clearfield, Utah)*; (14)(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Idaho to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, Kansas (except points north of a line beginning at the Colorado-Kansas State line, thence along Kansas Highway 96 to Great Bend, thence along U.S. Highway 56 to junction Kansas Highway 150, thence along Kansas Highway 150 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line), Missouri (except points north of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 52 to junction U.S. Highway 54, thence along U.S. Highway 54 to Jefferson City, thence along U.S. Highway 50 to St. Louis), Illinois (except points north of a line beginning at Alton, thence along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line), Indiana (except points north of U.S. Highway 40), Ohio (except points north and west of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to Delaware, thence along U.S. Highway 42 to Cleveland), and the District of Columbia, and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above, to Idaho (Clearfield, Utah)*;

(15)(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of Idaho on and south of U.S. Highway 26, to points in Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin (except at St. Croix Falls, thence along U.S. Highway 8 to junction U.S. Highway 63, thence along US. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to Ashland), Minnesota (except points north of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 212 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to Wilmar, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line), South Dakota (except points west and north of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Minnesota State line), and Nebraska (except points north and west of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah)*;

16(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of Montana on and west of Interstate Highway 15, to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, Maine, New Hampshire, Vermont, Massachusetts (except points west of U.S. Highway 5), Connecticut (except points west of a line beginning at the Massachusetts-Connecticut State line, thence along U.S. Highway 5 to New Haven, thence along Interstate Highway 95 to Bridgeport, Conn.), and Virginia (except points north and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to Danville, thence along U.S. Highway 360 to its termination on the Chesapeake Bay), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah)*;

(17)(a) *Such plastic articles* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of Arizona on, north, and west of a line beginning at Yuma, thence along Interstate Highway 80 to Phoenix, thence along U.S. Highway 89 to the Utah-Arizona State line, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Iowa (except points south of a line beginning at Sioux City, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 141, thence along U.S. Highway 141 to Des Moines, thence along Iowa Highway 163 to Oscaloosa, thence along Iowa Highway 92 to Muscatine), Illinois (except points south of Illinois Highway 17), Indiana (except points south of a line beginning at the Illinois-Indiana State line, thence along Indiana Highway 14 to junction U.S. Highway 35, thence along U.S. Highway 35 to Logansport, thence along U.S. Highway 24 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line), Ohio (except

points south and west of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 33 to Marysville, thence along U.S. Highway 36 to junction Ohio Highway 60, thence along Ohio Highway 60 to Mariette), West Virginia (except points south and west of a line beginning at Parkersburg, thence along West Virginia Highway 14 to junction U.S. Highway 33, thence along U.S. Highway 33 to Elkins, W. Va., thence along U.S. Highway 219 to Marlinton, thence along West Virginia Highway 39 to the Virginia-West Virginia State line), Virginia (except points south of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 250 to Richmond, thence along Interstate Highway 95 to Petersburg, thence along U.S. Highway 460 to Norfolk, thence along U.S. Highway 60 to Virginia Beach), and the District of Columbia, and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory as described in (a) above, to the origin territory described in (a) above (Clearfield, Utah) *;

(18) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Utah (except points south and east of a line beginning at the Arizona-Utah State line, thence along U.S. Highway 91 to junction Utah Highway 26, thence along Utah Highway 26 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, to points in South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Ohio, Michigan, Wisconsin, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, North Dakota (except points south and west of a line beginning at the United States-Canada International Boundary line, thence along U.S. Highway 52 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction U.S. Highway 52, thence along U.S. Highway 52 to Fargo, N. Dak.), Minnesota (except points south and west of a line beginning at Ortonville, thence along Minnesota Highway 7 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to Mankato, thence along U.S. Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line), Illinois (except points west and south of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 26 to Peoria.

Thence along Illinois Highway 29 to Pekin, thence along Illinois Highway 9 to the Illinois-Indiana State line, Indiana (except points south and west of a line beginning at the Illinois-Indiana State line, thence along Interstate Highway 74 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 37, thence along Indiana Highway 37 to Bloomington, thence along Indiana Highway 46 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line), Kentucky (except points west of a line beginning at Louisville, thence along U.S. Highway 31W to junction Kentucky Highway 90, thence along Kentucky Highway 90 to Glasgow, thence along U.S. Highway 31E to the Kentucky-Tennessee State line), Tennessee (except points west of a line beginning at the Kentucky-Tennessee State line thence along U.S. Highway 31E to Nashville, thence along U.S. Highway 41 to Chattanooga), Georgia (except points west of a line beginning at the Tennessee-Georgia State line, thence along Interstate Highway 75 to Cordele, thence along U.S. Highway 280 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line), Florida (except points west of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 441 to Ocala, thence along Interstate Highway 75 to Tampa), and the District of Columbia, and (b) *Material* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah) *; and

(19) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Box Elder, Tooele, Cache, Weber, Davis, Salt Lake, and Utah Counties, Utah, to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61592 (Sub-No. E4), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* from Omaha, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and points in Wisconsin on and east of a line beginning at Wisconsin Highway 27 at the Wisconsin-Iowa State line, to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 45 to the Wisconsin-Minnesota State line. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Co., and (b) destined to the destination points specified above (except that the restriction in (b) shall not apply to traffic moving in foreign commerce). The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E5), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Prescott, Ark., to points in Michigan, Wisconsin, Minneapolis and St. Paul, Minn., and points in Illinois on and north of a line beginning at Illinois Highway 104 at Quincy to junction Illinois Highway 100, thence along Illinois Highway 100 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Iowa east of U.S. Highway 65.

No. MC 61592 (Sub-No. E6), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Sheridan, Ark., to points in Wisconsin, Minneapolis and St. Paul, Minn. The purpose of this filing is to eliminate the gateway of Iowa east of U.S. Highway 65.

No. MC 61592 (Sub-No. E7), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts*, from St. Louis, Mo., to points in Maine, Massachu- Dakota, Rhode Island, South Dakota, Vermont, Wisconsin (except those east of U.S. Highway 15), and points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line and extending along Nebraska

Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 138 near Big Springs, thence to the Nebraska-Colorado State line. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Co., and (b) destined to the destination points specified above (except that the restriction in (b) shall not apply to traffic moving in foreign commerce). The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E13), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors*, from Charles City, Iowa, to points in Florida. The purpose of this filing is to eliminate the gateway of Decatur, Ga., facilities of White Farm Equipment.

No. MC 61592 (Sub-No. E26), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building slabs and boards*, from Terry, Miss., to points in Colorado on and northeast of a line beginning at the Colorado-Kansas State line along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Colorado-Wyoming State line, and points in Connecticut, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, Rhode Island, South Dakota, Vermont, and Wyoming. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 66900 (Sub-No. E1), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, those of unusual value, Classes A and B explosives, commodities requiring special equipment, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those injurious or contaminating to other lading: (1) between points in Cabell County, W. Va., Boyd and Greenup County, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, points in Virginia within 80 miles of Staunton, Va. (except Roanoke, Va.). The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., and Augusta County, Va.). (2) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, points in Chesterfield County, Va., and points in that part of Virginia on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., and Augusta County, Va. (3) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, points in the District of Columbia and points within 50 miles of the District of Columbia (service is not authorized between Washington, D.C., on the one hand, and, on the other, points and places in Virginia and West Virginia in the transportation of telephone supplies and equipment. The purpose of this filing is to eliminate the gateway of points in Cabell County, W. Va., and Augusta County, Va.

(4) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, Hagerstown, Md., Lancaster, Philadelphia, and Bristol, Pa., restricted against service between Lancaster, Pa., and points in Gallia County, Ohio. The purpose of this filing is to eliminate the gateways of Cabell County, W. Va., and Augusta County, W. Va. (5) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, points in that part of New Jersey located on and south of New Jersey Highway 70 (formerly New Jersey Highway 40), extending from Camden, N.J., through Marlton, Red Lion, and Four Mile, N.J., thence along New Jersey Highway 72 (formerly New Jersey Highway S-40), to Manahawkin, N.J., but not including Camden, N.J. The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., Augusta County, Va., and Philadelphia, Pa. (6) From points in that part of Pennsylvania located on and south of U.S. Highway 422 and on and east of U.S. Highway 111 to points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, restricted against service from that part of Pennsylvania on and south of U.S. Highway 111 which is in and west of Lancaster and Berks Counties, Pa., to Gallia County, Ohio. The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., and Rockingham County, Va. (7) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence and Scioto Counties, Ohio, on the one hand, and, on the other, points in Clarke and Frederick Counties, Va. The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., Augusta County, Va., and Chancellorsville, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9274 Filed 4-8-75;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1975)

Title 5—Administrative Personnel $4.35

Title 7—Agriculture (Parts 700–749) 4.25

Title 16—Commercial Practices (Part 150–End) 5.50

[*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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