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PART I



April 24, 1975—Pages 17977–18161

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

MOTHER'S DAY—Presidential Proclamation 17977

FAMILY PLANNING—HEW/PHS establishes guidelines for training grants; effective 4–24–75 17991

VEHICLE IDENTITY NUMBERS—DOT/NHTSA notice of availability of VIN's for vehicles containing defects 18025

SECURITY—DOD proposes to amend private industry clearance program; comments by 5–27–75 17995

AIR TRANSPORT—CAB proposes changes in economic and special regulations; comments by 5–16–75 18003

VEHICLE SAFETY—DOT/NHTSA establishes standards for impact protection from steering control systems; effective 5–27–75 17992

RETIRED SENIOR VOLUNTEER PROGRAM—ACTION proposes cost sharing standards with States; comments by 5–27–75 18002

MEETINGS—
CRC: Arizona State Advisory Committee, 5–29–75 18030
New Jersey State Advisory Committee, 5–13–75 18031
New York State Advisory Committee, 5–20–75 18031
DOD: Defense Intelligence Agency Scientific Advisory Committee, 5–19 and 5–29–75 18009
Department of Defense Wage Committee, 5–13–75 18009
Navy: Naval Research Advisory Committee, 5–22 and 5–23–75 18009

(Continued inside)

PART II:

EFFLUENT GUIDELINES—
EPA rules on limitations and standards for the electroplating industry; effective 4–24–75 18130
EPA proposes limitations and standards for the electroplating industry; comments by 5–23–75 18140

PART III:

POULTRY INDUSTRY—EPA proposes effluent guidelines; comments by 5–23–75 18149

reminders

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

Rules Going Into Effect Today

DOT/FAA—Alteration and expansion of terminal control area.... 10169; 3–5–75

Alteration of Control Zone..... 10170; 3–5–75

Alteration of Federal airways. 4409; 1–30–75

Alteration of transition areas; (3 documents)..... 10171; 3–5–75

Designation and alteration of transition areas..... 10171; 3–5–75

Designation of Federal airways. 4300; 1–29–75

Designation of Federal airways; alteration of transition area..... 8545; 2–28–75

Designation of Federal airways; area low routes, controlled airspace, and reporting points..... 8796; 3–3–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points..... 7627; 2–21–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points..... 6203; 2–10–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points; alteration of VOR Federal airways..... 8327; 2–27–75

Designation of Federal airways; transition area; Brooksville, Fla..... 8545; 2–28–75

Designation of temporary restricted areas..... 8070; 2–25–75

Designation of transition area. 5493; 2–6–75

Designation of transition area. 6347; 2–11–75

Designation of transition areas; (2 documents).... 10171–10172; 3–5–75

Miscellaneous changes in IFR altitudes. 12485; 3–19–75

Name change of control zone and transition area..... 5493; 2–6–75

Redesignation of control zone and transition area..... 8327; 2–27–75

Redesignation of reporting point. 8327; 2–27–75

Standard instrument approach procedures; miscellaneous amendments. 14893; 4–3–75

LABOR/OFCC—Exemption for certain educational institutions.... 13218; 3–25–75

Daily List of Public Laws

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

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DOT/NHTSA: National Motor Vehicle Safety Advisory Council, 4–30 and 5–1–75 ... 18026
FEA: Food Industry Advisory Committee, 5–14–75 ... 18034
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 5–13 and 5–14–75 (2 documents) ... 18048, 18049
HEW/Alcohol, Drug Abuse, and Mental Health Administration: National Coucnil on Alcohol Abuse and Alcoholism, 5–19 and 5–20–75 ... 18014
NIH: National Advisory Dental Research Council, 6–19 and 6–25–75 ... 18021
National Advisory Eye Council, 6–9–75 ... 18020
National Institute of Infectious Diseases, Infectious Disease Committee, 6–12 and 6–13–75 ... 18021
OE: Community Education Advisory Council, 5–15 and 5–16–75 ... 18020
National Advisory Council for Career Education, 5–14 and 5–15–75 ... 18019
Interior/NPS: National Capital Memorial Advisory Committee, 5–12–75 ... 18013
Western Regional Advisory Committee, 5–16–75 ... 18013
Justice/LEAA: National Advisory Committee on Criminal Justice Standards and Goals, 5–3–75 ... 18009
Presidential Clemency Board, 5–8 through 5–10 and 5–22 through 5–24–75 ... 18052
State/AID: Advisory Committee on Voluntary Foreign Aid, 5–19–75 ... 18008
USDA/FS: Malheur National Forest Grazing Advisory Board, 5–13–75 ... 18013

RESCHEDULED MEETINGS—
CRC: Michigan State Advisory Committee, 5–30–75 ... 18031
Interior/BLM: Coeur d'Alene District Multiple Use Advisory Board, 5–29–75 ... 18012

contents

THE PRESIDENT

Proclamation
Mother's Day, 1975 ... 17977

EXECUTIVE AGENCIES

ACTION
Proposed Rules
Retired senior volunteer program; cost sharing provisions ... 18002

AGENCY FOR INTERNATIONAL DEVELOPMENT
Notices
Meetings:
Voluntary Aid, Advisory Committee on ... 18008

AGRICULTURAL MARKETING SERVICE
Rules
Limitations of handling and shipping:
Oranges (Navel) grown in Ariz. and Calif ... 17993
Oranges (Valencia) grown in Ariz. and designated part of Calif ... 17993
Proposed Rules
Inspection certificates; required information; extension of time ... 18001

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Forest Service.
Notices
Feed grain donations for Northern Cheyenne Indian Reservation in Montana ... 18014

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
Notices
Meetings:
National Advisory Council on Alcohol, Drug Abuse and Alcoholism ... 18014

ARMY DEPARTMENT
Notices
Environmental statements:
Construction of military family housing in Aliamanu Military Reservation, Oahu, Hawaii ... 18008

CIVIL AERONAUTICS BOARD
Proposed Rules
Special event charters; proposed operation authorization ... 18003
Notices
Hearings, etc.:
Allegheny Airlines, Inc., et al ... 18028
Pacific Western Airlines, Ltd ... 18030

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
Arizona ... 18030
Michigan ... 18031
New Jersey ... 18031
New York ... 18031

COMMERCE DEPARTMENT
See Patent and Trademark Office; Trade Adjustment Assistance Office.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list; additions and deletions ... 18031

CUSTOMS SERVICE
Notices
Newsprint paper, standard; minimum basis weight ... 18008

DEFENSE DEPARTMENT
See also Army Department; Navy Department.
Proposed Rules
Industrial personnel security clearance program ... 17995
Notices
Meetings:
Defense Intelligence Agency Scientific Advisory Committee ... 18009
Wage Committee ... 18009

DELAWARE RIVER BASIN COMMISSION
Rules
Freedom of information; correction ... 17987

EDUCATION OFFICE
Notices
Fulbright-Hays training grants; criteria for applications ... 18020
Meetings:
Community Education Advisory Council ... 18020
Career Education, National Advisory Council for ... 18019

ENVIRONMENTAL PROTECTION AGENCY
Rules
Water pollution; effluent guidelines for certain point source categories:
Electroplating ... 18130
Proposed Rules
Water pollution, effluent guidelines for certain point source categories:
Electroplating manufacturing ... 18140
Poultry processing products ... 18149
Notices
Pesticide registration applications (2 documents) ... 18031, 18032

FEDERAL AVIATION ADMINISTRATION
Rules
Control zone and transition areas (3 documents) ... 17986

Proposed Rules
Transition area 18001

FEDERAL ENERGY ADMINISTRATION
Rules
Mandatory petroleum price regulations:
Rent for real property used in retailing of gasoline, prospective increases 17980
Proposed Rules
Stripper well lease exemption; clarifications 18004
Notices
Environmental statement, final; coal conversion program 18034
Meetings:
Food Industry Advisory Committee 18034

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Savings and Loan System:
Collateralized borrowings, operations, etc 17982
Proposed Rules
Federal Savings and Loan System:
Guarantees of borrowings 18005

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program:
Areas eligible for sale of insurance 17987
Special hazard areas 17989

FEDERAL MARITIME COMMISSION
Notices
Environmental statements:
Council of North Atlantic Shipping Associations, et al and American Mail Lines Ltd., et al (2 documents) 18034, 18035
New Orleans, et al and Sea Train International, S.A. (2 documents) 18035, 18036
Philadelphia, port of 18036
Freight forwarder licenses:
Sequoia Forwarders Co 18037

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Algonquin Gas Transmission Co. 18037
American Petrofina Co. of Texas 18038
Arizona Public Service Co 18038
Arkansas-Missouri Power Co 18038
Cities Service Gas Co 18039
El Paso Natural Gas Co. (3 documents) 18039, 18040
Illinois Power Co 18040
Iowa Public Service Co 18041
Mobil Oil Corp 18041
North Penn Gas Co 18042
Northern Lights, Inc 18041
Northern Natural Gas Co 18042
Northwest Pipeline Corp 18042
Ohio Edison Co 18042
Pennsylvania Electric Co. (2 documents) 18043
Roberts, A. F., Jr 18037
Sacramento Municipal Utility District 18043
Texas Oil & Gas Corp 18043
United Gas Pipeline Co 18044
Virginia Electric & Power Co 18044
Wisconsin Electric Power Co. and Wisconsin Michigan Power Co 18044
Wisconsin Power & Light Co 18044

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Bank of Virginia Co 18045
Country Agencies & Investments, Inc 18045
First Bancgroup-Alabama, Inc 18046
First National Bankshares of Florida, Inc 18047
Landmands Corp 18047
Mountain Financial Services, Inc 18047
People's Bancorp 18047

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
S & H Insurance Co.; change of name 18008

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Erie National Wildlife Refuge, Pa 17992

FOOD AND DRUG ADMINISTRATION
Proposed Rules
Human drugs:
Over-the-counter drugs; laxative, antidiarrheal, etc.; monographs for; correction 18001
Notices
ARTX Telecommunication Equipment; memorandums of understanding with various states (7 documents) 18015–18019

FOREST SERVICE
Notices
Meetings:
Malheur National Forest Grazing Advisory Board 18013

GENERAL ACCOUNTING OFFICE
Rules
Bid protest procedures 17979
Notices
Regulatory reports review; proposals, approvals, etc. (2 documents) 18047, 18048

GENERAL SERVICES ADMINISTRATION
Notices
Authority delegations:
Secretary of Defense (2 documents) 18048
Meetings:
Architectural and Engineering Services Regional Public Advisory Panel (2 documents) 18048, 18049

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Alcohol, Drug Abuse and Mental Health Administration; Education Office; Food and Drug Administration; National Institutes of Health; Public Health Service.
Notices
Long-term care institutions; program results 18021

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration; Interstate Land Sales Registration Office.
Rules
Community development block grants; submission of applications; correction 17987

INDIAN AFFAIRS BUREAU
Notices
Judgment funds; plan for use and distribution:
Iowa Tribes of Oklahoma, Kansas, and Nebraska 18009
Kikiallus Tribe 18010
Lower Skagit Tribe 18010
Lummi Tribe 18011
Tuscarora Nation 18011

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of service:
Atchison, Topeka & Santa Fe Railway Co 18055
Illinois Central Gulf Railroad 18072
Hearing assignments 18055
Motor carrier, broker, water carrier, and freight forwarder applications 18073
Motor carriers:
Irregular route property carriers; gateway elimination 18056
Temporary authority applications (3 documents) 18085, 18087, 18088
Transfer proceedings (2 documents) 18073, 18088

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Hearings, etc.:
Ashumet Valley 18022
Brevard Properties 18022
Buffalo Hills 18022
Cape Canaveral Heights 18023
Jasper Valley at Amherst 18023
King's Gate 18023
Lake of the Menominees 18024
Meadow Wood Farms 18024
Swiss Alpine Development Corp 18024
Whispering Oaks 18025

JUSTICE DEPARTMENT
See Law Enforcement Assistance Administration.

LAND MANAGEMENT BUREAU

Notices

Applications; etc.:
Colorado 18011
New Mexico (2 documents) 18012
Meetings:
Coeur d'Alene District Multiple Use Advisory Board; rescheduled 18012
Shoshone District Multiple Use Advisory Board; correction 18013
Opening of public lands:
New Mexico 18012
Survey plat filings:
Arizona 18011
Withdrawal and reservation of lands, proposed, etc.:
Idaho 18012

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
Criminal Justice Standards and Goals National Advisory Committee; rescheduled 18009

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 18052

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Steering control system, protection 17992

Notices

Meetings:
National Motor Vehicle Safety Advisory Council 18026
Vehicle identification numbers; availability 18025

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
Dental Research Council, National Advisory 18021
Eye Council, National Advisory 18020
Infectious Disease Committee 18021

NATIONAL PARK SERVICE

Notices

Master plan workshops:
Crater Lake 18013
Meetings:
National Capital Memorial Advisory Committee 18013
Western Regional Advisory Committee 18013

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Aircraft accident data; availability 18051
Safety recommendation; availability 18052
Safety recommendation response; receipt 18051

NAVY DEPARTMENT

Notices

Meetings:
Naval Research Advisory Committee 18009

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Alabama Power Co 18049
Gulf States Utilities Co 18049
Northern States Power Co 18049
Philadelphia Electric Co 18050
Public Service Co 18050
Southern California Edison Co 18051
Atomic Safety and Licensing Board; establishment 18051
Meetings:
Nuclear Energy Center Site Survey 18050

PATENT AND TRADEMARK OFFICE

Notices

Meetings:
Trademark Affairs Public Advisory Committee 18014

PRESIDENTIAL CLEMENCY BOARD

Notices

Meetings 18052

PUBLIC HEALTH SERVICE

Rules

Family planning services training, grants 17991

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Notices

Environmental impacts 18026

SECURITIES AND EXCHANGE COMMISSION

Rules

Interpretive releases 17986

Proposed Rules

Investment adviser disclosure and recordkeeping requirements; extension of comment period 18007
Life insurance exemptive rules; extension of comment period (2 documents) 18007

Notices

Option plans:
American Stock Exchange, Inc 18053
Chicago Board Options Exchange, Inc 18053
Hearings, etc.:
Continental Vending Machine Corp 18053
Eastern Utilities Associates 18053
Industries International, Inc 18054
Ohio Edison Co. & Pennsylvania Power Co 18054
Westgate California Corp 18054

SMALL BUSINESS ADMINISTRATION

Notices

Authority delegations:
Assistant Administrator for Administration 18054
Associate Administrator for Finance and Investment 18054
Director, Office of Business Development and Contracting Officer, Program Support Division 18055
Disaster areas:
Rhode Island 18055

STATE DEPARTMENT

See Agency for International Development.

TRADE ADJUSTMENT ASSISTANCE OFFICE

Notices

Algy Shoes, Inc., hearing 18014

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; National Highway Traffic Safety Administration; Saint Lawrence Seaway Development Corporation.

Rules

Authority delegations:
Federal Highway and National Highway Traffic Safety Administrators 17992

TREASURY DEPARTMENT

See Customs Service; Fiscal Service.

list of cfr parts affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR

PROCLAMATIONS:

4368 17977

4 CFR

20 17979

7 CFR

907 17993
908 17993

PROPOSED RULES:

68 18001

10 CFR

RULINGS:

1975-3 17980

PROPOSED RULES:

210 18004
212 18004

12 CFR

544 17984
545 17984
561 17984
563 17984

PROPOSED RULES:

556 18005
563 18005

14 CFR

71 (3 documents) 17986

PROPOSED RULES:

71 18001
207 18003
208 18003
212 18003
214 18003
217 18003
241 18003
249 18003
369 18003
378a 18003
389 18003

17 CFR

271 17986

PROPOSED RULES:

270 (2 documents) 18007
275 (3 documents) 18007

18 CFR

401 17987

21 CFR

PROPOSED RULES:

334 18001
335 18001
336 18001
337 18001

24 CFR

570 17987
1914 17987
1915 17989

32 CFR

PROPOSED RULES:

155 17995

40 CFR

413 18130

PROPOSED RULES:

413 18140
432 18150

42 CFR

59 17991

45 CFR

PROPOSED RULES:

1221 18002

49 CFR

1 17992
571 17992

50 CFR

33 17992

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

3 CFR

PROCLAMATIONS:

2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567
4361 15063
4362 15861
4363 15863
4364 16293
4365 16641
4366 16643
4367 16829
4368 17977

EXECUTIVE ORDERS:

11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11829 (Amended by EO 11853) 17537
11847 14568
11848 14885
11849 14887
11850 16187
11851 16645
11852 17239
11853 17537

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS

Memorandum of March 24, 1975 15377

4 CFR

20 17979
408 ..... 14737, 15865
409 15865

PROPOSED RULES:

10 16686
351 14942

5 CFR

213 ..... 15379, 16189, 17243, 17539
300 15379
302 15380
315 15380
890 14569
1001 14570

7 CFR

2 17829
6 16069
51 15381
52 15890–15900
220 17148
270 16069
271 ..... 16069, 16320
301 16070
331 ..... 16072, 17539
401 15905
410 15905
613 17149
724 14737
728 16831
731 14601
873 16072

7 CFR—Continued

905 ..... 14889, 16210
907 ..... 14889, 16073, 16212, 17149, 17540, 17993
908 ..... 14890, 16211, 16213, 16321, 17150, 17540, 17829, 17993
910 ..... 15065, 16073, 16322, 17243
911 17830
944 14891
959 ..... 16211, 17831
991 14737
1101 17540
1207 17743
1250 15065
1427 16647
1430 16649
1472 16213
1488 ..... 16322, 16327, 16329, 16331
1701 16074
1803 16333
1872 15065
2620 17831
2710 14891

PROPOSED RULES:

29 15390
68 18001
401 14777
724 16671
908 ..... 16335, 17848
951 17151
982 16852
1002 ..... 14702, 15390
1004 ..... 14702, 15390
1033 ..... 14769, 17029
1251 15906
1421 15390
1701 ..... 17264, 17591
1823 14776
1842 15405

8 CFR

100 17743
103 17743
238 17744
316a 17744

PROPOSED RULES:

103 16215
214 15092

9 CFR

72 16650
78 17816
82 17244
94 14571
113 17003

PROPOSED RULES:

303 15906
381 15906

10 CFR

Ruling 1975–3 17980
70 16047
211 14738
213 16047
215 16295

PROPOSED RULES:

73 15098
205 ..... 14605, 17600
210 18004
211 ..... 14605, 16089, 17600
212 ..... 15041, 17859, 18004
213 14948

12 CFR

23 17135
204 17136
213 17136
217 ..... 16831, 17831
309 17004
329 17137
523 17245
524 17245
525 17245
526 17246
532 17246
541 15865
544 17984
545 ..... 15382, 15865, 17004, 17005, 17246, 17984
556 17246
561 17984
563 ..... 14738, 17984
571 17247
584 17005
588 17247
602 14571
611 17744
613 17744
614 17745
615 17745
616 17746

PROPOSED RULES:

7 14767
206 15909
217 ..... 16684, 16685
329 16219
335 14947
526 17860
541 15096
545 15096
556 ..... 17272, 18005
563 18005
584 ..... 16090, 17044
701 15404
721 15404
745 15404

13 CFR

121 17138

PROPOSED RULES:

107 14606
120 15098

14 CFR

39 ..... 14739, 14740, 14891, 14892, 15085–15086, 15384, 15866, 16189–16191, 16297–16299, 16831, 16832, 17006, 17138, 17139, 17248, 17548, 17832–17835
71 ..... 14740, 14741, 15086, 15385, 15867, 16050, 16299, 16650, 16651, 16832, 17006, 17007, 17139, 17140, 17248, 17249, 17549, 17836, 17837, 17986
73 ..... 17549, 17550
75 17007
91 16651
97 ..... 14893, 16300, 17140
103 17141
121 17551
241 16652

14 CFR—Continued

288 ... 14893
400 ... 14572
401 ... 14574
425 ... 14578

PROPOSED RULES:

25 ... 15093
39 ... 16854, 17852
71 ... 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346, 16854, 17264, 17265, 17596, 17853 16854, 17264, 17265, 17596, 17853, 18001
73 ... 15907
75 ... 14781
121 ... 17156
135 ... 16347
207 ... 17039, 18003
208 ... 17039, 18003
212 ... 17039, 18003
214 ... 17039, 18003
217 ... 17039, 18003
221 ... 17596
241 ... 17039, 18003
249 ... 17039, 18003
369 ... 18003
372a ... 17039
378 ... 17039
378a ... 17039, 18003
389 ... 17039, 18003

15 CFR

302 ... 17837
350 ... 14921
355 ... 14925
377 ... 15867
500 ... 14930
920 ... 16832

PROPOSED RULES:

803 ... 14603

16 CFR

1 ... 15232, 15233, 17008
2 ... 15235
3 ... 15234, 15236
4 ... 15235, 15236
13 ... 14579–14582, 14741, 14894–14904, 15385, 15386, 15868–15872, 16050, 16191, 16300, 16654, 17838
302 ... 14584, 16654
1500 ... 16191, 17746

PROPOSED RULES:

1 ... 15237
3 ... 15239
4 ... 15245
444 ... 16347
1500 ... 17157

17 CFR

1 ... 17406
150 ... 15086
200 ... 14748, 16052, 17008
250 ... 17249
271 ... 17986

PROPOSED RULES:

150 ... 15907
240 ... 16090
270 ... 18007
275 ... 14782, 18007

18 CFR

1 ... 17553
3 ... 16300
260 ... 17553
301 ... 14749
401 ... 17987

18 CFR—Continued

PROPOSED RULES:

Ch. I ... 15402
2 ... 16220
35 ... 14606
101 ... 14606
104 ... 14606
141 ... 15402, 16684
154 ... 14606
202 ... 14606
204 ... 14606
260 ... 16684

19 CFR

6 ... 15386
22 ... 14749
113 ... 14749
133 ... 17151
141 ... 17151
153 ... 14591

PROPOSED RULES:

112 ... 15389
113 ... 15389

20 CFR

10 ... 14750
405 ... 14591, 14934, 17746

PROPOSED RULES:

401 ... 17849
405 ... 14934, 16673, 17151
422 ... 17849

21 CFR

6 ... 16662
8 ... 15087
121 ... 14905
123 ... 14592, 17142
312 ... 16053
431 ... 15088
436 ... 15088
440 ... 15088
444 ... 14906
448 ... 15088
449 ... 15089
522 ... 17838
701 ... 16192
740 ... 16192
1030 ... 14750, 16663
1301 ... 17142

PROPOSED RULES:

27 ... 16085
334 ... 18001
335 ... 18001
336 ... 18001
337 ... 18001
630 ... 17151
1301 ... 16082
1308 ... 16082

22 CFR

1 ... 15392
3 ... 15392

PROPOSED RULES:

8 ... 15060

23 CFR

1 ... 16057
140 ... 16057
420 ... 17554
630 ... 17554
635 ... 14906, 17251
646 ... 16059
662 ... 14907
820 ... 16301

24 CFR

200 ... 17750
300 ... 14753
570 ... 15089, 16663, 17987
800 ... 15580
801 ... 15580
802 ... 15580
803 ... 15580
804 ... 15580
880 ... 15580
881 ... 15580
882 ... 15580
883 ... 15580, 16934
888 ... 15580
889 ... 15542
890 ... 17008
1700 ... 14753
1914 ... 14599–14601, 16192, 16193, 16303, 16304, 16835–16841, 17750, 17752, 17838, 17839, 17987
1915 ... 14754, 16192, 16193, 16193, 16303, 16304, 16842, 17015, 17017, 17989

PROPOSED RULES:

1917 ... 16345, 16674–16676

25 CFR

41 ... 17022
43k ... 14592

PROPOSED RULES:

221 ... 17029

26 CFR

Ch. I ... 16835
1 ... 16663
10 ... 17554
11 ... 17555
31 ... 17144, 17840
301 ... 15090

PROPOSED RULES:

1 ... 14767, 17576, 17583
31 ... 17028

27 CFR

Ch. I ... 16335

29 CFR

90 ... 14908
91 ... 16304, 17840
92 ... 16304, 17840
670 ... 16063, 17146
694 ... 15875
726 ... 16063, 17146
1208 ... 17022
1601 ... 16193
1913 ... 15876
1952 ... 16843
2300 ... 14593

PROPOSED RULES:

4 ... 16082
1910 ... 15390, 16217, 16336
1926 ... 15390
195? ... 16853

30 CFR

PROPOSED RULES:

250 ... 17758
251 ... 17758

31 CFR

90 ... 16844
93 ... 16844
100 ... 16844
121 ... 16844
500 ... 17262

31 CFR—Continued

PROPOSED RULES:

210 ... 16669

32 CFR

40 ... 16194
287 ... 16203
765 ... 16314
806 ... 17841
856 ... 14758
1803 ... 16314

PROPOSED RULES:

155 ... 17995
641 ... 16850

33 CFR

82 ... 17022
117 ... 14594, 15093, 17753
127 ... 17754
209 ... 17023
380 ... 14761

PROPOSED RULES

117 ... 14604, 15903
175 ... 17762
266 ... 14872

34 CFR

PROPOSED RULES:

235 ... 16855

36 CFR

7 ... 14912, 16315
214 ... 16316
270 ... 17556
603 ... 15877
604 ... 15877

PROPOSED RULES:

231 ... 16335

38 CFR

3 ... 16064

PROPOSED RULES:

1 ... 14783
3 ... 16092

39 CFR

PROPOSED RULES:

111 ... 15909, 16686

40 CFR

6 ... 16814
15 ... 17123
52 ... 14595, 15879, 16844, 16845
65 ... 14876
85 ... 16667
180 ... 14496, 14597, 15387, 15880, 17146, 17557, 17841
413 ... 18130
408 ... 16204

PROPOSED RULES:

52 ... 15094, 15095, 16218, 16680, 17157, 17597
408 ... 15096
413 ... 18140
414 ... 17041
432 ... 18150
450 ... 17762

41 CFR

1-3 ... 15880
1-7 ... 14913, 17558
1-12 ... 14913
1-15 ... 14913
1-30 ... 14917
3-1 ... 16319
3-8 ... 16319
5A-2 ... 16847
5A-7 ... 16847
5A-16 ... 16847
7-1 ... 16205
7-6 ... 16205
7-7 ... 16205
7-16 ... 16206
7-30 ... 16206
9-9 ... 16848, 17573
14-3 ... 15091
109-1 ... 15091

PROPOSED RULES:

Ch. 9 ... 16677
Ch. 60 ... 14953
3-16 ... 16337
14-7 ... 17848

42 CFR

57 ... 14762, 17252
59 ... 17991

PROPOSED RULES:

57 ... 14932
82 ... 17029

43 CFR

2800 ... 17841

PUBLIC LAND ORDERS:

5494 ... 16066
5495 ... 16667
5496 ... 16208

PROPOSED RULES:

4 ... 14603
2650 ... 14603

45 CFR

112 ... 16013
113 ... 16015
114 ... 16019
115 ... 16032
151 ... 14762
154 ... 14917
155 ... 14918
158 ... 17712
166 ... 17950
190 ... 15248
192 ... 17844
237 ... 16667
249 ... 14597
250 ... 14597, 15388
1201 ... 17023
1216 ... 16208

PROPOSED RULES:

121a ... 17849
160c ... 17394
204 ... 16672
228 ... 16802
250 ... 15093
156 ... 16086
704 ... 17267
1221 ... 18002
1222 ... 16676
1351 ... 17824

46 CFR

32 ... 17754
40 ... 17024
111 ... 17754
151 ... 17024
380 ... 14599
528 ... 14599
533 ... 14599

PROPOSED RULES:

12 ... 16676
30 ... 17592
31 ... 17154
32 ... 14935, 16676, 17592
34 ... 17592
50 ... 14935, 16676
52 ... 14935, 16676
53 ... 14935, 16676
54 ... 14935, 16676
56 ... 14935, 16676
58 ... 14935, 16676
63 ... 14935, 16676
74 ... 17154
93 ... 17154
Subchapter M ... 17154
502 ... 15097
550 ... 15401

47 CFR

Ch. I ... 17130
0 ... 14764, 17253, 17724
1 ... 15883, 16394, 17146, 17255
2 ... 17256
15 ... 15091, 15381
73 ... 15546, 15882-15889, 16667, 17026, 17256, 17259, 17260
76 ... 15546, 17724
97 ... 17256, 17755

PROPOSED RULES:

1 ... 16968
73 ... 14943-14947, 15907, 15908, 16680, 16682, 17042, 17269, 17270, 17598
76 ... 15574, 16683, 16684, 17270
87 ... 17271

49 CFR

1 ... 14764, 17992
215 ... 17573
310 ... 14919
571 ... 14765, 17574, 17992
1033 ... 14765, 14766
1036 ... 16846
1124 ... 17147
1126 ... 16066
1201 ... 15388

PROPOSED RULES:

173 ... 17853
179 ... 17853
Ch. II ... 17265
231 ... 17853
571 ... 16217, 16584, 17036, 17266, 17855
575 ... 17039
1056 ... 17044
1201 ... 17272
1202 ... 17272
1203 ... 17272
1204 ... 17272
1205 ... 17272
1206 ... 17272

49 CFR—Continued

PROPOSED RULES—Continued

1207 17272
1209 17272
1210 17272
1241 15402
1249 15402
1250 15402
1251 15402

50 CFR

10 17575
28 17261
32 14920
33 ..... 14766, 14920, 16210, 16320, 17992
216 17845
280 16210

PROPOSED RULES:

17 ..... 14767, 17590, 17757, 17847
20 17263
227 14777
251 ..... 14778, 14779, 16216

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7
15861–16046	8
16047–16186	9
16187–16291	10
16293–16640	11
17537–17742	21
16641–16827	14
16829–17002	15
17003–17134	16
17135–17238	17
17239–17535	18
17537–17742	21
17743–17827	22
17829–17976	23
17977–18161	24

presidential documents

Title 3—The President

PROCLAMATION 4368

Mother's Day, 1975

By the President of the United States of America

A Proclamation

We Americans have traditionally set aside one day each year to give special honor to our mothers. In 1975, International Women's Year, this tribute takes on even greater significance.

Of the many occupations in which women serve today, one of the most demanding is that of being a mother. It is demanding not only because of the skills, knowledge and perseverance required, but because of the importance of success. There is no area of endeavor which can have a greater impact on our future than the care and guidance of our children and young people. It is appropriate that we observe Mother's Day in a manner which acknowledges our appreciation for our own mothers and our respect for all of those who perform this vital role in our society.

The Congress, by a joint resolution of May 8, 1914 (38 Stat. 770, 36 U.S.C. 141, 142), designated the second Sunday in May of each year as a day on which we honor all mothers for their countless contributions to their families, to their communities and to the Nation.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby request that Sunday, May 11, 1975, be observed as Mother's Day. I call upon government officials to display the flag of the United States on all government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-10875 Filed 4-22-75;2:59 pm]

rules and regulations

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

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

Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER A—GENERAL PROCEDURES

PART 20—BID PROTEST PROCEDURES

In deciding protests against procurement actions by agencies of the Federal Government, the General Accounting Office recognizes that the expeditious handling of bid protests is indispensable to the orderly process of Government procurement and to the protection of protesters and other parties. Detailed procedures providing for consideration of bid protests are necessary to insure equality of treatment for all parties. These bid protest procedures apply to both formally advertised and negotiated procurements and sales. They are intended to provide fair consideration of bid protests in a timely manner.

These procedures supersede the "Interim Bid Protest Procedures and Standards" promulgated on December 23, 1971, and effective as of February 7, 1972. The experience obtained under those procedures during the past 3 years provides the basis for the revisions made. These new procedures also reflect the requirements expected to be set forth in the regulations applicable to the various Federal contracting agencies. This approach is intended to provide a comprehensive regulatory scheme for processing bid protests.

Based on our experience with the Interim procedures, the requirement for a 5-day period for filing bid protests with the General Accounting Office should be changed. We are now establishing a 10-day period. Our experience also indicates that the requirement for issuing decisions within 20 days of receipt of all necessary information should be replaced and we are substituting a goal of 25 days.

Other changes include clarification of provisions dealing with bid protest conferences and the effect of judicial proceedings and the addition of a provision applicable to requests for reconsideration of bid protest decisions.

The procedures apply to bid protests received by the General Accounting Office on or after June 2, 1975.

Part 20, including the part heading, is revised as follows:

Sec.

20.0 Definitions.
20.1 Filing of protest.
20.2 Time for filing.
20.3 Notice of protest, submission of agency report and time for submission of comments on report.
20.4 Withholding of award.
20.5 Furnishing of information on protests.
20.6 Time for submission of additional information.
20.7 Conference on protest.
20.8 Time for decision by Comptroller General.
20.9 Request for reconsideration.
20.10 Effect of judicial proceedings.

AUTHORITY: Sec. 311, 42 Stat. 25, as amended (31 U.S.C. 52). Interpret or apply sec. 305, 42 Stat. 24 (31 U.S.C. 71); sec. 304, 42 Stat. 24, as amended (31 U.S.C. 74).

§ 20.0 Definitions.

(a) All "days" referred to in this part are deemed to be "working days" of the Federal Government. The term "file" or "submit" in all sections except § 20.2 and § 20.9(b) refers to the date of transmission.

(b) "Adverse agency action" is any action or inaction on the part of a contracting agency which is prejudicial to the position taken in a protest filed with an agency. It may include but is not limited to: a decision on the merits of the protest; a procurement action such as the award of a contract or the rejection of a bid despite the pendency of a protest; or contracting agency acquiescence in and active support of continued and substantial contract performance.

§ 20.1 Filing of protest.

(a) An interested party may protest to the General Accounting Office the award or the proposed award of a formally advertised or negotiated contract of procurement or sale by or for an agency of the Federal Government whose accounts are subject to settlement by the General Accounting Office.

(b) Such protests must be in writing and addressed to the General Counsel, General Accounting Office, Washington, D.C. 20548. To expedite handling within the General Accounting Office, the address should include "Attn: Bid Protest Control Unit."

(c) The initial protest filed with the General Accounting Office shall (1) include the name and address of the protester, (2) identify the contracting activity and the number of the solicitation and/or contract, (3) contain a statement of the grounds of protest, and (4) specifically request a ruling by the Comptroller General. A copy of the protest shall also be filed concurrently with the contracting officer and the communication to the General Accounting Office should so indicate. The grounds for protest filed with the General Accounting Office must be fully supported to the extent feasible. See § 20.2(d) with respect to time for filing any additional statement required in support of an initial protest.

(d) No formal briefs or other technical forms of pleading or motion are required, but a protest and other submissions should be concise, logically arranged, and direct.

§ 20.2 Time for filing.

(a) Protesters are urged to seek resolution of their complaints initially with the contracting agency. If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered provided the initial protest to the agency was filed in accordance with the time limits prescribed in paragraph (b) of this section, unless the contracting agency imposes a more stringent time for filing, in which case the agency's time for filing will control. In any case, a protest will be considered if filed with the General Accounting Office within the time limits prescribed in paragraph (b).

(b)(1) Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals. In the case of negotiated procurements, alleged improprieties which do not exist in the initial solicitation but which are subsequently incorporated therein must be protested not later than the next closing date for receipt of proposals following the incorporation.

(2) In cases other than those covered in paragraph 1, bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier.

(3) The term "filed" as used in this section means receipt in the contracting agency or in the General Accounting Office as the case may be. Protesters are cautioned that protests should be transmitted or delivered in the manner which will assure earliest receipt. Except as provided in paragraph (c) of this section, any protest received in the General Accounting Office after the time limits prescribed in this subsection shall not be considered unless it was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the final date for filing a protest as specified herein. The only acceptable evidence to establish the date of mailing shall be the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. The only acceptable evidence to establish the date of transmission by mailgram shall be the automatic date indication appearing on the mailgram.

If the postmark in the case of mail or the automatic date indication in the case of a mailgram is illegible, the protest shall be deemed to have been filed late.

(c) The Comptroller General, for good cause shown, or where he determines that a protest raises issues significant to procurement practices or procedures, may consider any protests which is not filed timely.

(d) If an additional statement in support of the initial protest is required by the General Accounting Office, one copy shall be mailed or otherwise furnished to the General Counsel, General Accounting Office, and a copy shall be mailed or otherwise furnished to the contracting officer, not later than 5 days after receipt of notification from the General Accounting Office of the need for such additional statement.

§ 20.3 Notice of protest, submission of agency report and time for filing of comments on report.

(a) The General Accounting Office shall notify the contracting agency by telephone and in writing within one day of the receipt of a protest, requesting the agency to give notice of the protest to the contractor if award has been made or, if no award has been made, to all bidders or proposers who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. The agency shall be requested to furnish in accordance with applicable procurement regulations copies of the protest documents to such parties with instructions to communicate further directly with the General Accounting Office.

(b) Material submitted by a protestor will not be withheld from any interested party outside the Government or from any Government agency which may be involved in the protest except to the extent that the withholding of information is permitted or required by law or regulation. If the protester considers that the protest contains material which should be withheld, a statement advising of this fact must be affixed to the front page of the protests document and the allegedly proprietary information must be so identified wherever it appears.

(c) The Office of General Counsel shall request the agency to submit a complete report on the protest to the General Accounting Office as expeditiously as possible (generally within 25 working days) in accordance with applicable procurement regulations, and to furnish a copy of the report to the protester and other interested parties.

(d) Comments on the agency report shall be filed with the Office of General Counsel within 10 days after receipt of the report, with a copy to the agency office which furnished the report and to other interested parties. Any rebuttal a protester or interested parties may care to make shall be filed with the Office of General Counsel, General Accounting Office, within 5 days after receipt of the comments to which rebuttal is directed, with a copy to the agency office which furnished the report, the protester, and interested parties, as the case may be. Unsolicited agency rebuttals shall be considered if filed within 5 days after receipt by the Agency of the comments to which rebuttal is directed.

(e) The failure of a protester or any interested party to comply with the time limits stated in this section may result in resoluion of the protest without consideration of the comments untimely filed.

§ 20.4 Withholding of award.

When a protest has been filed before award the agency will not make an award prior to resolution of the protest except as provided in the applicable procurement regulations. In the event the agency determines that award is to be made during the pendency of a protest, the agency will notify the Comptroller General.

§ 20.5 Furnishing of information on protests.

The Office of General Counsel, General Accounting Office, shall, upon request, make available to any interested party information bearing on the substance of the protest which has been submitted by interested parties or agencies, except to the extent that withholding of information is permitted or required by law or regulation. Any comments thereon shall be submitted within a maximum of 10 days.

§ 20.6 Time for submission of additional information.

Any additional information requested by the Office of General Counsel, General Accounting Office, from the protestor or interested parties shall be submitted no later than 5 days after the receipt of such request. If it is necessary to obtain additional information from the agency, the General Accounting Office will request that such information be furnished as expeditiously as possible.

§ 20.7 Conference.

(a) A conference on the merits of the protest with members of the Office of General Counsel, General Accounting Office, may be held at the request of the protester, any other interested party, or an agency official. Request for a conference should be made prior to the expiration of the time period allowed for filing comments on the agency report (see § 20.3(d)). Except in unusual circumstances, requests for a conference received after such time will not be honored.

(b) Conferences normally will be held prior to expiration of the period allowed for filing comments on the agency report. All interested parties shall be invited to attend the conference. Ordinarily, only one conference will be held on a bid protest.

(c) Any written comments to be submitted and as deemed appropriate by the General Accounting Office as a result of the conference must be received in the General Accounting Office within 5 days of the date on which the conference was held.

§ 20.8 Time for decision by Comptroller General.

The Comptroller General establishes a goal of 25 days for issuing a decision on a protest after receipt of all information submitted by all parties and the conclusion of any conference.

§ 20.9 Request for reconsideration.

(a) Reconsideration of a decision of the Comptroller General may be requested by the protester, any interested party who submitted comments during consideration of the protest, and any agency involved in the protest. The request for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered.

(b) Request for reconsideration of a decision of the Comptroller General shall be filed not later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier. The term "filed" as used in this section means receipt in the General Accounting Office.

(c) A request for reconsideration shall be subject to these bid protest procedures consistent with the need for prompt resolution of the matter.

§ 20.10 Effect of judicial proceedings.

The Comptroller General may refuse to decide any protest where the matter involved is the subject of litigation before a court of competent jurisdiction or has been decided on the merits by such a court. The foregoing shall not apply where the court requests, expects, or otherwise expresses interest in the Comptroller General's decision.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75-10702 Filed 4-23-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1975-3]

RETAILING OF GASOLINE

Prospective Increases in Rent for Real Property

Facts. Firms S and O are engaged in the refining and marketing of petroleum products, including motor gasoline. Individuals A and B, retailers of motor gasoline, lease the real property used in their retailing operations from Firms S and O, respectively.

1. On May 15, 1973, Individual A paid a monthly rental to Firm S in the amount of 2.2 cents per gallon of gasoline pumped during the month, pursuant to the prevailing terms of the lease agreement between Firm S and Individual A. This lease agreement is due to expire, and Firm S proposes to enter into a new one year lease agreement with A at a stated monthly rental rate of 2.5 cents per gallon of gasoline pumped during the

month. Firm S has submitted a lease document to this effect for A's signature. A disclaimer attached to this document states that the increased rental stated in the proposed lease is not to become effective until "permitted" by Federal law. In the meantime, the disclaimer states that S will charge only the maximum rental permitted by FEA's regulations and that the proposed lease "should not be taken as an increase, offer to increase or notice of intent to increase your current rental."

2. On May 15, 1973, Individual B paid a monthly rental to Firm O of 2 cents per gallon of gasoline pumped during the month, pursuant to the prevailing terms of the lease agreement between Firm O and Individual B. This lease agreement has expired, and B's tenancy is now on a month-to-month basis. Firm O proposes to enter into a new one-year lease agreement with B at a stated monthly rental of 2.5 cents per gallon of gasoline pumped during the month. However, the 2.5 cents rental term is not to become effective until two conditions have occurred:

(a) The expiration of any Federal law prohibiting the implementation of the increased rental stated in the lease; and

(b) The expiration of a 60-day period, beginning with the first date on which an increased rental could lawfully be implemented, during which time the lessee has the unilateral option of terminating the lease agreement without penalty. Firm O has submitted a lease document to this effect for B's signature.

Issue #1. Is the conditional rental term proposed by Firm S in the lease offered to Individual A prohibited by FEA's Mandatory Petroleum Price Regulations, notwithstanding Firm S's disclaimer?

Issue #2. Is the conditional rental term proposed by Firm O in the lease offered to Individual B prohibited by FEA's Mandatory Petroleum Price Regulations, even though Individual B has the unilateral option to terminate the lease agreement, without penalty, before the rental increase becomes effective?

Ruling. 10 CFR 212.103 states, in relevant part, as follows:

> A lessor or lessee of real property used in retailing gasoline may not—
>
> (a) Increase, offer to increase, or give notice of intent to increase the rent for that real property to an amount in excess of the base rent as defined in § 212.102 * * *.

"Base rent" is defined, in § 212.102, as "the rent charged for that station pursuant to the contractual terms prevailing on May 15, 1973."

1. Firm S proposes to enter into a lease agreement with Individual A under which the rent for the real property involved will automatically increase, upon the expiration of controls, to an amount in excess of the base rent for that property. Under the proposed rental escalation clause, Individual A would have no recourse from the obligation to pay the increased rental upon the expiration of FEA controls on rent (i.e., satisfaction of the condition precedent). Under such circumstances, the 2.5 cent per gallon rental term contained in the lease agreement constitutes a "notice of intent to increase the rent * * * to an amount in excess of the base rent * * *" which is prohibited by § 212.103(a), notwithstanding the disclaimer of Firm S to the contrary.

2. Firm O, on the other hand, proposes a lease agreement under which the rent for the real property involved will increase only upon the expiration of controls coupled with Individual B's decision, after a reasonable period of time, not to terminate the lease agreement. Individual B has, therefore, agreed to a rental escalation at some as yet undetermined date; but upon determination of that date, B holds the unilateral option to reconsider his prior decision respecting the propriety of the rental increase and to reject or accept the lease under the new rental terms. Although the increased rental term stated in the lease represents a rent which is in excess of the base rent for the property, Firm O has not proposed an agreement to be entered into now which will irrevocably bind Individual B to the increased rental at some later date. In light of Individual B's option to terminate the lease rather than pay the increased rental, the lease provisions proposed by Firm O, when considered together, are properly regarded as rental renegotiation provisions. Under such circumstances, the 2.5 cent per gallon rental term contained in the lease agreement does not constitute a "notice of intent to increase the rent * * * to an amount in excess of the base rent * * *" for purposes of § 212.103(a).

For reasons which are more fully detailed below, the lease terms proposed by Firm O are not inconsistent with 10 CFR 212.1(c), which deals with rental renegotiation provisions depending for their operation upon the modification or termination of the Economic Stabilization Program.

Discussion

Subpart G of Part 212 of the Federal Energy Office regulations, including § 212.103(a), exists in its current form by virtue of FEA's general mandate contained in the Emergency Petroleum Allocation Act of 1973 as amended (Pub. L. 93-159), to promulgate a regulation which provides for the "mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts specified in * * * *and at prices specified in* * * * such regulation." (Emphasis added.) In complying with its pricing mandate, the FEA has concluded that the leasing of real property used in the retailing of gasoline, between suppliers and retailers, is inextricably woven into the fabric of suppliers' marketing systems and is directly related to the price at which gasoline is sold at retail. The price charged for product and the rent charged for the property, each of which is often expressed as a flat rate in cents per gallon, constitute a combined charge to the retailer for the privilege of purchasing and retailing gasoline. In light of this circumstance, increases in either the product price or the property rental impact upon the retailer-lessee in precisely the same manner—the result is an increased economic burden upon the retailer for the purchasing and retailing of product. The FEA has therefore determined that its statutory mandate to regulate the price of refined petroleum products requires the regulation of rents charged between suppliers and retailers in service station leases as an integral part of its petroleum pricing regulations.

The purpose of the § 212.103(a) prohibition against a "notice of intent to increase" rentals above the base rent is to prevent lessors of real property used in the retailing of gasoline from taking advantage of a period during which price and allocation controls have reduced the operation of competitive forces in the marketplace, to obtain an irrevocable commitment from lessees to pay increased rentals during some future period when market conditions might not otherwise justify such a rental rate. Under these conditions, lessees would have little choice but to agree to such increases now, in order to maintain their on-going business in a leased retail facility. Although the increased economic burden to a lessee represented by such a commitment would be deferred until such time as its imposition would be permitted under applicable Federal law, the fact that such a commitment is exacted at a time when the impositon of such increases is prohibited by FEA regulations has led to the prohibition of such commitments per se.

Where, however, the agreement to pay a rental higher than the "base rent" for the property is revocable, FEA's purpose in prohibiting prospective rental increases is not frustrated. This is especially so under circumstances in which the final determination as to whether or not the rental increase is to be accepted is made at a time during which there is no Federal law that may be applied to restrict or prohibit such an increase. Accordingly, such a tentative agreement is not deemed to be a "notice of intent to increase the rent for that real property" within the meaning of § 212.103(a) of the FEA's price regulations. Rather, lease provisions such as those proposed by Firm O, when considered together, are properly treated as rental renegotiation provisions and, as such, are not prohibited by § 212.103(a).

10 CFR 212.1(c) states, in relevant part, as follows:

> Price renegotiation provisions in price or rent contracts which depend for their operation upon the modification or termination of the Economic Stabilization Program, were previously declared to be inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Such renegotiation provisions continue to be inoperative as unreasonably inconsistent with the goals of both the Economic Stabilization Program and the Federal Energy Office.

Renegotiation provisions, such as those described in § 212.1, were first declared to be inoperative as inconsistent with the goals of the Economic Stabilization Program in Executive Order No. 11695, issued on January 12, 1973. This order

delegated to the Chairman of the COLC all authority vested in the President by the Economic Stabilization Act of 1970 as amended (Pub. L. 92-210) and included the following requirements concerning renegotiation provisions:

Renegotiation provisions in price, rent, wage, or salary contracts which are dependent for their operation on modification or termination of the Economic Stabilization Program are hereby declared inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program * * * this order shall not operate to permit:

(i) A retroactive increase in prices, rents, wages, or salaries for goods or services sold or leased or work performed while the prices, rents, wages or salaries were subject to the rules of the Price Commission or the Pay Board, or

(ii) A prospective increase in prices, rents, wages, or salaries under the terms of a contract subject to a Price Commission or Pay Board decision and order, except to the extent consistent with such decision and order.

Such renegotiation provisions continued to be inoperative throughout the existence of the Cost of Living Council.

On December 26, 1973, the Chairman of the COLC issued COLC Order No. 47 redelegating a portion of his authority to the recently established Federal Energy Office. Order No. 47 stated, in relevant part, as follows:

[T]here is hereby delegated to the Administrator of the Federal Energy Office authority to make determinations and take actions required or permitted by the Economic Stabilization Act of 1970, as amended, with respect to petroleum products and crude oil and the leasing of real property used in the retailing of gasoline.

Since Executive Order No. 11695 required that renegotiation provisions generally be declared inoperative, and since authority to enforce this requirement as regards the pricing of crude oil and petroleum products and the leasing of real property used in the retailing of gasoline had been redelegated to the Administrator of the Federal Energy Office, the FEO promulgated the provisions contained in § 212.1 quoted above on January 14, 1974. In so doing, the FEO intended to render inoperative only renegotiation provisions in contracts which irrevocably bind the purchaser or lessee to continue to purchase product or pay rental beyond the period of controls and at some as yet undetermined but possibly increased rate. Where a continuing irrevocable purchase or rental obligation exists, and renegotiation of the price or rental term is required, a renegotiation requirement is tantamount to an irrecovable commitment to pay some incremental increase in the price or rental at a future date. Such renegotiation provisions are therefore inoperative as inconsistent with the purpose of FEA regulations regarding prices and rents.

Where, however, there is no irrevocable commitment on the part of a purchaser-lessee to purchase product or pay rental beyond the period during which Federal law operates to restrict such prices and rentals, contract provisions providing for the renegotiation of price or rental terms are not susceptible to being used in a manner that would jeopardize the effective implementation of FEA's regulations covering prices and rents. Accordingly, 10 CFR 212.1 has no impact on renegotiation provisions under such circumstances.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

APRIL 21, 1975.

[FR Doc.75-10784 Filed 4-21-75;4:53 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[75-299]

COLLATERALIZED BORROWINGS

APRIL 2, 1975.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the preamble and the specific provisions of the regulations:

I. PRINCIPAL PROVISIONS FOR MORTGAGE-BACKED BONDS (MBBs)

A. Minimum denomination.

1. Under proposed regulation—$100,000.

2. Under final regulation—$10,000 up to $100,000 if sold only through registered securities brokers; $100,000 or over, no restriction.

B. Five-year minimum average effective maturity.

C. Maximum required prepayment per year—could not exceed 20 percent of original principal.

D. Collateral pool.

1. Under proposed regulation—any whole real estate loans could be placed in the collateral pool but substitutions, additions and supplemental payments not allowed; however, provision made for re-investment of accumulated principal payments on the mortgage collateral.

2. Under final regulation—same as proposed (with re-investment provision restated but not changed in substance), except that the bondholders may permit the S&L issuer to have discretion to substitute collateral having a market value not in excess of the replaced collateral at the time of substitution.

E. Issuer must meet an income test.

II. PRINCIPAL RELATED AMENDMENTS

A. Net-worth requirements for certain secured borrowings.

1. Under proposed regulation—all existing net worth requirements to be met under § 563.13, plus 5 percent of outstanding principal amounts of secured loans with maturities in excess of one year and 10 percent of any collateral in excess of outstanding loan principal.

2. Under final regulation—same as above, except 10 percent net worth requirement for over-collateralization deleted.

B. "Outside borrowing" percentages.

1. Under proposed regulation—nonconforming MBB borrowings, excluding FHLBank advances, to be reduced from the current 10 percent to 5 percent of savings plus stock; conforming MBBs to be allowed an additional 5 percent (for a possible total of 15 percent in outside borrowings). The 10 percent limitation for non-mortgage secured or unsecured borrowings to remain unchanged.

2. Under final regulation—same as proposed, except that existing nonconforming MBBs constituting amounts in excess of 5 percent of outside borrowings on the effective date of the regulation will not constitute a violation of the requirement until after November 23, 1975, or the term of the borrowing, whichever is sooner.

C. Federal association optional charter amendment to allow increased borrowing for conforming MBBs.

The Federal Home Loan Bank Board, by Resolution No. 74-1170, dated December 19, 1974, proposed amendments to Parts 544 and 545 of the rules and regulations of the Federal Savings and Loan System (12 CFR Parts 544 and 545) and amendments and additions to Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561 and 563), in order to revise the limitations on secured borrowings from sources other than a Federal Home Loan Bank or State-chartered central reserve institution and to create a new provision regulating the issuance of certain debt securities secured by mortgages; in addition, the Board proposed conforming changes to the regulations governing borrowing by Federal associations. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on January 17, 1975 (40 FR 3011), with an invitation for interested persons to submit written comments by February 18, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Parts 544, 545, 561, and 563 as proposed with certain modifications by revising §§ 545.24, 561.2, 561.3, 563.8, and 563.13 thereof, and by adding new §§ 544.8(e), 561.24a, and 563.8-2 thereto, to read as set forth below, effective May 23, 1975. The Board also hereby amends § 563.31(a) to read as set forth below, effective May 23, 1975; since this amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to it are unnecessary under the provisions of 12 CFR 508.11 and 12 U.S.C. 553(b). By a companion Resolution (Resolution No. 75-300; April 2, 1975), the Board proposes related amendments to the rules and regulations for Insurance of Accounts pertaining to guarantees by insured institutions of borrowings.

New § 561.24a defines the term "mortgage-backed bond" to mean any borrowing (except borrowings from Federal Home Loan Banks and State-chartered central reserve institutions) secured in whole or in part by one or more real estate loans.

New § 563.8-2, entitled Issuance of mortgage-backed bonds, contains a number of eligibility requirements set out in

paragraph (a) thereof. An insured institution is required to meet tests relating to its ratio of scheduled items to specified assets, its offset of appraised losses under § 563.17–2, its average income coverage of costs related to mortgage-backed bonds issued or proposed to be issued under § 563.8–2, and the legality of the proposed bond under applicable laws. Such eligibility requirements are required to be met both at the time of filing and at the time of issuance, unless specifically waived by the Corporation in a given case.

Paragraph (b) of new § 563.8–2 sets forth restrictions on the terms of mortgage-backed bonds issued pursuant to that section: A minimum average effective maturity of five years (to be calculated by adding up the bond principal balances to be outstanding at the end of each year or fractional year and dividing the total by the original outstanding bond principal); a maximum contractually required repayment of principal in any one year of not more than 20 percent of the original principal amount (although the insured institution could voluntarily choose to repay a greater percentage of principal); a requirement that the bond certificate state, in bold face type and in a prominent place, that it is not a savings account or deposit and is not insured by the Federal Savings and Loan Insurance Corporation; and a number of collateral pool restrictions.

With regard to such collateral, § 563.8–2(b)(3) prescribes that whole mortgages be collected into a fixed pool at the time of the bond issuance. Additions and supplemental payments to the collateral pool are prohibited, and the only substitutions permitted are those which the bondholders may agree to allow the savings and loan issuer to make at its discretion, with any such substituted collateral not to exceed the market value of the replaced collateral. This is merely an optional convenience feature for the savings and loan issuer, in the event that it has the opportunity to more favorably dispose of specific mortgages located in the collateral pool, and could not be used, for example, to replace defaulted mortgages in the pool (because the value of replacements may not exceed the value of the replaced collateral).

In lieu of other additions and substitutions, however, the second proviso of § 563.8–2(b)(3)(ii) authorizes the parties to agree to put back into the pool mortgages or other securities in amounts not in excess of the accumulated principal repayments made to the insured institution on mortgages and other securities in the pool, with the value of such replacements to be based on their market value at the time of replacement. This provision has been restated for purposes of clarity but is unchanged in substance from the proposal language. Under § 563.8–2(b)(3)(iii), collateral would be subject to sale by the bond trustee only after the Corporation has received written notification of any default on the bond and has had 30 days after notification of a proposed sale or other disposition in which to exercise a right of first refusal over all or any portion of the collateral at the price offered by the prospective buyer or the value assigned to such collateral in such other disposition.

Paragraph 563.8–2(c) pertains to notification by the insured institution to the Supervisory Agent of its district of the institution's intent to issue mortgage-backed bonds pursuant to this section. The notice is required to contain a description of the terms of the proposed issue. If, by the close of the fifth business day after receipt of such notice, the Supervisory Agent has not objected to the proposed issuance, then the institution has 120 calendar days in which to issue the bonds; after the expiration of the 120 days, a re-filing is necessary. If the Supervisory Agent takes objection to the proposed issuance, the question is to be submitted to the Corporation for resolution. Grounds for objection by the Corporation to the proposed issuance include objection to the policies, condition or operations of the insured institution, or unreasonable bond terms.

Paragraph 563.8–2(d) provides for alternative minimum denominations. Mortgage-backed bonds may be issued in minimum denominations of $100,000, as originally proposed by the Board in its December 19 resolution, without any additional restrictions. Alternatively, bonds in minimum denominations of between $10,000 and less than $100,000 may be issued subject to the following restrictions on distribution: (1) The bonds may be sold only through brokers and dealers registered with the Securities and Exchange Commission, (2) the bonds may not be offered for sale at any office of the savings and loan issuer or its affiliates, and (3) any unsolicited advertisement or other communication to more than 35 prospective bond purchasers may be made only through the brokers and dealers described in (1), above.

Paragraph 563.8–2(e) prohibits the making of false or misleading statements in connection with the offer, sale, or issuance of mortgage-backed bonds pursuant to the new section.

Paragraph 563.8–2(f)(1) exempts mortgage-backed bonds issued pursuant to the new section from the requirement that securities be registered by owner's name so as to be transferable only on the books of the insured institution; paragraph 563.8–2(f)(2) exempts such bonds from any adverse effects on the accumulation, accrual, or payment of any return thereon as a result of the institution's failure to comply with the Federal insurance reserve or net worth requirements of § 563.13.

The Board also amends other sections of the regulations pertaining to collateralized borrowings, including § 563.8, which sets out the limitations upon borrowing by insured institutions. Section 563.8 provides that, except as the Corporation may otherwise permit by advice in writing, insured institutions are authorized to borrow aggregate amounts not exceeding one-half of the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates, and authorizes up to one-fifth of such amount, that is to say 10 percent of the sums so paid in and credited to the institution, to be borrowed from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution. This provision is revised so that only 5 percent out of the 10 percent of borrowings from such other sources may be used for mortgage-backed borrowings which are not issued pursuant to new § 563.8–2 (to be applicable after November 23, 1975, to existing nonconforming bonds outstanding at the time of the regulation's effective date), but that an additional 5 percent of borrowings within the aggregate amount (which may be added to any unused portion of the 10 percent of borrowing from such other sources) is authorized for mortgaged-backed borrowings issued pursuant to new § 563.8–2. Unsecured borrowings and non-mortgage secured borrowings continue to be authorized in amounts not exceeding 10 percent of such paid-in and credited amount.

New paragraph 563.8(b) provides that secured borrowings from sources other than Federal Home Loan Banks and State-chartered central reserve institutions which have stated maturities in excess of one year must meet new net worth requirements. Specifically, the basic net worth requirement of § 563.13(b)(1) must be meet, as well as a new additional net worth requirement equal to 5 percent of the aggregate unpaid principal amount of all outstanding secured borrowings with maturities in excess of one year, as set out in new § 563.13(b)(4). (Paragraph 563.8(b) excludes from the computation outstanding borrowings to be re-funded out of the proceeds of new borrowings.) The proposed net worth requirement applicable to collateral in excess of the unpaid principal amount of all such secured borrowings is deleted from the final amendment.

Paragraphs (c) and (d) of § 563.8 contain provisions which are unchanged from the previous § 563.8; the language of paragraph (e) of § 563.8 has been modified for purposes of clarification but is unchanged in substance from the previous § 563.8.

Mortgage-backed bonds are excluded from the definitions of "insured member" and "insured account" by amendments to §§ 561.2 and 561.3, respectively, and for purposes of acquiring insurance or guaranty, mortgage-backed bonds and subordinated debentures are excluded from the term "accounts" by amendment to § 563.31.

Section 544.8 is amended by the addition of a new paragraph (e), which authorizes the board of directors of a Federal association that has Charter N or K (rev.) to amend section 9 of its charter, entitled "Power to borrow", to allow borrowing up to an additional 5 percent of capital for mortgage-backed bonds issued pursuant to new § 563.8–2. Section

545.24, which provides for Federal association borrowing, issuance of obligations, and giving of security, is amended to make specific reference to new § 545.8–2 as an issuance of a security authorized under section 5(b)(2) of the Home Owners' Loan Act.

PART 544—CHARTER AND BYLAWS

1. Add a new paragraph (e) to § 544.8 as follows:

§ 544.8 Amendment of charter.

* * * * *

(e) *Amendment of charter relating to borrowing powers.*

(1) The provisions of this paragraph (e)(1) shall constitute approval of the Board of the proposal by the board of directors of any Federal association that has a Charter N or a Charter K (rev.) of the amendment of section 9 of such association's charter to read as follows:

9. *Power to borrow.* The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal Home Loan Bank shall not exceed one-tenth of such capital and an additional amount not exceeding one-twentieth of such capital through issuance of mortgage-backed bonds pursuant to § 563.8–2 of the Rules and Regulations for Insurance of Accounts of the Federal Savings and Loan Insurance Corporation. Notwithstanding the foregoing limitation, the association may, with prior approval by the Federal Home Loan Bank Board, borrow from a Federal Home Loan Bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such Bank or agency. The association may pledge and otherwise encumber any of its assets to secure its debts.

(2) The association shall follow the requirements of section 11 of its charter in adopting such amendment.

PART 545—OPERATIONS

2. Revise § 545.24 as follows:

§ 545.24 Borrowing, issuance of obligations, and giving of security.

An association may borrow to such extent as is authorized by the terms of its charter or by the Board by advice in writing. An association may issue such notes, bonds, debentures, or other obligations, or other securities, as are not inconsistent with the terms of paragraph (2) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, as amended, (a) to the extent that such issuance is in compliance with the provisions of §§ 563.8–1 or 563.8–2 of this chapter, (b) to such extent as is otherwise authorized by the Board by advice in writing, or (c), except in the case of subordinated debt securities, as that term is defined in § 561.24 of this chapter, to the same extent that it would have authority to do so if said paragraph (2) had not been enacted. To such extent as is authorized by the terms of its charter or by the Board by advice in writing, an association may give security, but an association shall not give security for any of its shares or share accounts or for any of its savings accounts representing share interests in the association.

PART 561—DEFINITIONS

3. Revise §§ 561.2 and 561.3 to read as follows:

§ 561.2 Insured member.

The term "insured member" means the holders of an account or accounts in an institution insured by the Corporation. Such holder is a separate insured member in each of the capacities and to the extent provided in Part 564 of this chapter. The term does not include the holder of any subordinated debt security or any mortgage-backed bond issued by an insured institution.

§ 561.3 Insured account.

An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of State law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts". Subordinated debt securities and mortgage-backed bonds issued by an insured institution are deemed not to be "accounts", and such securities are not insurable.

4. Add a new § 561.24a as follows:

§ 561.24a Mortgage-backed bond.

The term "mortgage-backed bond" means any borrowing (other than a borrowing from a Federal Home Loan Bank or a State-chartered central reserve institution) secured in whole or in part by one or more real estate loans.

PART 563—OPERATIONS

5. Revise § 563.8 as follows:

§ 563.8 Limitation upon borrowing.

(a) Except as the Corporation may otherwise permit by advise in writing, no insured institution shall borrow in excess of the amount authorized by the law under which such insured institution operates. Within the foregoing limit, an insured institution may borrow amounts not exceeding in the aggregate the following percentages of the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates:

(1) 50 percent of such paid-in and credited amount for all borrowings;

(2) A portion of the amount authorized in paragraph (a)(1) of this section, not to exceed 10 percent of such paid-in and credited amount, for all borrowings from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution: *Provided*, That mortgage-backed bonds which are not in conformity with § 563.8–2 (except such mortgage-backed bonds in existence before May 23, 1975, for the period of their loan terms or until November 23, 1975, whichever period is shorter) shall not constitute more than 5 percent of such paid-in and credited amount; and

(3) A portion of the amount authorized in paragraph (a)(1) of this section, not to exceed 5 percent of such paid-in and credited amount, shall be available in addition to the amount authorized in paragraph (a)(2) of this section for mortgage-backed bonds which are in conformity with § 563.8–2.

(b) Except as the Corporation may otherwise permit by advice in writing, no insured institution may issue a secured borrowing with an original stated maturity in excess of one year under paragraphs (a) (2) and (3) of this section unless such institution meets the net worth requirements of § 563.13(b), after giving effect to the issuance of such borrowing and the repayment of any secured borrowing being refunded out of the proceeds of such issuance.

(c) No action of an insured institution in obtaining funds through borrowing, in accordance with the provisions of this section, shall be deemed a violation hereof should its aggregate borrowings exceed the limitations because of a subsequent reduction in the amounts paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates.

(d) For purposes of this section, the issuance of subordinated debt securities by an insured institution shall be considered borrowing. For purposes of this section and §§ 561.13 and 563.8–1 of this chapter, the amount of subordinated debt securities shall be calculated as the face amount of such securities which are outstanding less the amount of any related sinking fund or specific reserve account.

6. Add a new § 563.8–2 as follows:

§ 563.8–2 Issuance of mortgage-backed bonds.

(a) *Eligibility requirements.* Mortgage-backed bonds may be issued by an insured institution pursuant to this section only if the following eligibility requirements are met at the time that notice of such intended issuance is filed with the Supervisory Agent, as provided in paragraph (c) of this section, and at the time of such issuance, unless one or more of such requirements are waived by the Corporation upon specific request in a given case:

(1) The issuance of such bonds is authorized by applicable law and regulation and is not inconsistent with any provision of the insured institution's charter, constitution, or bylaws;

(2) The insured institution's scheduled items do not exceed 2.5 percent of its specified assets;

(3) All appraised losses have been offset by specified loss reserves to the extent required by the Corporation under § 563.17–2; and

(4) The insured institution's average income (before income taxes and extraordinary items and after payment of interest and dividends on savings accounts) for its last three fiscal years is at least two times the annual amount required for interest and amortization of the related expenses of all mortgage-backed bonds issued pursuant to this section (excluding any such bonds to be refunded out of the proceeds of any such issue).

(b) *Restrictions on the bond.* No mortgage-backed bond may be issued pursuant to this section unless it is in conformity with the following requirements:

(1) The average effective maturity shall not be less than 5 years (average effective maturity is calculated by adding up the bond principal balances to be outstanding at the end of each year or fractional year and dividing the total by the original outstanding bond principal);

(2) The maximum required principal repayment shall not be more than 20 percent of the original principal amount per year;

(3) The collateral pool securing the bonds shall be (i) composed of whole mortgages upon real estate: *Provided* That, subsequent to the time of bond issuance, such collateral pool may also contain other securities, (ii) fixed at the time of issuance, without provision for mandatory substitution, or additions or supplemental payments: *Provided* That the insured institution and the bondholders may agree that the insured institution may, in its discretion and without requirement by the bondholders or trustee, choose to substitute collateral, which may be made subject to acceptance by the bondholders or trustee, for such pool, with any such substituted collateral having at the time of substitution a market value not in excess of the market value at such time of collateral withdrawn from such pool; and *Provided further*, That the insured institution and the bondholders agree that an amount not in excess of the accumulated principal repayments from mortgages or other securities in the collateral pool may be replaced in such pool in the form of mortgages or other securities, with the value of such replacement securities to be based upon their market value at the time of replacement; and (iii) subject to sale or other disposition by or on behalf of the bondholders only after the Corporation has received prompt written notification of any default on the bond obligation and, before such a sale or other disposition of all or any portion of the collateral, has had 30 days after written notice of such proposed sale or other disposition to exercise a right to purchase such collateral at a price to be paid at such sale or to acquire such collateral at the value to be assigned to it in such other disposition; and

(4) Each writing evidencing or constituting a mortgage-backed bond shall bear on its face, in bold face type and in a prominent place, the following legend: "This security is not a savings account or deposit and it is not insured by the Federal Savings and Loan Insurance Corporation".

(c) *Filing.* An insured institution shall file with the Supervisory Agent (as defined in § 563.8–1(e)) a notice of intent to issue mortgage-backed bonds pursuant to this section which provides a brief description of such intended issuance, including principal amount of the bonds; anticipated interest rate range and price range at which the bonds are to be sold; minimum denomination; stated and average effective maturity; mandatory and optional prepayment provisions; description, amount, and maintenance of collateral; trustee provisions; events of default; and remedies of default. The Supervisory Agent shall have 5 business days after receipt of such filing to object to the issuance of such bonds. If no objection is taken by the close of such 5 day period, the insured institution shall have 120 calendar days within which to issue the bonds; after the expiration of the 120 calendar day period, the insured institution will be required to file again under this paragraph (c). If objection is taken to the issuance of the bonds, then the Supervisory Agent shall promptly cause the question of such issuance to be submitted to the Corporation for its decision. The issuance shall not be permitted if, in the opinion of the Corporation, the policies, condition, or operation of the insured institution, or the inclusion in the bond indenture of unreasonable terms, afford a basis for supervisory objection to the issuance.

(d) *Minimum denomination.* (1) Except as provided in paragraph (d)(2) of this section, the minimum denomination of the bonds shall be $100,000.

(2) The minimum denomination of the bonds may be $10,000 under the following conditions:

(i) The bonds may be sold only through brokers and dealers registered with the Securities and Exchange Commission;

(ii) The bonds may not be offered or sold at any offices of the issuer or any of its affiliates; and

(iii) Any advertisements for such bonds, including any broadcast, any written communication published in a newspaper, magazine or similar medium, or any letter, circular, or other written communication sent, given, or communicated to more than 35 persons who prior to such communication have not indicated an interest in purchasing the bonds, shall be made only by brokers and dealers as described in paragraph (d)(2)(i) of this section, and not by the issuer or any of its affiliates.

(3) Upon partial payment, a certificate for the amount then outstanding may be issued in substitution for the original certificate.

(e) *False or misleading statements.* No insured institution shall, directly or indirectly, in connection with the offer, sale, or issuance of mortgage-backed bonds pursuant to this section, make any statement (1) that is false or misleading with respect to any material fact or (2) that omits to state any material fact (i) necessary in order to make the statements made, in light of the circumstances under which they were made, not false or misleading or (ii) necessary to correct any earlier statement that has subsequently become false or misleading.

(f) *Applicability of other provisions.* (1) Section 563.4 shall not be applicable to mortgage-backed bonds which are issued pursuant to this section.

(2) The accumulation, accrual or payment of any return on a mortgage-backed bond issued pursuant to this section shall not be affected by any provision of § 563.13.

7. Revise § 563.13(b)(1) and add a new (b)(4) as follows:

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

* * * * *

(b) *Net worth requirements*—(1) *Minimum required amounts.* After the fiscal year in which a certificate of insurance is issued, each insured institution shall build up its net worth so that, as of the close of business on the annual closing date following each anniversary of the date of insurance of accounts, such net worth shall be at least equal to the greater of (i) the applicable Federal insurance reserve account requirement, plus an amount equal to 20 percent of the institution's scheduled items, plus the additional amount required by paragraph (b)(4) of this section, or (ii) the amount determined under the Asset Composition and Net Worth Index set forth in paragraph (b)(2) of this section, as adjusted by multiplying such amount by a fraction of which the numerator is the applicable Federal insurance reserve percentage (from the table set forth in paragraph (a)(1) of this section) and the denominator is 5.00, plus the additional amount provided for in paragraph (b)(4) of this section.

* * * * *

(4) Each insured institution shall also have an additional amount of net worth equal to 5 percent of the unpaid principal amount of all outstanding secured borrowings (other than a borrowing from a Federal Home Loan Bank or a State-chartered central reserve institution) with an original stated maturity in excess of one year.

* * * * *

8. Revise § 563.31(a) as follows:

§ 563.31 Other insurance or guaranty.

(a) An insured institution shall not acquire any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by Title IV of the National Housing Act. As used in this section, the term "accounts" shall have the same meaning as the term "withdrawable or repurchasable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act, except that the term "accounts" shall not include mortgage-backed bonds or subordinated debt securities.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730); 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.75-10768 Filed 4-23-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-GL-52]

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

Alteration of Control Zone and Transition Area

On Page 5542 of the FEDERAL REGISTER dated February 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.171 and 71.181 of part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Escanaba, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., June 19, 1975.

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

Issued in Des Plaines, Illinois, on April 1, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.171 (39 FR 354), the following control zone is amended to read:

ESCANABA, MICHIGAN

Within a 5-mile radius of Delta County Airport Latitude 45°43'25" N., Longitude 87°05'56" W.); within 3 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east and west of the VORTAC.

In § 71.181 (39 FR 440), the following transition area is amended to read:

ESCANABA, MICHIGAN

That airspace extending from 700 feet above the surface within a 6 mile radius of the Delta County Airport (Latitude 45°43'-25" N., Longitude 87°05'56" W.); that airspace extending from 1200 feet above the surface within a 19-mile radius of Escanaba VORTAC, excluding that portion which overlies the Marquette, Michigan transition area and that portion south of the 45°45' parallel.

[FR Doc.75-10650 Filed 4-23-75;8:45 am]

[Airspace Docket No. 74-GL-55]

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

Alteration of Control Zone and Transition Area

On page 5543 of the FEDERAL REGISTER dated February 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.171 and 71.181 of part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Ironwood, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been receive and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., June 19, 1975.

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

Issued in Des Plaines, Illinois, on April 1, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.171 (39 FR 354), the following control zone is amended to read:

IRONWOOD, MICHIGAN

Within a 6½-mile radius of Gogebic County Airport (Latitude 46°31'32" N., Longitude 90°07'54" W.); within 3 miles each side of the Ironwood VORTAC 258° radial, extending from the 6½-mile radius zone to 8 miles west of the VORTAC.

In § 71.181 (39 FR 440), the following transition area is amended to read:

IRONWOOD, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Gogebic County Airport (Latitude 46°31'32" N., Longitude 90°07'54" W.); within 3 miles each side of the 272° radial, extending from the 13-mile radius to 15 miles west of the Ironwood VORTAC and that airspace extending upward from 1200 feet above the surface within a 24-mile radius of the Ironwood VORTAC excluding the portion in the State of Wisconsin.

[FR Doc.75-10649 Filed 4-23-75;8:45 am]

[Airspace Docket No. 75-GL-6]

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

Alteration of Transition Area

On Page 7944 of the FEDERAL REGISTER dated February 24, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Detroit Lakes, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 19, 1975.

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

Issued in Des Plaines, Illinois, on April 1, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is revised to read:

DETROIT LAKES, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Detroit Lakes Municipal Airport (Latitude 46°49'34" N., Longitude 95°53'06" W.); within 3 miles each side of the Detroit Lakes VOR 315° radial extending from the 5-mile radius area to 7½ miles northwest of the VOR; within 3 miles each side of the 145° radial extending from the 5-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Detroit Lakes VOR 315° radial extending from the VOR to 18½ miles northwest; within 4½ miles southwest and 9½ miles northeast of the VOR 145° radial extending from the VOR to 18½ miles southeast, excluding that portion which overlies the Fargo, North Dakota transition area.

[FR Doc.75-10648 Filed 4-23-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8752]

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

Division of Investment Management Regulation Interpretive Position Relating to Rule 22c-1

The Securities and Exchange Commission today called attention to an interpretive position its Division of Investment Management Regulation has taken relating to Rule 22c-1 (17 CFR 270.22c-1) promulgated under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) ("Act").

Rule 22c-1 requires that redeemable investment company securities shall not be redeemed by a registered investment company except at a price based on the net asset value next computed after receipt of a tender of such security for redemption. However, the question has arisen as to the applicability of the Rule in merger situations where many state statutes provide for payment to a shareholder objecting to the merger.

Such statutes typically provide that a shareholder who objects to the merger in writing prior to the shareholder vote on the proposed merger and who does not vote in favor of the merger may, for a specified period of time after the effective date of the merger ("demand period"), make a written demand upon the sur-

viving corporation for payment in exchange for his stock. Upon receipt of such a demand, the corporation is required to pay the shareholder the fair value of his stock computed as of the effective date of the merger.

The procedure contemplated by these statutes would require, in effect, a redemption based on net asset value computed as of a number of days prior to the shareholder's redemption. For example, a shareholder of an open-end company about to merge into another open-end company could file an objection to the merger, not vote for the merger, and tender a demand for payment or do nothing depending on the subsequent performance of the surviving corporation during the demand period. If the net asset value of the surviving corporation increases during the demand period, the shareholder could do nothing and remain a shareholder in the surviving corporation; if the net asset value declines, he could make a written demand for payment and receive an amount based on the net asset value of the merged corporation at the effective date of the merger. To the extent that payment by the surviving corporation exceeds the net asset value which the stock represents in the surviving corporation at the time of the written demand, the interests of the other shareholders are diluted.

In adopting Rule 22c–1 (Investment Company Act Release No. 5519, October 16, 1968 (25 FR 16332)), the Commission stated that the rule was intended to eliminate, as much as possible, dilution resulting from the redemption or repurchase of securities at a price above their net asset value and speculative trading practices which are unfair to the other shareholders of an investment company issuing redeemable securities. These are precisely the practices which the procedure contemplated by the aforementioned state statutes would make possible. Indeed, since the requirements of Rule 22c–1 would provide a fair price for a dissenting shareholder while protecting the interests of the majority shareholders, its operation in this area would be in consonance with the policy behind the state statutes to a greater extent than the mechanical operation of the statutes themselves.

Therefore, it is the position of the Division of Investment Management Regulation that adherence to such state statutory procedures by registered investment companies issuing redeemable securities would constitute a violation of Rule 22c–1. In this connection, it is the view of the Division that Rule 22c–1 supersedes such state statutes. Section 50 of the Act states, "* * * nothing in this title shall affect the jurisdiction of * * * any State or political subdivision of any State, over any person, security, or transaction *insofar as such jurisdiction does not conflict with any provision of this title or any rule, regulation, or order hereunder*" (emphasis added).

Dated: April 10, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–10730 Filed 4–23–75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER III—DELAWARE RIVER BASIN COMMISSION

PART 401—RULES OF PRACTICE AND PROCEDURE

Public Access to Records and Information; Correction

On March 28, 1975 (40 FR 14056) the Delaware River Basin Commission published regulations in accordance with the Freedom of Information Act, as amended. These regulations were erroneously incorporated as Subpart F §§ 401.71–401.89). To correctly incorporate the Commission's Freedom of Information provisions into the Code of Federal Regulations the following changes are made:

1. Subpart F (§§ 401.71–401.89) appearing at 40 FR 14056, March 28, 1975 is correctly designated as Subpart G (§§ 401.91–401.109).

2. In the text of Subpart G, all internal references to §§ 401.71–401.89 are amended to §§ 401.91–401.109 respectively.

3. The Subpart F (§§ 401.81–401.87) appearing at 39 FR 25474, July 11, 1974, remains in effect as Subpart F.

4. Subpart G (§§ 401.91–401.94) appearing at 40 FR 14056, March 28, 1975, is correctly redesignated as Subpart H (§§ 401.111–401.114).

(Sec. 14.2, Delaware River Basin Compact, Pub. L. 87–328, 75 Stat. 688; Pub. L. 93–502, as amended)

Dated: April 18, 1975.

W. BRINTON WHITALL,
Secretary,
Delaware River Basin Commission.

[FR Doc.75–10691 Filed 4–23–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY OF COMMUNITY PLANNING AND DEVELOPMENT

[Docket No. R–75–292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Submission of Applications

Correction

In FR Doc. 75–9814, appearing on page 16663 in the issue for Monday, April 14, 1975, in § 570.300(a), in the 11th line, the date reading "cember 1, 1975;" should be changed to read "cember 1, 1974;".

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–558]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in the order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Dale	Ozark, city of	Apr. 17, 1975, Emergency	May 24, 1974		
California	Placer	Roseville, city of	do	Aug. 2, 1974		
Colorado	Bent	Las Animas, city of	do	Jan. 9, 1974		
Indiana	Lawrence	Bedford, city of	do	Feb. 15, 1974		
Iowa	Blackhawk	Gilbertville, city of	do	Mar. 22, 1974		
Kentucky	Nicholas	Unincorporated areas	do	Oct. 18, 1974		
Do	Warren	Bowling Green, city of	do	May 31, 1974		
Do	Breckinridge	Cloverport, city of	do	Feb. 1, 1974		
Maine	Kennebec	Farmingdale, town of	do	Aug. 2, 1974		
Maryland	Allegany	Frostburg, city of	do	Sept. 20, 1974		
Do	Frederick	Myersville, town of	do	Dec. 6, 1974		
Mississippi	Tishomingo	Burnsville, city of	do	Mar. 22, 1974		
Missouri	St. Charles	O'Fallon, city of	do	Feb. 1, 1974 and Dec. 6, 1974		
Missouri (E)	Cole	Jefferson City, city of	Apr. 23, 1971, Emergency Dec. 31, 1971, Suspension. Apr. 11, 1975, Reinstated.	Mar. 15, 1974		
Nebraska	Cass	Nebawka, village of	Apr. 17, 1975, Emergency	Sept. 6, 1974		
Do	Valley	North Loup, village of	do	Nov. 22, 1974		
New Jersey	Monmouth	New Shrewsbury, borough of	do	Apr. 12, 1974		
Ohio	Stark	Canton, city of	do	Dec. 17, 1973		
Do	Scioto	New Boston, village of	do	May 31, 1974		
Oregon	Hood River	Unincorporated areas	do			
Do	Linn	Sweet Home, city of	do	Jan. 23, 1974		
Pennsylvania	Susquehanna	Lanesboro, borough of	do	Dec. 20, 1974		
Do	Berks	Windsor, township of	do	Jan. 23, 1974		
Do	York	Spring Grove, borough of	do	May 3, 1974		
Do	Crawford	Troy, township of	do	Nov. 1, 1974		
Do	Beaver	New Brighton, borough of	do	Mar. 1, 1974		
Do	Centre	Burnside	do	Nov. 8, 1974		
Do	Washington	Coal Center, borough of	do	May 3, 1974		
Do	Schuylkill	Coal Dale, borough of	do	do		
Do	Westmoreland	Export, borough of	do	June 28, 1974		
Do	Berks	Fleetwood, borough of	do	Dec. 28, 1973		
Do	Luzerne	Jeddo, borough of	do	Jan. 17, 1975		
Do	Armstrong	South Buffalo, township of	do	Nov. 8, 1974		
South Carolina	Florence	Florence, city of	do	May 31, 1974		
Texas	Harris	South Houston, city of	do	June 28, 1974		
Vermont	Orange	Fairlee, town of	do	Feb. 15, 1974		
West Virginia	Putnam	Poca, town of	do	Mar. 29, 1974		
Do	Hardy	Wardensville, town of	do	do		
Do	Tucker	Parsons, town of	do	Feb. 8, 1974		
Wisconsin	Outagamie	Hortonsville, village of	do	Nov. 29, 1974		
Do	Dane	McFarland, village of	do	Dec. 17, 1973		
Do	Washington	Hartford, city of	do	Jan. 9, 1974		
Do	Adams	Friendship, village of	do	May 3, 1974		
Do	Columbia	Fall River, village of	do	Apr. 5, 1974		
Wyoming	Weston	New Castle, city of	do	Aug. 30, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 11, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-10306 Filed 4-23-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. FI-559]

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Where two dates appear in the column marked effective date of identification, the first listing refers to the initial identification of areas having special flood hazards, and the second date refers to additional areas identified. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*		*	*	*	*
Arizona	Yavapai	Cottonwood, town of.	H 040096 A 01 through H 040096 A 02	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7008, 718 West Glenrosa, Phoenix, Ariz. 85001.	Mayor, Town Hall, Town of Cottonwood, Cottonwood, Ariz. 86326.	June 7, 1974. May 2, 1975.
Arkansas	Benton	Gentry, city of	H 050324 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, City of Gentry, Gentry, Ark. 72734.	May 2, 1975.
Do	do	Gravett, city of	H 050327 01	do	Mayor, City of Gravett, City Hall, Gravett, Ark. 72736.	Do.
Do	do	Lowell, city of	H 050342 01 through H 050342 02	do	Mayor, City of Lowell, City Hall, Lowell, Ark. 72745.	Do.
Do	Columbia	McNeil, city of	H 050343 01	do	Mayor, City Hall, City of McNeil, McNeil, Ark. 71752.	Do.
Do	Franklin	Branch, city of	H 050393 01 through H 050393 02	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Town Mayor, City Hall, City of Branch, Branch, Ark. 72928.	Do.
California	San Mateo	Colma, town of	H 060316 A 01 through H 060316 A 02	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Town Mayor, Town of Colma, Town Hall, Colma, Calif. 94014.	Do.
Do	Yuba	Wheatland, city of.	H 060460 01	do	Mayor, City of Wheatland, City Hall, Wheatland, Calif. 95692.	Do.
Colorado	Clear Creek	Empire, town of.	H 080212 01	Colorado Water Conservation, Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Town Mayor, Town Hall, Town of Empire, Empire, Colo. 80438.	Do.
Do	Teller	Victor, town of	H 080226 01	do	Town Mayor, Town Hall, Town of Victor, Victor, Colo. 80860.	Do.
Florida	Brevard	Indialantic, town of.	H 125115 B 01	Department of Community Affairs, 2571 Executive Center Circle, East Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Town Manager, Town of Indialantic, 216 Fifth Ave., Indialantic, Fla. 32501.	Aug. 18, 1975. May 2, 1975.
Idaho	Gooding	Hagerman, city of.	H 160130 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, City of Hagerman, Hagerman, Idaho 83332.	May 2, 1975.
Do	Twin Falls	Filer, city of	H 160167 01	do	City Administrator, City of Filer, City Hall, Filer, Idaho 83328.	Do.
Do	Custer	Mackay, city of	H 160177 01	do	Mayor, City Hall, City of Mackay, Mackay, Idaho 83251.	Do.
Do	Payette	Payette, city of	H 160184 01	do	Mayor, City Hall, City of Payette, Payette, Idaho 83661.	Do.
Iowa	Louisa	Oakville, town of	H 190313 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Town Manager, Town Hall, Town of Oakville, Oakville, Iowa 52646.	Do.
Louisiana	Webster Parish	Springhill, city of	H 220238A 01 through H 220238A 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, City of Springhill, Springhill, La. 71075.	Mar. 15, 1974.
Do	De Soto Parish	Grand Cane, village of.	H 220291 01	do	Village President, Village of Grand Cane, Grand Cane, La. 71032.	May 2, 1975.
Do	Union Parish	Farmerville, town of.	H 220325 01 through H 220325 02	do	Town Manager, Town Hall, Town of Farmerville, Farmerville, La. 71241.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Union Parish	Marion, village of.	H 220338 01	do.	Village President, Village of Marion, Marion, La. 71260.	Do.
Missouri	Nodaway	Parnell, city of.	H 200533 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City of Parnell, City Hall, Parnell, Mo. 64475.	Do.
Do.	Callaway	New Bloomfield, city of.	H 290548 01	do.	Mayor, City of New Bloomfield, City Hall, New Bloomfield, Mo. 65063.	Do.
Do.	Cole	Centertown, village of.	H 290625 01	do.	Village President, Village of Centertown, Centertown, Mo. 65023.	Do.
Do.	Livingston	Chula, city of.	H 290628 01	do.	Mayor, City of Chula, City Hall, Chula, Mo. 64635.	Do.
Do.	Lafayette	Odessa, city of.	H 290669 01 through H 290669 02	do.	Mayor, City Hall, City of Odessa, Odessa, Mo. 64076.	Do.
Do.	Pettis	Lamonte, city of.	H 290701 01	do.	Mayor, City Hall, City of Lamonte, Lamonte, Mo. 65337.	Do.
Do.	Dallas	Buffalo, city of.	H 290730 01	do.	Mayor, City Hall, City of Buffalo, Buffalo, Mo. 65622.	Do.
Do.	St. Louis	Maplewood, city of	H 295266B 02	do.	Building Commissioner, City of Maplewood, Maplewood, Mo. 63143.	Nov. 23, 1973. May 2, 1975.
Montana	Madison	Ennis, town of.	H 300044A 01	Montana Department of Natural Resources, and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Town Manager, Town Hall, Town of Ennis, Ennis, Mont. 59729.	Mar. 15, 1974. May 2, 1975.
Do.	Jefferson	Whitehall, town of.	H 300120 01	do.	Town Manager, Town Hall, Town of Whitehall, Whitehall, Mont. 59759.	May 2, 1975.
Do.	Mineral	Superior, town of.	H 300128 01	do.	Town Mayor, Town Hall, Town of Superior, Superior, Mont. 59872.	Do.
Do.	Broadwater	Townsend, city of.	H 300131 01	do.	Mayor, City Hall, City of Townsend, Townsend, Mont. 59644.	Do.
Nebraska	Valley	Arcadia, village of.	H 310244 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Village President, Village of Arcadia, Arcadia, Nebr. 68815.	Do.
Do.	Nance	Belgrade, village of.	H 310249 01	do.	Village President, Village of Belgrade, Belgrade, Nebr. 68623.	Do.
Do.	Custer	Merna, village of.	H 310302 01	do.	Village President, Village of Merna, Merna, Nebr. 68856.	Do.
Do.	Greeley	Scotia, village of.	H 310316 01	do.	Village President, Village of Scotia, Scotia, Nebr. 68875.	Do.
Do.	Fillmore	Shickley, village of.	H 310317 01	do.	Village President, Village of Shickley, Shickley, Nebr. 68436.	Do.
Do.	York	Waco, village of.	H 310331 01	do.	Village President, Village of Waco, Waco, Nebr. 68460.	Do.
Do.	Furnas and Harlan.	Oxford, village of.	H 310396 01	do.	Village President, Village of Oxford, Oxford, Nebr. 68967.	Do.
Do.	Boyd	Spencer, village of.	H 310399 01	do.	Village President, Village of Spencer, Spencer, Nebr. 68777.	Do.
Do.	Holt	Stuart, village of.	H 310400 01	do.	Village President, Village of Stuart, Stuart, Nebr. 68780.	Do.
Nevada	Lincoln	Caliente, city of.	H 320015 A 01	Division of Water Resources, Department of Conservation and Natural Resources, Nye Bldg., Carson City, Nev. 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701.	City Council, City of Caliente, Caliente, Nev. 89008.	Mar. 28, 1974. May 2, 1975.
New Mexico	Chaves	Dexter, town of.	H 350112 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Town Council, Town of Dexter, Dexter, N. Mex. 88230.	May 2, 1975.
North Carolina	New Hanover	Carolina Beach, town of.	H 375347 B 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Office of Town Clerk, Town of Carolina Beach, P.O. Box 347, Carolina Beach, N.C. 28428.	May 26, 1972.
North Dakota	Williams	Grenora, city of.	H 380177 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Grenora, City Hall, Grenora, N. Dak. 58845.	May 2, 1975.
Do.	Ward	Kenmare, city of.	H 380234 01	do.	Mayor, City Hall, City of Kenmare, Kenmare, N. Dak. 58746.	Do.
Ohio	Butler	Middletown, city of.	H 390040 A 01 through H 390040 A 07	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, City Hall, City of Middletown, Middletown, Ohio 45042.	June 21, 1

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oklahoma	Dewey	Leedey, town of	H 400298 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Town Council, Town of Leedey, Leedey, Okla. 73654.	May 2, 1975.
South Dakota	Minnehaha	Dell Rapids, city of.	H 460059 01 through H 460059 02	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501.	Office of the Municipal, Finance Office, City Hall, City of Dell Rapids, Dell Rapids, S. Dak. 57022.	Do.
Do	Turner	Davis, town of	H 460086 01	do	Mayor, Town of Davis, City Hall, Davies, S. Dak. 57021.	Do.
Texas	Blanco	Blanco, city of	H 480050 A 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, City of Blanco, Blanco, Tex. 78606.	Do.
Do	Palo Pinto	Mingus, city of	H 480518 01	do	Mayor, City Hall, Mingus, Tex. 76463.	Do.
Do	Parmer	Friona, city of	H 480523 A 01	do	Mayor, City Hall, Friona, Tex. 79035.	Do.
Do	Ward	Wickett, city of	H 480647 A 01	do	Mayor, City of Wickett, Wickett, Tex. 79788.	June 28, 1974. May 2, 1975.
Do	Carson	Skellytown, town of.	H 480728 01 through H 480728 02	do	Town Council, Town of Skellytown, Skellytown, Tex.	May 2, 1975.
Do	Concho	Eden, village of	H 480763 01	do	Village Clerk, Village of Eden, Eden, Tex. 76837.	Do.
Do	Ellis	Red Oak, town of.	H 480803 01	do	Town Council, Town of Red Oak, Red Oak, Tex. 75154.	Do.
Do	Lamb	Earth, city of	H 480805 01	do	Mayor, City Hall, Earth, Tex. 79031.	Do.
Do	Lampasas	Lometa, town of	H 480900 01	do	Town Council, Town of Lometa, Lometa, Tex. 76853.	Do.
Do	Taylor	Merkel, city of	H 481016 01	do	Mayor, City Hall, Merkel, Tex. 79536.	Do.
Do	Travis	Pflugerville, city of.	H 481038 01	do	Mayor, City Hall, Pflugerville, Tex. 78660.	Do.
Do	Wood	Alba, town of	H 481090 01	do	Town Council, Town of Alba, Alba, Tex. 75410.	Do.
Do	Hays	Kyle, city of	H 481108 01 through H 481108 02	do	Mayor, City Hall, Kyle, Tex. 78640.	Do.
Do	San Patricio	Ingleside, city of	H 485480 B 01	do	Mayor, City of Ingleside, Ingleside, Tex. 78362.	June 26, 1971.
Do	Nueces	Robstown, city of.	H 485503 B 03 through H 485503 B 04	do	Mayor, City Hall, City of Robstown, Robstown, Tex. 78380.	July 10, 1971. Apr. 18, 1975.
Washington	Whitman	Colton, town of	H 530244 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Town Council, Town of Colton, Colton, Wash. 99113.	May 2, 1975.
Do	Stevens	Springdale, town of.	H 530264 01	do	Town Council, Town of Springdale, Springdale, Wash. 99173.	Do.
Do	Grant	Warden, town of	H 530304 01 through H 530304 02	do	Town Council, Town of Warden, Warden, Wash. 98857.	May 2, 1975.
Wisconsin	Trempealeau, village of.	Trempealeau, village of.	H 555584 B 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Village President, Village of Trempealeau, Trempealeau, Wis. 54661.	Dec. 12, 1972.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: April 4, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-10307 Filed 4-23-75;8:45 am]

Title 42—Public Health

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

SUBCHAPTER D—GRANTS

PART 59—GRANTS FOR FAMILY PLANNING SERVICES

Subpart C—Grants for Family Planning Services Training

ELIGIBILITY

On January 16, 1975, there was published in the FEDERAL REGISTER (40 FR 2823) a notice of proposed rulemaking setting forth the proposed amendment to Part 59, Subpart C of Title 42 of the Code of Federal Regulations, § 59.203(b), to authorize the Secretary in particular cases to approve support of a training program whose duration is longer than 3 months.

No unfavorable comments have been received, and the proposed amendment is hereby adopted without change and is set forth below, effective upon publication in the FEDERAL REGISTER.

Dated: April 2, 1975.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: April 21, 1975.

CASPAR W. WEINBERGER,
Secretary.

Paragraph (b) of § 59.203 is revised to read as follows:

§ 59.203 Eligibility.

* * * * *

(b) *Eligible projects.* Grants pursuant to section 1003 of the Act and this subpart may be made to eligible applicants for the purpose of providing programs, not to exceed three months in duration, for training family planning or other health services delivery personnel in the skills, knowledge, and attitudes necessary for the effective delivery of family planning services: *Provided*, That the Secretary may in particular cases approve support of a program whose duration is longer than three months where

he determines (1) that such program is consistent with the purposes of this subpart and (2) that the program's objectives cannot be accomplished within three months because of the unusually complex or specialized nature of the training to be undertaken.

[FR Doc.75-10724 Filed 4-23-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-108]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegations to the Federal Highway and National Highway Traffic Safety Administrators

The purpose of this amendment is to delegate jointly to the Federal Highway and National Highway Traffic Safety Administrators certain functions vested in the Secretary by the Federal-Aid Highway Amendments of 1974 (Pub. L. 93-643, January 4, 1975, 88 Stat. 2281), which previously were delegated solely to the Federal Highway Administrator (40 FR 14764-65, April 2, 1975).

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.48, subparagraphs (25) and (32) of paragraph (b) are amended, to read as follows:

* * * * *

§ 1.48 Delegations to Federal Highway Administrator.

* * * * *

(b) Administer the following sections of title 23, United States Code:

* * * * *

(25) 141, with the concurrence of the National Highway Traffic Safety Administrator as the section relates to certification of the enforcement of speed limits;

* * * * *

(32) 154; subsections (a), (b), and (d) with the concurrence of the National Highway Traffic Safety Administrator;

2. In § 1.51 paragraph (i) is added, to read as follows:

§ 1.51 Delegations of National Highway Traffic Safety Administrator.

* * * * *

(i) Administer the following sections of title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits; and

(2) 154(a), (b) and (d).

Effective date: This amendment is effective April 24, 1975.

(Sec. 9(e) Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on April 10, 1975.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

[FR Doc.75-10687 Filed 4-23-75;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket 74-33; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Protection From Steering Control System

This notice amends Standard No. 203, *Impact protection from the steering control system*, 49 CFR 571.203, to exclude from its requirements some passenger cars which meet the frontal barrier crash requirements of Standard No. 208, *Occupant crash protection*, 49 CFR 571.208.

The NHTSA proposed this exclusion of vehicles from the requirements of Standard No. 203 at the request of General Motors, to permit development of an air cushion restraint system at the driver's position as a means of meeting the frontal barrier crash protection requirements (S5.1) of Standard No. 208 (39 FR 34062, September 23, 1974). General Motors sought the exclusion because its modification to the steering control system to incorporate the air cushion system and accept higher loads exerted during a crash makes conformity of the column with Standard No. 203 difficult and sometimes impossible.

Comments were received from General Motors Corporation and Volvo of America Corporation, in support of the proposal, Renault, Inc., Peugeot, Inc., and Mercedes-Benz of North America, Inc., supported the proposal and suggested that the exception be extended to passive restraint systems that incorporate seat belts. These comments argue that the use of passive belts will be high and that the protection offered by Standard No. 203 would in nearly all cases be redundant to that of Standard No. 208.

As a general matter, the NHTSA has maintained that the redundant occupant crash protection offered by standards (e.g., Standard No. 212, *Windshield retention*) is justified for those situations where the primary occupant crash protection system fails, or multiple collisions occur. Redundant protection is particularly justified in the case of passive seat belts because of the greater likelihood that seat belt protection will be rendered inoperative by an occupant than will crash-deployed protection.

In this case, the NHTSA has made the limited determination that the redundant protection offered by Standard No. 203 is not justified where it directly interferes with development of a more advanced, convenient, and effective restraint system. In contrast, it is obvious that passive systems which utilize belt assemblies do not require modifications of steering control systems and there is, therefore, no reason to sacrifice the redundant protection. These petitions to expand the scope of the proposed exception are accordingly denied.

American Motors Corporation has suggested that an exception not be granted in this case until future requirements of Standard No. 208 are established, and that General Motors' developmental work be undertaken on the basis of a temporary exemption under 49 CFR Part 555. This approach has not been adopted by the NHTSA. In light of the financial commitments that might be involved, this agency has concluded that General Motors is entitled to the assurance that their developments on advanced Standard No. 208 systems will not be barred by Standard No. 203 in the future.

In consideration of the foregoing, paragraph S2 (application) in Standard No. 203 (49 CFR 571.203) is amended to read as follows:

§ 571.203 Standard No. 203; Impact protection for the driver from the steering control system.

* * * * *

S2. *Application.* This standard applies to passenger cars. However it does not apply to vehicles that conform to the frontal barrier crash requirements (S5.1) of Standard No. 208 (§ 571.208) by means other than seat belt assemblies.

* * * * *

Effective date: May 27, 1975. Because this amendment relieves a restriction, it is found for good cause shown that an effective date sooner than 180 days from the date of its publication in the FEDERAL REGISTER is in the public interest.

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

Issued on April 17, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-10628 Filed 4-23-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Erie National Wildlife Refuge

The following special regulation is issued and is effective during the period May 15, 1975 through December 31, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Pennsylvania, is permitted on areas designated by signs as open to fishing in accordance with State regulations. Boats are permitted in Lake Creek above Sugar Lake and above and below the Pool 9 dike where designated by signs. Fishing in Pools 9 and K is permitted from July 1 to September 15 only.

Pools 9 and K will be open to ice fishing at the discretion of the refuge manager by daily permit only. All fishing areas are delineated on maps available at refuge headquarters or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

APRIL 17, 1975.

[FR Doc.75-10678 Filed 4-23-75;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 349]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Apr. 25–May 1, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.649 Navel Orange Regulation 349.

(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 this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues strong. Prices f.o.b. averaged $3.58 per carton on a reported sales volume of 1,311 carlots last week, compared with an average f.o.b. price of $3.57 per carton and sales of 1,288 carlots a week earlier. Track and rolling supplies at 544 cars were the same amount as last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation 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 regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 22, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 25, 1975, through May 1, 1975, are hereby fixed as follows:

(i) District 1: 1,400,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement."

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

Dated: April 23, 1975.

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

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-10974 Filed 4-23-75;11:59 am]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Apr. 25–May 1, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.795 Valencia Orange Regulation 495.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing

opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve particularly for smaller sizes. Prices f.o.b. averaged $2.84 per carton on a reported sales volume of 160 carlots last week, compared with an average f.o.b. price of $2.63 per carton and sales of 96 carlots a week earlier. Track and rolling supplies at 47 cars were down 40 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation 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 regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 22, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 25, 1975, through May 1, 1975, are hereby fixed as follows:

(i) District 1: 89,456 cartons;

(ii) District 2: 132,535 cartons;

(iii) District 3: 250,000 cartons.

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

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

Dated: April 23, 1975.

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

[FR Doc.75-10973 Filed 4-23-75;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 DEFENSE

Office of the Secretary

[32 CFR Part 155]

INDUSTRIAL PERSONNEL SECURITY CLEARANCE PROGRAM

Notice of Proposed Rulemaking

Pursuant to Executive Order 10865, Safeguarding Classified Information Within Industry, dated February 20, 1960,[1] as amended by Executive Order 10909, dated January 17, 1961,[1] Part 155 is being revised.

Part 155 establishes the policy, practices, and procedures to be followed in adjudicating and making security clearance determinations in the cases of employees in private industry who require access to classified defense information.

This part has not been updated during the past nine (9) years except for few very minor changes. During this period, relevant judicial decisions, legislative enactment of the Freedom of Information Act of 1967 as amended in 1974 and the Privacy Act of 1974, and experience in the practical application of the 1966 Part 155 in the adjudication of Industrial Security Clearance cases have established the justification and necessity for the revised part.

Public comment on the proposed revision may be submitted on or before May 27, 1975 to the Deputy Assistant Secretary of Defense (Security Policy), OASD(C), The Pentagon, Washington, D.C. 20301.

The proposed amendment to Part 155 reads as follows:

Sec.
155.1 Purpose.
155.2 Definitions.
155.3 Applicability and scope.
155.4 Standard and policy.
155.5 Criteria.
155.6 Administration.
155.7 Practices and procedures.
155.8 Suspension actions in security violation cases.
155.9 Reimbursement for loss of earnings.
155.10 Pending and reopened cases.
155.11 Effective date.

AUTHORITY: (10 U.S.C. 133; 5 U.S.C. 301); Executive Order 10865, 25 FR 1583, 3 CFR 401 (1959–1963 Comp.); Executive Order 10901, 26 FR 508, 3 CFR 437 (1959–1963 Comp.).

§ 155.1 Purpose.

In accordance with Executive Order 10865, as amended by E.O. 10909, this part establishes the standard and criteria for making security clearance determinations when persons employed in private industry require access to classified defense information, and sets forth policy, practices and procedures which shall be followed for cases arising under the DoD Industrial Personnel Security Clearance Program (hereinafter referred to as the Program).

§ 155.2 Definitions.

(a) *Agencies* refers to Executive Departments and agencies outside of the Department of Defense which have agreed to process industrial personnel security clearances under this part.

(b) *Agency case.* A case arising out of the release of classified information to or within industry by an Agency.

(c) *Agency head.* The head of any of the Agencies in paragraph (a) of this section.

(d) *Applicant.* A person eligible to have the status of his clearance determined under this part.

(e) *Contractor.* An industrial, educational, commercial, or other organization which has executed a Department of Defense Security Agreement.

(f) *Counsel.* Attorney or personal representative duly appointed by applicant as provided under § 155.7(c).

(g) *Department counsel.* The attorney duly appointed by the Department of Defense to represent the Department in all proceedings in an applicant's case.

(h) *Department of Defense components* includes the Military Departments and Defense Agencies and, as appropriate, their subordinate organizations.

(i) *Drug abuse.* The illegal, wrongful or improper use of any narcotic substance, marijuana or dangerous drugs, or the illegal or wrongful possession, transfer or sale of the same.

(j) *Hearing examiner.* An official designated by the Department of Defense to conduct hearings and make determinations under the Program.

(k) *Hearing.* A proceeding convened and conducted by an Examiner in accordance with this Directive for the purpose of determining an applicant's eligibility for a clearance.

(l) *Judicial notice* is the acceptance of material as true without requiring proof for purposes of a procedure under this Directive. The Examiner may take judicial notice of any Federal, State, or municipal statute or adjudicative regulation, official report of a legislative committee, or of any adjudicative fact not subject to reasonable dispute in that it is either: (1) Generally known within the territorial jurisdiction, or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. When a determination rests on judicial notice of a material fact not appearing in the evidence of record, applicant or Department Counsel is entitled, on timely request, to an opportunity to show the contrary.

(m) *Relevant evidence.* Evidence having any tendency to make the existence of any fact of consequence to the determinations of the action more probable or less probable than it would be without the evidence.

(n) *Security clearance or clearance.* An authorization for a contractor or person employed by a contractor to have access to specified levels of classified defense information provided his duties so require.

(o) *Statement of reasons.* A statement issued by the Department of Defense setting out the reasons why an applicant's security clearance should be denied, suspended, or revoked.

§ 155.3 Applicability and Scope.

(a) The provisions of this Part are applicable to all Department of Defense components.

(b) By mutual agreement, the provisions of this part also extend to other Agencies which include:

(1) Department of State;
(2) Department of Treasury;
(3) Department of Interior;
(4) Department of Agriculture;
(5) Department of Commerce;
(6) Department of Labor;
(7) Department of Health, Education and Welfare;
(8) Department of Transportation;
(9) Environmental Protection Agency;
(10) Federal Aviation Administration;
(11) Federal Energy Administration;
(12) General Services Administration;
(13) National Aeronautics and Space Administration;
(14) National Science Foundation;
(15) Small Business Administration;

and such other Agencies as may agree to process industrial security clearance cases under the provisions of this part.

(c) All applicants within the United States and its possessions who require access to classified defense information and all U.S. citizens who require NATO security clearance in their employment by foreign contractors in NATO countries shall as a minimum be investigated in accordance with the standards set forth in 30 FR 11533.

(d) This part applies to cases in which the applicant is eligible to be considered for a clearance and a Department of Defense activity has recommended either: (1) That such clearance be denied or revoked, or (2) that such clearance be suspended under § 155.8(a).

(e) In cases where an applicant's clearance has been suspended or a Statement of Reasons issued, the subsequent

[1] Filed as part of original.

termination of employment will not affect the applicant's right to pursue these procedures.

(f) The Program may be extended to other cases at the direction of the Assistant Secretary of Defense (Comptroller) or his designee.

(g) The Program does not extend to cases involving access to communications analysis material or information, to cases in which a clearance is administratively withdrawn without prejudice upon a finding that the applicant is not eligible, or to cases in which an interim clearance is withdrawn during an investigation.

§ 155.4 Standard and policy.

(a) Access to classified information shall be granted or continued only to those applicants who have been determined eligible based upon a finding that to do so is clearly consistent with the national interest.

(b) In the course of an investigation, interrogation, examination, or hearing, the applicant may be requested to answer relevant questions or to authorize others to release relevant information about himself. The applicant is expected to give full, frank, and truthful answers to relevant questions and to authorize others to furnish relevant information. The applicant may elect on constitutional or other grounds not to comply; however, his refusal or failure to furnish or authorize the furnishing of relevant and material information may prevent the Department of Defense from reaching the affirmative finding required by paragraph (a) of this section, in which event any security clearance then in effect shall be suspended by the Assistant Secretary of Defense (Comptroller), or his designee, and the further processing of his case discontinued.

(c) Inquiries to the applicant or to others concerning an applicant will be limited to matters relevant to a determination whether granting access to classified information is clearly consistent with the national interest and shall not be directed to the applicants opinions about: (1) Religious beliefs and affiliations; (2) racial matters; (3) political candidates or parties other than those included in § 3155.5(c); and (4) the constitutionality or wisdom of legislative policies. Because religious and racial matters may be serious stress areas for many applicants where § 155.5(j) is in issue, limitations (1) and (2) herein are not binding on psychiatrists or psychologists performing mental examinations or evaluations of applicants; however, responses to such questions as may be asked under such circumstances shall be evaluated only as to the bearing they may have on the thought processes of present or past mental condition. Neither religious beliefs nor racial matters shall be basis for refusing to grant or continue access to classified information.

(d) Determinations under this part shall be in terms of the national interest and shall in no sense be determinations as to the loyalty of the applicant; nor shall they be considered a bar to employment in a position not requiring access to classified information.

(e) The facts, circumstances and conduct as determined under § 155.5 may, in the light of all the surrounding conditions, be the basis for denying or revoking a clearance. The facts, circumstances and conduct vary in implication, degree of seriousness, and significance depending upon all the factors in a particular case. Therefore, the ultimate determination must be an overall common sense one based upon all the information which properly may be consideerd under this Part including, but not limited to, such factors as the following: the seriousness of the facts, circumstances and conduct, the implications, the recency, the motivations, the extent to which the conduct was voluntary and undertaken with knowledge of the circumstances involved, and to the extent that it can be estimated and is appropriate in a particular case, the probability that it will continue in the future.

§ 155.5 Criteria.

The criteria for determining eligibility for a clearance shall relate, but not be limited, to the following:

(a) The attempt or commission of any act of sabotage, espionage, treason, sedition, or anarchy, or conspiring with, or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, sedition or anarchy.

(b) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or with an espionage agent or other representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(c) Any membership or activity knowingly in sympathy with or in support of any foreign or domestic organization, association, movement, group or combination of persons who instigate, conspire or foment the commission of acts to deny other persons their rights under the Constitution of the United States or who seek to alter the form of Government of the United States by force or violence or by other unconstitutional means.

(d) Intentional, unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by law.

(e) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(f) Wilful violation or disregard of security regulations.

(g) Any deliberate misrepresentations, falsifications or omission of material facts from a personnel security questionnaire or personal history statement, or in testimony or evidence adduced during the course of a hearing.

(h) Any criminal, infamous, dishonest, or notoriously disgraceful conduct, habitual or episodic use of intoxicants to excess, drug addiction, drug abuse, or sexual perversion.

(i) Facts, circumstances or conduct reflecting activity of a reckless, irresponsible or wanton nature which indicates such poor judgment, unreliability or untrustworthiness as to suggest that the applicant might fail to safeguard classified information entrusted to his care and use or might disclose classified information to unauthorized persons or otherwise assist such persons, whether deliberately or inadvertently, in activities inimical to the national interest.

(j) Any illness, including any mental condition, of a nature which, in the opinion of competent medical authority, may cause significant defect in the judgment or reliability of the applicant with due regard to the transient or continuing effect of the illness and the medical findings in such cases.

(k) Any facts or circumstances which furnish reason to believe that the applicant may be subjected to coercion, influence, or pressure which may be likely to cause action contrary to the national interest. Such facts may include but are not limited to the presence of a close relative of the applicant or of the applicant's spouse in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas of such a nation, under circumstances permitting coercion or pressure to be brought on the applicant through such relatives which may be likely to cause action contrary to the national interest. The term close relative includes parents, brothers, sisters, offspring, and spouse.

(l) Excessive indebtedness, recurring financial difficulties, unexplained affluence or repetitive unexplained absences from places of employment or official duty.

(m) Refusal by the applicant, without satisfactory subsequent explanation, to answer questions before a Congressional Committee, Federal or State Court, or Federal administrative body, regarding charges of his alleged disloyalty or other conduct relevant to his security eligibility.

§ 155.6 Administration.

(a) The Assistant Secretary of Defense (Comptroller) or his designee shall provide policy and procedural guidance for the Program and is responsible for its administration, including the organization and composition of the various boards and staffs, and the establishment of field offices. The Assistant Secretary of Defense (Comptroller), or his designee, may issue supplemental instructions and guidance as may be desirable for efficient and equitable operation of the Program or to accomplish the objectives set out in Executive Order 10865, as amended by E. O. 10909, January 17, 1961. Supplemental instructions and guidance affecting the procedural or substantive rights of an applicant under

this Part shall be issued as numbered publications entitled "Personnel Clearance Memorandums" and shall be published in the FEDERAL REGISTER.

(b) An Office shall be established in the Office of the Assistant Secretary of Defense (Comptroller) to administer the Program and shall include an Administrative Staff, Department Counsel, Screening Board, Field Offices, and an Appeal Board.

(c) DoD components designated to support boards, staffs, and field offices will provide, from resources available to the designated DoD component, financing, personnel and personnel spaces, office facilities, and related administrative support.

(d) The Assistant Secretary of Defense (Comptroller), or his designee, is authorized to issue in appropriate cases, invitations and travel orders to persons to appear and testify who have provided oral or written statements adverse to the applicant relating to a controverted issue. The Assistant Secretary of Defense (Comptroller), or his designee, is authorized to issue instructions regarding the issuance of travel orders, payment of travel expenses, and reimbursement for actual expenses as provided by section 6 of Executive Order 10865, as amended by E. O. 10909, January 17, 1961.

(e) Screening Board members will be designated by the Assistant Secretary of Defense (Comptroller) or his designee. The Screening Board will be divided into panels of three members each; one member of each panel will be designated as chairman. In an agency case, the Agency Head may appoint one member from his agency to such a panel.

(f) Hearing Examiners, who must be qualified civilian attorneys, will be designated by the Assistant Secretary of Defense (Comptroller) or his designee. A single Examiner will be assigned to each case. Examiners will be assigned to such locations as will best serve the needs of the Program.

(g) Department Counsel, who must be qualified civilian attorneys, will be designated by the Assistant Secretary of Defense (Comptroller), or his designee, to act as counsel for the Department of Defense in cases in which hearings are held. Department Counsel will present the Department's case at the hearing and will conduct examinations and cross-examinations of those persons testifying, as appropriate. Other functions of Department Counsel include: (1) Providing advice and assistance to the Screening Board as required, and (2) taking appeals to and arguing cases before the Appeal Board on behalf of the Department. Department Counsel will not participate in the deliberations or determinations of any of the Boards, nor present any argument or other representation to an Examiner or to the Appeal Board with respect to any case pending before such Examiner or Board unless the applicant involved in provided with advance notice and reasonable opportunity to be heard.

(h) Appeal Board members will be designated by the Assistant Secretary of Defense (Comptroller) or his designee. The Appeal Board will be divided into panels of three members each. One member of each panel will be designated as chairman. The chairman and at least one other member of the panel shall be qualified civilian attorneys. In an agency case, the Agency Head may appoint one member from his Agency to such a panel.

(i) The Screening Board, the Hearing Examiners, and the Appeal Board shall fulfill their responsibilities as defined herein under the administrative authority, direction and control of the Assistant Secretary of Defense (Comptroller). The Assistant Secretary of Defense (Comptroller), or his designee, shall exercise the administrative authority, direction and control of the Program so as to assure the Board Members and Examiners render impartial and independent findings, judgments, and determinations in security clearance cases.

§ 155.7 Practices and procedures.

(a) *Screening board.* (1) Where a Department of Defense Component recommends that an industrial security clearance be denied or revoked, the applicants case and the recommendation of the Defense Component will be referred to the Screening Board. As an interim measure, where a determination is made that the applicants continued access to classified information, pending action by the Screening Board, would constitute an immediate threat to the national interest, an existing clearance will be suspended. This interim suspension authority is limited to statutory appointees and the Deputy Director for Contract Administration Services, Defense Supply Agency; however, where there is significant evidence of espionage or sabotage, emergency suspension action may be taken by an authorized subordinate after consulting with appropriate investigative agency officials. The Assistant Secretary of Defense (Comptroller), or his designee, shall be notified promptly of all suspension actions taken under this subsection together with the basis therefor.

(2) With respect to any case pending before it, the Screening Board may direct: (i) Further investigation, specifying the particular matters to be investigated; (ii) written interrogatories; (iii) interviews with the applicant or other persons; (iv) a medical examination of the applicant; or (v) recommend to the Assistant Secretary of Defense (Comptroller), or his designee, the suspension of the applicants clearance pending further proceedings.

(3) Determinations of the Screening Board will be made by majority vote.

(4) Where the Screening Board determines that clearance at the level requested is clearly consistent with the national interest, a written determinination will be prepared, the Defense Component concerned notified, and any outstanding suspension rescinded.

(5) Where the Screening Board determines that the case does not warrant a favorable determination, it will prepare a Statement of Reasons informing the applicant of the grounds upon which his clearance may be denied or revoked. The Statement of Reasons shall be as comprehensive and detailed as the national security permits. For suspension actions in security violation cases, see § 155.8.

(6) The Statement of Reasons shall be forwarded to the applicant by the Assistant Secretary of Defense (Comptroller), or his designee, with a letter of instructions clearly outlining subsequent actions required of the applicant, including information on his right to counsel and right to appeal.

(b) *Applicant's answer to the statement of reasons.* (1) To be entitled to a hearing the applicant must submit to the assigned Examiner within twenty (20) days after receipt of the Statement of Reasons a detailed written answer under oath or affirmation which shall admit or deny specifically each allegation and each supporting fact contained in the Statement of Reasons. A general denial or other similar answer is not sufficient. The answer must be sufficiently responsible to permit the Department of Defense to determine the issues that are controverted. Where an applicant is without knowledge or information sufficient to form a belief as to the truth of an allegation contained in the Statement of Reasons, he may, after setting out fully the circumstances, so state and it may have the effect of a denial, upon showing that he has made reasonable inquiries as to the matters alleged and has been unable to obtain the requisite information or knowledge.

(2) An applicant who answers the Statement of Reasons as prescribed above is entitled to a hearing before an Examiner. He may appear in person and be represented by counsel of his own choosing as provided in paragraph (c) of this section. He shall have a reasonable time to prepare for the hearing. At the hearing he may present evidence in his own behalf and may cross-examine adverse witnesses either orally or in writing as hereinafter provided.

(3) Where the applicant answers the Statements of Reasons but does not request a hearing, the Examiner assigned to the case will make a determination based upon a file of all relevant material which could be adduced at a hearing including the applicants answer. Department Counsel will prepare the file of relevant material and provide the applicant with copies of all material included in the file except the information excluded from release under (f) (4) and (5) of this section. Whenever information under (f) (4) and (5) of this section is to be considered by the Examiner, the applicant shall be furnished with as comprehensive and detailed a summary of information as national security permits. The applicant will be given a reasonable time to submit documentary information in rebuttal, in explanation or in

mitigation of the material in the file to be considered by the Examiner. The Examiner shall rule upon the admissibility of all file material submitted by Department Counsel and the documentary evidence submitted by the applicant.

(4) Should the applicant not answer the Statement of Reasons or fail to submit a responsive answer as required under subparagraph (b)(1) of this paragraph, the case will be returned by the Examiner to the Assistant Secretary of Defense (Comptroller), or his designee, who shall deny issuance of clearance and revoke any outstanding clearance held by the applicant. The applicant will be notified of the action taken and advised of the provisions under § 155.8, for reopening and reconsidering his case.

(c) *Counsel for applicant.* (1) The applicant may appear before any Examiner or any Appeal Board and be heard in person, with or without counsel.

(2) Any member of the Bar of any State, the District of Columbia or any territory of the U.S., in good standing, is authorized to appear and represent an applicant.

(3) Applicant shall have the privilege to select and appoint any responsible person of his choice to act as his personal representative. A person, other than a member of the Bar, who has been designated as a personal representative for an applicant and has accepted the position, shall certify that he has read, understands and will comply with the rules of practice and procedure as set forth in this Part.

(4) All counsel and personal representatives shall conduct themselves in a manner consistent with orderly process and due regard for judicial decorum in all dealings with the Directorate for Industrial Security Clearance Review.

(5) Any counsel or personal representative who shall violate any rule of conduct or procedure under this Directive, an order of the Examiner or the Appeal Board, or

(i) Has failed to conform to standards of ethical conduct required of practitioners at the Bar of any Court,

(ii) Is lacking in character or professional integrity, or

(iii) Displays toward the Boards or any Hearing Examiners conduct which if displayed toward any court of the United States or any of its territories or the District of Columbia, would be cause for censure, suspension or disbarment, may be censured, suspended or disqualified from representing applicants in proceedings under this Part. Before any member of the Bar or personal representative shall be censured, suspended, or disqualified, charges shall be preferred against such practitioner and he shall be afforded an opportunity to be heard thereon. Upon recommendation of the Examiner or Appeal Board, suspension or disqualification of applicant's counsel or personal representative and his reinstatement shall be made by the Assistant Secretary of Defense (Comptroller), or his designee.

(d) *Examiner and prehearing procedures.* (1) Upon the issuance of a Statement of Reasons to an applicant, his case shall be assigned to an Examiner. The Examiner at the time of the case assignment shall be provided only with a copy of the Statement of Reasons and the transmittal correspondence sent to the applicant. All other evidence received and considered by the Examiner shall consist only of the information made part of the record in conformity with this part. Except for the Statement of Reasons which is issued to the applicant, the original of any pleading including the applicant's answer to the Statement of Reasons shall be filed with the Examiner for the record.

(2) The Examiner shall rule upon all prehearing issues including the sufficiency of the answer to the Statement of Reasons. The Examiner may require pleadings or arguments on prehearing conferences.

(3) The Examiner may require a prehearing conference with applicant, his counsel or personal representative and Department Counsel in the interest of efficiency and orderly proceedings.

(4) The Examiner may allow prehearing discovery consistent with the provisions of paragraph (e) of this section.

(5) Parties to the proceedings shall serve each other with a copy of any pleading or communication addressed to the Examiner. If the applicant fails to comply with this requirement, the Examiner shall provide a copy of any such pleading or communication to Department Counsel.

(6) Upon the failure of an applicant or his counsel to comply with an order of the Examiner, the proceeding shall be discontinued and the case referred to the Assistant Secretary of Defense (Comptroller), or his designee, for appropriate action to suspend any outstanding clearance held by the applicant. Resumption of the hearing shall occur upon satisfactory compliance with the order. A suspended clearance may be reinstated by the Assistant Secretary of Defense (Comptroller), or his designee, for good cause.

(7) Department Counsel is authorized to consult directly with the applicant or his counsel for the purpose of reaching agreement with respect to matters in issue. Stipulations entered into shall be binding upon the applicant and the Department Counsel for the purpose of these proceedings, except that such stipulations shall not be binding on the Examiner unless accepted by him.

(8) The applicant is responsible for producing witnesses and other evidence in his own behalf at the hearing. Upon request, the Department Counsel and the Examiner may provide assistance upon a showing that it is practicable and necessary.

(9) Department Counsel is responsible for producing witnesses and information relied upon by the Department to establish those facts alleged in the Statement of Reasons which have been controverted. All Department of Defense Components shall cooperate fully with Department Counsel so that the Department's responsibilities under this subsection may be fulfilled.

(10) The applicant who requests and is granted a hearing will be notified of the time and place of the hearing by the Examiner to whom the case is assigned. Normally the hearing will be held in the city where the Examiner's office is located, but to the extent that it is practical the hearing may be held elsewhere for the convenience of the applicant or other good cause. Postponements or continuance of the hearings shall be at the discretion of the Examiner and shall be granted only for good cause.

(11) Where an applicant fails to appear at the time and place set for a hearing without good cause, or fails to agree to a hearing date, the Examiner shall return the case to the Assistant Secretary of Defense (Comptroller), or his designee, for appropriate action to suspend any outstanding clearance held by the applicant and advise the applicant thereof. Reinstatement of a suspended clearance or of the proceedings may be made by the Assistant Secretary of Defense (Comptroller), or his designee, for good cause.

(e) *Hearing.* (1) The purpose of a hearing under the Program is to ascertain all the relevant facts in the case in order that a fair and impartial determination may be reached. Any relevant material, oral or documentary evidence may be received and technical rules of evidence shall be relaxed to the extent of permitting a full evidentiary record; otherwise, the Federal Rules of Evidence shall apply as a guide. The rules of procedure and evidence governing administrative hearings under the Administrative Procedures Act are not applicable to hearings under this Part.

(2) The Examiner shall be the presiding officer of the hearing and responsible for its decorum and management. The hearing will be conducted in an orderly manner. Unless the applicant specifically requests and is granted an open hearing, a hearing may be attended only by the Examiner, the applicant and his counsel, authorized personnel of the Department of Defense and necessary clerical personnel. Unless the Examiner specifically rules otherwise, a person expected to testify at the hearing may not be present prior to testifying. The Examiner may limit the number of spectators to meet the physical capacity of the hearing room. Should a spectator impair the orderly progress of the hearing, the Examiner is authorized to exclude him from the hearing room.

(3) Should the conduct of the applicant or counsel impair the orderly progress of the hearing or should the Examiner's rulings be ignored or flouted deliberately, the Examiner is authorized in his discretion to recess the hearing forthwith pending satisfactory assurances to him by the applicant and counsel that the rulings of the Examiner will be followed, and he may take appropriate action under (c)(5) of this section.

(4) After a hearing has been convened and the Statement of Reasons and the

applicant's answer thereto have been entered into the record, the applicant shall have the right to make a general opening statement and to present his case.

(5) Preliminary questions concerning the competency or qualifications of a person to be a witness, the existence of a privilege or the admissibility of evidence shall be determined by the Examiner.

(6) The Examiner shall notify all witnesses testifying that section 1001 of Title 18, United States Code, is applicable and that it makes it a criminal offense punishable by a maximum of five years imprisonment, $10,000 fine, or both, knowingly and willfully to make a false statement or representation to any department or agency of the United States as to any matter within the jurisdiction of any department or agency of the United States. Written interrogations unless otherwise ordered by the Examiner may be answered subject to and with an awareness of the provisions of section 1001, Title 18, United States Code.

(7) The Examiner may require the applicant to respond to relevant questions, to undergo a medical examination, or to authorize the release of relevant information in the possession of other parties. Should the applicant refuse, the Examiner may refer the case to the Assistant Secretary of Defense (Comptroller), or his designee, for action in accordance with the provisions of § 155.4(b).

(8) When appropriate, the Examiner may amend the Statement of Reasons on motion of the applicant or Department Counsel, or on his own motion, to make it conform to the information presented and enter the amendment into the record. When such amendments are made, the Examiner will grant the applicant such additional time as the Examiner deems appropriate to answer such amendments and present evidence pertaining thereto.

(9) The Examiner may recess the hearing at the request of the applicant or his counsel, Department Counsel, or upon his own motion.

(10) A verbatim transcript (in triplicate) will be made of the hearing and made a permanent part of the record. The transcript will not include information introduced in accordance with provisions of (f) (4) and (5) of this section. The applicant will be furnished without cost one copy of the transcript, less the exhibits. Corrections will be allowed by the Examiner solely for the purpose of conforming the transcript to the actual testimony.

(11) Whenever the Examiner concludes that he requires additional information in making a determination, he may request that a further investigation or examination be conducted. Information thus developed shall be made available to the Examiner subject to the provisions of this part.

(f) *The case record.* (1) The record of a case shall consist of all information presented in accordance with this part by the DoD and by or on behalf of the applicant. Irrelevant, immaterial, and unduly repetitious material shall be excluded in the discretion of the Examiner.

(2) Information adverse to the applicant on any controverted issue may not be made a part of the hearing record unless: (i) The information or a summary thereof has been made available to the applicant, and (ii) he either offers no objection to its presentation, or is afforded an opportunity to cross-examine the persons supplying the information either orally or in writing. The foregoing restrictions do not apply to information received and considered under (3), (4), (5), and (6) of this paragraph.

(3) Records compiled in the regular course of business, or other physical evidence other than investigative reports, may be made a part of the record in the cases subject to rebuttal without authenticating witnesses, provided that such information has been furnished by an investigative agency pursuant to its responsibilities in connection with assisting the Secretary of Defense, or the Agency Head concerned, to safeguard classified information within industry pursuant to Executive Order 10865.

(4) Records compiled in the regular course of business or other physical evidence other than investigative reports, relating to a controverted issue, which, because they are classified, may not be inspected by the applicant, may be received and considered provided the Assistant Secretary of Defense (Comptroller), as designee of the Secretary of Defense, or when applicable, of the Agency Head concerned has: (i) Made a preliminary determination that such physical evidence appears to be material, and (ii) determines that failure to receive and consider such physical evidence would, in view of the level of access sought, be substantially harmful to the national security. Information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency involved shall be considered.

(5) A written or oral statement adverse to the applicant on a controverted issue may be received and considered without affording an opportunity to cross-examine the person making the statement only in the circumstances described in either of the following:

(i) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national interest.

(ii) The Assistant Secretary of Defense (Comptroller) as designee of the Secretary of Defense, or when applicable, of the Agency Head, has preliminarily determined, after considering the information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and has determined that failure to receive and consider such statement would, in view of the level of access sought, be substantially harmful to the national security, and that the person who furnished the information cannot appear to testify (*a*) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the applicant, or (*b*) due to some other cause determined by the Secretary of Defense, or, when appropriate, by the Agency Head concerned, to be good and sufficient.

(6) A written or oral statement relating to the characterization in the Statement of Reasons of any organization or individual other than the applicant may be received and considered without affording the applicant an opportunity to cross-examine the person making the statement irrespective of whether the statement is adverse to the applicant or relates to a controverted issue.

(7) Whenever physical evidence or statements are received and considered under (4) and (5) of this paragraph, the applicant will be furnished with as comprehensive and detailed a summary of the information or physical evidence as the national security permits. Certificates evidencing the determinations required by these sections will be entered into the hearing record. Appropriate consideration shall be accorded by officials charged with making determinations under this Directive to the fact that the applicant did not have an opportunity to cross-examine the person or persons who provided the information, or to inspect the physical evidence.

(g) *Determinations.* (1) Following the hearing, or after all evidence has been received in an administrative proceeding without a hearing as provided under (b) (3) of this section, the Examiner will determine whether it is clearly consistent with the national interest to grant or continue the applicant's clearance at a specific level, or he may impose a suspension consistent with the provisions of § 155.8. He will make findings of fact for or against the applicant with respect to each allegation in the Statement of Reasons and provide reasons in support of the said findings of fact. The Examiner's determination shall be based on grounds set out in the Statement of Reasons and upon information placed in the record in conformity with this part. Where the Examiner's determination is adverse to the applicant, the Examiner shall also determine whether any clearance then held by the applicant should be suspended or limited pending appeal under this part.

(2) A copy of the Examiner's determination shall be furnished directly to the applicant and Department Counsel: *Provided*, In those cases in which information was received and considered under paragraphs (f) (4) and (f) (5), a copy of the determination, less any deletions required in the interest of national security, will be furnished to the applicant. In

the absence of timely appeal under paragraph (h) of this section, this determination constitutes the final decision in the case.

(h) *Appeals.* (1) Within 10 days after receiving the Examiner's determination, the applicant or Department Counsel may appeal by filing a Notice of Appeal with the Appeal Board.

(2) Appeals may be made either in person or by filing a brief. No further testimony or other evidence shall be received. A brief shall state with particularity the specific issues involved in the appeal, cite the relevant portions of the record and set out the reasons why the determination should be reversed. Where an appeal is made in person, the appellant shall file with the Appeal Board, prior to the scheduled appeal hearing, a written statement identifying the issues to be considered before the Appeal Board. Appellant shall send copies of documents filed with the Appeal Board to appellee who may file a statement in reply.

(3) The Chairman shall preside at oral argument before the Board, and shall be charged with the responsibility of establishing orderly procedures and maintaining decorum. He may, upon the showing of good cause and at his discretion within the limits of space available, permit and prescribe conditions for the attendance of spectators during oral argument. Upon failure of a spectator to conduct himself in a proper manner, the Chairman may revoke the permission, and expel the offender from the room. Should the conduct of applicant or his counsel interfere with the orderly procedure of the oral argument, or should any ruling of the Chairman be deliberately ignored or flouted, the Chairman is empowered, after due warning, to recess the proceeding until such time as the Board has received satisfactory assurances that the conduct will not be repeated, and he may take appropriate action under (c) (5) of this section.

(4) The Appeal Board may recommend to the Assistant Secretary of Defense (Comptroller), or his designee, that a case be returned to the Examiner with instructions (i) to take further testimony or other evidence, or (ii) for further investigation.

(5) Appeal Board deliberations will be made in executive session and the Board's determination arrived at by majority vote. The Board will prepare a written determination setting forth whether it is clearly consistent with the national interest to grant or continue a clearance to a specific level. The determination will include findings for or against the applicant with respect to each allegation in the Statement of Reasons.

(6) In those cases in which information was received and considered under (f) (4) and (5) of this section, and the Appeal Board's determination is adverse to the applicant, the case record, together with the determinations of the Examiner and the Appeal Board, will be referred to the Secretary of Defense or the appropriate Agency Head, who, following his personal review of the case, will make a final determination.

(7) The determination of the Appeal Board will be made only on the record considered by the Examiner and the determination shall be final except as provided in paragraph (5) of this section. The applicant and Department Counsel will be furnished with a copy of all final determinations made by the Board including the Board's findings with respect to each allegation in the Statement of Reasons; *Provided*, In those cases in which information was received and considered under (f) (4) and (5) of this section, a copy of the determination, less any deletions required in the interest of national security, will be furnished to the applicant.

(8) No provision of this part shall be construed as conferring a right upon an applicant to appeal from a final determination to the Secretary of Defense, to the Assistant Secretary of Defense (Comptroller), or to the Agency Head.

(9) Nothing contained in this part shall be deemed to limit or affect the responsibility and powers of the Secretary of Defense or of an Agency Head to deny or revoke a clearance when the security of the nation so requires. This authority may be exercised only where he determines personally that the provisions of this part cannot be invoked consistently with the national security. Such determinations shall be conclusive.

§ 155.8 Suspension actions in security violation cases.

(a) In any case alleging (1) willful, unauthorized use or release of classified information or documents; (2) willful appropriation or retention of classified documents for personal use or for the use of others; or (3) willful concealment of the loss or compromise of classified documents or information, in which the circumstances do not, in the opinion of the Screening Board, warrant revocation of an existing clearance, the Board shall make a separate finding whether the allegations are established by a preponderance of the evidence. In each case where it so finds, the Screening Board, after consideration of the seriousness of the willful act and in light of all the surrounding circumstances, may recommend to the Assistant Secretary of Defense (Comptroller), or his designee, the suspension of an existing clearance for a period of time not to exceed one year, and shall set out in writing its reasons therefor.

(b) The applicant will be informed of the proposed suspension and will be furnished a copy of the Statement of Reasons. He will be afforded twenty (20) calendar days to give notice of intent to contest the proposed suspension by submitting a responsive answer to the Statement of Reasons. The answer must comply in all respects with the requirements set out in § 155.7(b)(1).

(1) Where the applicant fails to give timely and proper notice of intent to contest the proposed suspension, it shall be ordered into effect.

(2) Where the applicant gives timely and proper notice of intent to contest the proposed suspension, the case shall be referred to a Hearing Examiner for hearing and determination. The hearing shall be governed by the provisions of this Directive to the extent applicable. The Examiner may adopt, modify, or reject the recommendation of the Screening Board. The applicant may appeal the Examiner's determination as provided under § 155.7(h).

(c) Upon expiration of the period prescribed in any suspension ordered under this part, the applicant may apply for reinstatement of his clearance by filing the necessary forms.

§ 155.9 Reimbursement for loss of earnings.

(a) An applicant may be reimbursed for a loss of earnings resulting directly from the suspension, revocation, or denial of his clearance, *Provided*, (1) A final determination thereafter is made that it is clearly consistent with the national interest to grant him a clearance for access to classified information at least equal to that which was suspended, revoked, or denied, and (2) it is found to be fair and equitable for the Department of Defense to reimburse the applicant for all or a part of the loss of earnings.

(b) It shall be considered fair and equitable, except as hereinafter provided, to reimburse any applicant who has sufferred loss of earnings as a result of suspension, revocation, or denial of clearance when that clearance is, in the course of the timely exhaustion of remedies by the applicant, granted or restored. A claim for reimbursement may be denied when:

(1) The subsequent determination to grant the clearance depends upon material facts withheld by the applicant, or where circumstances have changed since the suspension, revocation, or denial and the grant or restoration of the clearance; or

(2) The suspension, revocation, or denial follows the applicant's failure to comply with procedural requirements.

(c) Claims for reimbursement in Department of Defense cases shall be initiated by a petition filed by the applicant with the Assistant Secretary of Defense (Comptroller). The petition shall contain a detailed statement why fairness and equity require reimbursement, including the basis for the assertion that the loss of earnings is attributable to the suspension, denial, or revocation of the clearance, and shall identify the alleged errors of fact or judgment involved.

(d) Claims for reimbursement in Agency cases shall be initiated by a petition filed by the applicant with the Agency concerned. At the request of the Agency Head concerned, the Department of Defense under its procedures will review the petition and furnish that Agency with a recommendation with respect to the merits of the petition. However, the Department of Defense is not responsible for payment of such claims.

(e) When a case has been reopened under § 155.10, and thereupon a determination favorable to the applicant is made, a request for reimbursement may

be considered only where (1) the applicant exhausted all of the administrative remedies available in the original proceeding, (2) the applicant made a full and complete disclosure during the original proceeding, and (3) the determination to grant or restore the clearance is not based upon circumstances occuring after the final denial or revocation.

(f) The amount of reimbursement shall not exceed the difference between the earnings of the applicant at the time of the suspension, revocation, or denial, whichever is earlier, and the interim net earnings. No reimbursement shall be allowed for any period of undue delay resulting from the applicant's acts or failure to act. Any payment shall be in full satisfaction of any further claim against the United States, the Department of Defense, and the Departments and Agencies referred to in § 155.3(b), arising out of the suspension, revocation, or denial of a clearance. Any claim shall be forever barred unless it is filed within one year after the date such claim first accrues, or within one year of the final disposition of the case, whichever is later.

(g) Approved claims against the Department of Defense shall be forwarded to the Department of the Army for payment from "Claims, Defense" Appropriation, in the same manner that Federal tort claims are currently processed under 26 FR 11089.

§ 155.10 Pending and reopened cases.

(a) All cases pending before the Screening Board, the Examiners and the Appeal Board will be processed to a final determination under this part.

(b) Any person whose clearance has been denied or revoked under this Program or any predecessor program, may have his eligibility for a clearance reconsidered upon a showing of newly discovered evidence or other good cause. The request for reconsideration shall set out fully the grounds therefor. The Assistant Secretary of Defense (Comptroller), or his designee, in his discretion, shall grant or deny such requests for reconsideration.

(c) Where a clearance previously has been granted under this Program, and a Department component or Agency received additional derogatory information which was not considered at the time the case was decided, it shall refer the information to the Deputy Director for Contract Administration Services, or to the Federal Bureau of Investigation for appropriate action.

§ 155.11 Effective date.

This part is effective on May 30, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 21, 1975.

[FR Doc.75-10723 Filed 4-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 68]

REQUIRED INFORMATION ON CERTIFICATES

Miscellaneous Amendments

On January 17, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 3007) to amend certain sections of the regulations under the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624), pertaining to the inspection of rice, dry beans, peas, lentils, hay, and straw.

A trade group requested an extension of the time to submit written data, views, or arguments. In view of the request, notice is hereby given that the period for filing written data, views, or arguments on the proposed rulemaking is extended to June 16, 1975.

Opportunity is hereby afforded all interested parties to submit written data, views, or arguments with respect to the proposal to the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 16, 1975. All submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., on April 18, 1975.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.75-10703 Filed 4-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 334, 335, 336, 337]

OVER-THE-COUNTER DRUGS

Proposal to Establish Monographs for OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Products

Correction

In FR Doc. 75-6855, appearing at page 12902, in the issue for Friday, March 21, 1975, the following corrections should be made:

1. On page 12903, in the third column labeled "Marketed Products" in the paragraph beginning "Alophen Pills", the product now reading "DeS-S" should read "D-S-S" and the second reference to "Geriplex FS" should be deleted.

2. On page 12928, in the second column, after the eleventh line "all adsorbents, kaolin may interfere with" should be inserted.

3. On page 12933, in the second column under "I. Data Pertinent for Antidiarrheal Ingredient Evaluation", the last line of the second paragraph should have the phrase "The drug should" deleted and "and effectiveness" added in its place.

4. In the third column on page 12939, § 334.22 of the table of contents should read "Miscellaneous laxative."

5. On page 12941, in the third column, paragraph 6 the first line should read "(6) For products containing more than".

6. On page 12943 in the third column, under Part 337, Subpart C should read "[Reserved]", instead of [Revised].

7. On page 12944 in the third column after the twelfth line the date "July 18, 1975" should be added.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-19]

DESIGNATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Georgetown, 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 27, 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 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 instrument approach procedure has been developed for the Brown County Airport, Georgetown, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Georgetown, 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:

GEORGETOWN, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brown County Airport (Latitude 38°52'55" N., Longitude 83°52'58" W.); and within 3 miles either side of the 162° bearing from the airport extending from the 5-mile radius to 8 miles southeast of the airport.

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

Issued in Des Plaines, Illinois on April 1, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-10651 Filed 4-23-75;8:45 am]

ACTION

[45 CFR Part 1221]

RETIRED SENIOR VOLUNTEER PROGRAM

Cost Sharing

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations to add a new Part 1221. This provides regulations to implement section 211(b) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402, as amended by section 4 of An Act to Amend Title VII of the Older Americans Act, Pub. L. 93-351, 87 Stat. 358 section 211(b), as amended prescribes the annual percentage limitations for required local contribution for grants under the Retired Senior Volunteer Program (RSVP). It also provides for exceptions for such limitations in case of demonstrated need.

Inquiries may be addressed and comments and views concerning the proposed new part may be submitted to ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Attention: Associate Director for Domestic and Anti-Poverty Operations. All comments received on or before May 27, 1975, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1221 to Chapter XII of Title 45 of the Code of Federal Regulations to read as follows:

PART 1221—RETIRED SENIOR VOLUNTEER PROGRAM—COST SHARING

Sec.

1221.1 Introduction.
1221.2 RSVP Cost Sharing Schedule.
1221.3 Procedure for Exception to the RSVP Cost Sharing Schedule.
1221.4 Failure to Meet Annual Required Contribution.
1221.5 Administratively Altered Budget Periods.

AUTHORITY: Sec. 211(b) of Pub. L. 93-113, 87 Stat. 402 as amended by section 4 of Pub. L. 93-351, 87 Stat. 358.

§ 1221.1 Introduction.

Section 201(b) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402 (the Act), as amended by section 4 of An Act to Amend Title VII of the Older Americans Act, Pub. L. 93-351, 87 Stat. 358, prescribes the annual percentage limitations of required local contribution for grants under the Retired Senior Volunteer Program (RSVP). Required local contribution may not exceed the following annual percentages of approved project budgets: 10 percent in the first year; 20 percent, the second; 30 percent, the third; 40 percent, the fourth and 50 percent in any subsequent years. Section 211(b) also provides that the Director of ACTION may make exceptions to these limitations in cases of demonstrated need.

§ 1221.2 RSVP Cost Sharing Schedule.

(a) The following RSVP cost-sharing schedule identifies for each budget period, normally one year, the required percentage of local contribution to approved project budgets of RSVP project sponsors as well as the Federal contribution:

Budget period	Federal	Local (non-federal)
1	90	10
2	80	20
3	70	30
4	60	40
5 and beyond	50	50

Local contributions may voluntarily exceed the annual required local contribution in any year. However, such voluntary contributions shall not be a consideration for receiving, nor determining the size of, any RSVP initial or continuation grant.

(b) Exceptions may be made by the Director to these non-Federal cost-sharing requirements in unusual situations, with consideration given to the financial capabilities of the grant applicant, the availability of community support for RSVP and availability of other qualified applicants. Applicants will be required to substantiate the need for an exception. The need for continuation of an exception will be evaluated annually based on the merits and progress of a project and the best interests of Senior Volunteers, the community in which they serve, and ACTION.

(c) An RSVP continuation grant shall not be awarded to a sponsor unable to meet the agreed to cost-sharing commitment for the preceding budget period. Time for meeting the commitment, however, may be extended or waived by ACTION under exceptional circumstances.

§ 1221.3 Procedure for exception to RSVP Cost-Sharing Schedule.

A written request to the appropriate ACTION Regional Office for an exception to the RSVP Cost-Sharing Schedule will be transmitted by the Regional Director to the Associate Director of ACTION for Domestic and Anti-Poverty Operations together with a recommendation on the request and all supporting data. The request will be evaluated and a decision made by a National Exceptions Review Board, comprised of the Deputy Associate Director of ACTION for Older Americans Volunteer Programs, the Director of the Budget Division of ACTION, and the General Counsel for ACTION or their designated representatives. All requests will be acted on within two weeks after receipt of the request for an exception. The grant applicant will be advised in writing of the decision by the Review Board and reasons for the decision.

§ 1221.4 Failure to meet annual required contribution.

(a) If by the end of the third quarter of a budget period a sponsor is unable to meet the current cost-sharing commitment, a continuation grant award may be considered only when:

(1) A full effort has been made by the sponsor to carry out the cost-sharing plan approved by the current grant award, and the circumstances causing the deficiency are found by the ACTION Regional Director to be the result of unusual or unforeseen circumstances, and

(2) There is reason to believe the deficiency, in addition to the required local share for the new budget period, can be fully made up before the end of the third quarter of a new budget period, and

(3) The project achievements and the project potential clearly merit special consideration.

(b) If at the end of a budget period, it first appears there has been a failure of the RSVP sponsor to provide or obligate the non-Federal share of the RSVP budget, it constitutes a breach of the conditions of the grant. As a consequence, the ACTION Regional Director will:

(1) Request the RSVP sponsor to identify:

(i) Why the commitment was not met, and identify specific efforts made to obtain the required non-federal contribution.

(ii) The anticipated sources and amounts of local support for continuation of the project in the new budget period.

(iii) The kind of technical assistance requested from ACTION to improve the sponsor's capacity to develop local resources in support of RSVP.

(2) After review of this information:

(i) Choose to waive all or part of the unmet cost-sharing commitment,

(ii) Disallow the Federal support for which there was insufficient cost-sharing funds and require the sponsor to reimburse ACTION for the amount disallowed,

(iii) Accept sponsor's offer to add the non-Federal deficiency to the budget of a continuation grant, specifying which budget categories will be increased and by what amounts, or

(iv) Initiate suspension and/or termination proceedings under Part 1206.

§ 1221.5 Administratively altered budget periods.

(a) The budget period for RSVP grants may be shortened or lengthened by ACTION for administrative purposes. If the current budget period is shortened, the sponsor is obligated to honor his cost-sharing commitment, but only as a percentage of the total grant funds expended. The sponsor's cost-sharing commitment for a subsequent continuation grant shall be in accordance with the RSVP Cost-Sharing Schedule, except that the percentage may be reduced for a budget period by one percentage point for each month the sponsor's previous budget period was shortened.

(b) If during the first four years of a project, the budget period is lengthened to more than twelve months, the percentage of the sponsor's cost sharing obligation will remain the same.

Issued in Washington, D.C. on April 21, 1975.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.75-10715 Filed 4-23-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 369, 378a, 389]

[EDR-276C, SPDR-37C, ODR-8C; Docket No. 26810]

SPECIAL EVENT CHARTERS

Supplemental Notice of Proposed Rule Making

APRIL 21, 1975.

In notice of proposed rule making, EDR-276/SPDR-37/ODR-8, June 18, 1974,[1] the Board gave notice that it was considering the adoption of a new Part 369 of its special regulations, and amendments of various other regulations, which would authorize the operation of charters limited to groups of persons having the common purpose of attending a particular event. The new class of charter was proposed to be designated "Special Event Charters" (SEC's).

Thereafter the Board gave notice that it had under consideration the adoption of a new Part 378a of its regulations that would authorize one-stop inclusive tour charters (OTC's): EDR-281/SPDR-38/ODR-9, 39 FR 39572 (November 8, 1974), as revised by EDR-281B/SPDR-38B/ODR-9B, 40 FR 17039.

In general, new Part 378a as now proposed would authorize the operation of tours that would in all cases include round-trip charter air transportation to one or more destination points, sleeping accommodations for each night of the tour, and transportation for tour participants traveling together between all places on the itinerary. The minimum duration of OTC's is proposed to be seven days except in the case of "North American" OTC's, in which case the minimum duration is proposed to be four days. (For purposes of computing minimum duration, the proposed OTC rules provide that the first day shall be the day the originating flight takes off; the last day shall be the day the returning flight lands. The proposed definition of a "North American" charter is set forth in § 378a.2.) Passenger lists would be required to be filed 30 days prior to the departure of each OTC, except in the case of North American OTC's, in which case the period would be 15 days. The proposed OTC rule would include a minimum price provision, although alternative formulas for determining such price are under consideration.

The proposed SEC rule, as set forth in EDR-276/SPDR-37/ODR-8, would also require a tour "package" arranged by an authorized tour organizer, and would, in various other respects, overlap the special charter rule which we are now considering to make generally available for one-stop tours. We have therefore tentatively concluded that there is no longer any adequate purpose to be served in considering adoption of a separate set of rules to apply to "special event charters." Our adoption of an OTC rule along the general lines which we have now proposed would largely obviate the need for having special rules apply to one-stop tour charters which happen to be based on "special events." Accordingly, instead of a separate SEC rule, we believe it would suffice to consider making special provisions, within the context of an OTC rule, for those "special event" tour charters which cannot meet the minimum-stay requirements of the OTC rules, i.e., for "special event" tours which are of less than four days' duration, in North American markets, and of less than seven days in all other markets. Furthermore, in connection with altering the status of the SEC from that of a separate and independent charter rule to that of an exception engrafted onto a more general charter rule, we have also tentatively concluded to revise some of the particular conditions and restrictions which we had originally proposed for SEC's.

The SEC provisions we now propose to adopt are described below.

(a) *The special event.* Travel would be restricted to those persons desiring to attend a "special event," which must be a specific and significant event, and may, for example, be of a sporting, social, religious, educational, cultural, or political nature, although it would not necessarily have to fit squarely into one of these categories.

The event itself could not extend over ten days in duration. This restriction, which was originally proposed to help ensure that SEC's are used for travel to bona fide events and not as a pretext for point-to-point transportation, seems even more suitable now, since travel to events of longer duration should be arranged to conform to the general OTC rules. On the other hand, comments received in response to the SEC Notice have tentatively persuaded us that we should not impose two other restrictions we originally proposed, namely prohibitions on the eligibility of events sponsored by persons in the tourist industry and on events whose primary purpose is the promotion of tourism. We believe that both these restrictions would prove extremely difficult to enforce, and enforceability, of course, is, along with discrimination, one of the reasons we have sought to devise specialized charter rules to replace "prior affinity" charters. Moreover, these requirements do not really bear on the question of whether an event should be regard as "special." If an event is sufficiently significant so as to attract the attendance of persons from considerable distances, then the fact that its promoters were motivated by a desire to attract tourists to the event site would not appear to decrease its significance.

(b) *Ground package.* We propose that the ground package required here be essentially the same as that for an ordinary OTC: Baggage handling and all necessary ground transportation must be included. In addition, an SEC package would be required to include tickets or other documents needed for admission to the event for each day of the charter, to the extent that attendance at the event would be feasible on that day. If the charter does not involve an overnight stay, sleeping accommodations will not be required. The charter organizer may provide additional items as part of the ground package at his option.

Although SPDR-37 specified that the SEC price must include charges for the air transportation, each of the elements of the ground package, and compensation to the organizer, we did not prescribe any price minimum. We continue to believe that no minimum price will be necessary, in view of the other restrictions on SEC operations. Nevertheless, we specifically invite comment on the question of whether a minimum package price, such as we are proposing to require for ordinary OTC's, would also appropriate for charters operated under these SEC rules. Comments favoring the imposition of a minimum price restriction are requested to discuss whether a price minimum should also apply to one-day charters (which would not require sleeping accommodations), and, if so, what it should be.

(c) *Trip duration.* SPDR-37 proposed that the maximum duration of an SEC be limited to seven days for North American charters and ten days elsewhere. These maximums were imposed to further ensure that SEC's would not be used for point-to-point air transportation. As discussed above, we now propose that North American SEC's should be limited to a maximum of three days, and that for all other SEC's the maximum should be six days.

We continue to propose, as we did in SPDR-37, that arrival at the event destination be no more than 36 hours prior to the commencement of the special event, and that the return flight depart no more than 36 hours after the termination of the event. Comments received on this point have suggested both that we shorten this period (to prevent "extraneous touring") and that we lengthen it (to avoid such operational difficulties as airport congestion and to allow more

[1] 39 FR 22430, June 24, 1974.

time for participation in pre- and post-event activities). We have retained the 36-hour restriction because we feel that this is sufficient time to overcome most operational problems, but that a shorter period might needlessly cut too close.

(d) *Statement of authorization.* We propose to adopt the requirements of proposed § 369.40, § 369.41, and Appendix B of SPDR–37, mandating that no charter for special events be operated unless specific approval is first obtained from the Board, in the form of a Statement of Authorization.[2] As stated in SPDR–37, we believe that this requirement would be an important means of ensuring that SEC's are in fact used for the purposes for which they are intended, and of preventing undue diversion from scheduled service, and we continue to regard it as such.

Pending a final determination of this rule making we will be receptive toward petitions for waiver of such provisions of our existing charter rules as might otherwise preclude operation of charter flights to bona fide special events. The operation described in such waiver petition should be along the lines outlined above and in EDR–276/SPDR–37/ODR–8.

Since we are proposing herein to consider adoption of particular revised provisions for SEC's within the context of the revised proposed rules for OTC's, in the separate proceeding which is pending in Docket 27135, any further comments or reply comments on the SEC rule proposal should be submitted for our consideration in the OTC rule making proceeding in the manner, and within the times, specified in EDR–281B/SPDR–38B/ODR–9B, i.e., May 16, 1975, for initial comments, and June 2, 1975, for reply comments.

The within amendments to the Board's regulations, as proposed to be revised, are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, 416(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-10763 Filed 4-23-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 210, 212]

GAS WELLS

Applicability of Stripper Well Lease Exemption; Inclusion of Condensate in the Definition of "Crude Oil"; Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of its intention to reconsider the issue of whether the stripper well lease exemption of 10 CFR 210.32 is applicable to condensate produced from gas wells and of a proposal to amend the definition of "crude oil" in 10 CFR 212.31 to clarify the extent to which condensate from non-associated (or gas-well) gas, as well as from associated (or oil-well) gas, is included in that term.

FEA Ruling 1974–28 (39 FR 44414, December 24, 1974) held that the stripper well lease exemption of 10 CFR 210.32 is inapplicable to gas wells. The present definition of crude oil in 10 CFR 212.31, which governs the meaning of that term for purposes of the FEA Mandatory Petroleum Price Regulations, expressly includes lease condensate recovered in associated (i.e., oil-well) production, and thereby appears to exclude lease condensate recovered in non-associated (i.e., gas-well) production. This definition of the term "crude oil" was adopted with the January 10, 1975 Clarifications to the Definitions of Covered Products (40 FR 2795, January 16, 1975).

With respect to FEA Ruling 1974–28, the FEA continues to believe that the ruling accurately reflects the intent of Congress in promulgating the stripper well lease exemption as part of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159), and that the ruling comports with the meaning of the term "stripper well," as it had been used and understood by the industry at the time the stripper well lease exemption was enacted by Congress.

Comments received since the issuance of Ruling 1974–28 have indicated, however, that at least some producers had been treating gas-well condensate produced from properties where production of condensate has been 10 barrels or less per well per day in the preceding calendar year as exempt from price and allocation regulations because of the stripper well lease exemption, and have urged that the statutory exemption is sufficiently broad to encompass such production. Numerous statements have also been received by FEA asserting that exempt prices for gas-well condensate are an important factor in maintaining production from marginal gas wells.

In light of these considerations, the FEA has concluded that the factual and legal bases of Ruling 1974–28 should be reconsidered, and that a rulemaking proceeding, with full opportunity for comment by interested parties, is the appropriate context for reconsideration of this important issue.

The FEA has also received numerous requests for clarification of the extent to which various types of condensate are considered as crude oil for purposes of the price regulations, and has concluded that this related issue should also be reviewed and clarified in a rulemaking proceeding.

Various questions have arisen with respect to the proper treatment under the price regulations of what is generally known as "condensate." Condensate occurs in nature as the heavy hydrocarbon portion of natural gas in the reservoir, and is mechanically separated from natural gas as a liquid through a process of retrograde condensation, involving pressure reduction, sometimes accompanied by a reduction in temperature as well. In some cases, condensate is separated from natural gas by conventional lease separation facilities ("surface separators") at the well-head, and in other cases by a single mechanical separator ("field facility") located centrally and servicing two or more wells, and in either case is typically referred to as "lease condensate". In yet other cases, condensate is not separated from natural gas until it reaches a mechanical separator device similar to a surface separator or field facility, but located at a gas processing plant ("inlet separator" or "scrubber") and, in that case, the condensate is referred to as "plant condensate". Condensate can generally be distinguished from the lighter natural gas liquid products (e.g., propane, butane, and natural gasoline), whether fractionated or in a mixed stream of natural gas liquids, which are incapable of being separated from natural gas by mechanical means and can only be recovered from natural gas at a processing plant by absorption, adsorption, or extraneous refrigeration processes.

The FEA has tentatively concluded that condensate should, as a general matter, be treated as crude oil under Subpart D of its price regulations, rather than as natural gas liquids or natural gas liquid products under Subpart K of its price regulations. This view is based on the following factual considerations, and comments as to these matters are specifically requested. Generally, lease condensate is produced, separated, stored, and tendered at the lease, or at off-lease gathering and separating systems, through facilities that are essentially identical to those used in the production of crude oil, and lease condensate has traditionally and historically been marketed and priced as crude oil. Lease condensate is generally used by refiners in the same was as crude oil. These patterns exist both as to condensate recovered in associated and non-associated production, whether by lease separators or by central field facilities.

FEA also believes that there may be a similar basis for considering plant condensate to be crude oil, but comments are requested specifically as to whether plant condensate has traditionally and historically been gathered, priced, and refined as crude oil, or whether its treatment has been more analogous to that of natural gas liquids, so that FEA can better determine whether plant condensate is properly treated as crude oil (under Subpart D) or as natural gas liquids (under Subpart K). To the extent that condensate is treated as crude oil, subject to Subpart D, the price rules for "new"

[2] We are not proposing any change in proposed § 369.41(b), which would require that applications for statements of authorization be filed at least 30 days before operation of the charter, unless good cause is shown for late filing. Nor are we proposing to make the provisions of proposed § 378a.25(b) (requiring the filing of OTC passenger lists) applicable to Special Event Charters.

and "released" crude oil of that subpart would, of course, be applicable.

The FEA believes that its determination as to the extent to which condensate is to be considered as crude oil, rather than as natural gas liquids, for purposes of its price regulations is related to, but not necessarily determinative of, its decision as to the applicability of the statutory stripper well lease exemption to condensate produced from gas wells. There are further relevant considerations to be taken into account in determining whether the Congress intended to extend the stripper well least exemption to condensate produced from gas wells.

As was pointed out in Ruling 1974–28, a price exemption for condensate from gas wells is not particularly well suited as a means of maintaining condensate production from marginal gas wells, since a gas well producing large and profitable quantities of natural gas could well be yielding only small amounts of condensate. Exempt prices for such condensate would clearly not be needed as an incentive to continued condensate production from such wells. As stated above, however, FEA has received numerous statements indicating that application of the stripper well lease exemption is essential to maintain production from marginal gas wells. Comments are specifically requested, therefore, as to the impact that a determination on the applicability of the stripper well lease exemption to gas-well condensate would have, both in terms of continuing condensate and natural gas production, and in terms of the volumes of condensate that would qualify as exempt if the stripper well lease exemption were applicable to gas-well condensate.

The FEA is aware that there has been considerable uncertainty both with respect to the stripper well lease exemption issue and to the treatment of condensate generally, and that the industry may well have been treating gas-well condensate as qualifying for the stripper well lease exemption, for example, in the good faith belief that this was permitted under FEA regulations.

In connection with the reconsideration of Ruling 1974–28 and the clarification of the definition of crude oil, therefore, the FEA specifically solicits comments as to what industry practice has been in these respects, and as to what impact the rules adopted herein would have, in light of the fact that such rules will necessarily be retroactive to the extent that they either interpret the scope of the statutory stripper well lease exemption, or serve to clarify past regulations.

In recognition of the need to clarify promptly uncertainties that will exist during the pendency of this proceeding, the FEA will undertake to resolve these issues as expeditiously as possible. Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box CV, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Clarifications to the Definition of Crude Oil." Fifteen copies should be submitted. All comments received by Thursday, May 15, 1975 before 4:30 p.m., e.d.t., and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination. The public hearing in this proceeding will be held at 9:30 a.m., e.d.t., on Tuesday, May 20, 1975 at the Federal Building, Room 2105, 2000 M Street, NW, Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., on Monday, May 12, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through May 16, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Thursday, May 15, 1975 and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M Street, NW, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on Monday, May 19, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., Friday, May 16, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10 Code of Federal Regulations, as described above.

Issued in Washington, D.C. April 18, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75–10619 Filed 4–18–75;5:33 pm]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 556, 563]

[75–300]

FEDERAL SAVINGS AND LOAN SYSTEM

Federal Savings and Loan Insurance Corporation; Proposed Amendment Relating to Guarantees of Borrowings

APRIL 2, 1975.

The following outline regarding the amendments proposed herein is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the proposed regulations.

I. Proposed Statement of Policy—not to authorize Federal associations to engage in surety arrangements except as an incident to the exercise of other authorized powers

II. Guarantees of Borrowings Within the Debt Limits (§ 563.8)

A. Present regulation—no mention of guarantees of borrowings in the borrowing limitations

B. Proposed change—guarantees of outside borrowings to be included in borrowing limits after a phase-in period

1. Reciprocal guarantees of conforming MBBs to be included at 50 percent of their contingent liability

III. Net Worth Requirements for Guarantees of Borrowings (§ 563.13(b))

A. Present regulation—no mention of guarantees of borrowings in the net worth requirements

B. Proposed change—5 percent net worth to be required for guarantees of outside secured borrowings with maturities of more than one year

IV. Reason for the Proposal—a guarantee of a borrowing is a contingent liability of the guarantor and may result in a borrowing if called upon by the creditor.

The Federal Home Loan Bank Board considers it desirable to propose to issue a new statement of policy at § 556.7 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) regarding Board authorization of surety arrangements, to amend paragraphs (a) (2) and (3) of § 563.8 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) and to add a new § 563.8(e) thereto for the purpose of applying the limitation upon borrowing to guarantees of certain borrowings, and to amend § 563.13(b) (4) of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the purpose of applying net worth requirements to guarantees of certain borrowings. By a companion Resolution (Resolution No. 75-299; April 2, 1975), the Board amends the rules and regulations for the Federal Savings and Loan System and the rules and regulations for Insurance of Accounts pertaining to limitations on secured borrowings and the issuance of mortgage-backed debt securities.

Section 5(b) of the Home Owners' Loan Act of 1933, as amended by subsection (e) of section 101 of Pub. L. 93-495 (approved October 28, 1974; effective date November 27, 1974) and as implemented in part by the Board in paragraph § 545.24-3(b) (3) of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), provides that, to such extent as the Board may authorize by regulation or by advice in writing, a Federal savings and loan association may be surety (as defined by the Board). The proposed new statement of policy at § 556.7 would state that the Board would not grant authorization to Federals to engage in the suretyship business except as a proper incident to the exercise of their other powers.

An activity in connection with which Federal associations may apply to the Board for permission to be surety is an issuance of mortgage-backed bonds together with other associations, where in connection with the issuance the group of issuers want to reciprocally guarantee each other's bonds; in such a case, the participating Federal associations would apply to the Board for authority to be sureties as an incident to the exercise of their authority to borrow.

The proposed amendments to § 563.8 (a) (2) and (3) would provide that guarantees of borrowings would be included within the limitations upon borrowings. The Board believes such inclusion to be desirable because a guarantee is a contingent liability of the guarantor-association and may result in a borrowing if called upon by the creditor. A proposed new paragraph (e) would be added to the section, the first part of which would define as a guarantee any contingent liability arising from an agreement to be guarantor or surety or to give bond or security with respect to another's borrowing, except that a guarantee of a mortgage-backed bond issued pursuant to § 563.8-2 would be counted at only half of its amount if it constituted part of a reciprocal surety agreement with other insured institutions which are issuing mortgage-backed bonds pursuant to § 563.8-2. (§ 563.8-2, "Issuance of mortgage-backed bonds"; adopted by the Board by Resolution No. 75-299, cited above.) The second part of proposed new § 563.8(e) would provide that guarantees of borrowings which were in existence before the amendments proposed by this Resolution became effective would not be included in the borrowing limitations until November 23, 1975, or for the period of their terms, whichever is shorter.

The proposed revision of § 563.13(b) (4) would provide that guarantees of secured borrowings with original stated maturities in excess of one year from sources other than a Federal Home Loan Bank or State-chartered central reserve institution shall have, in addition to the amount of net worth currently required under § 563.13(b) (1), net worth equal to 5 percent of the outstanding amount of such guarantees.

Accordingly, the Board hereby proposes to amend §§ 563.8(a) (2) and (3) and 563.13(b) (4), and to add new §§ 556.7 and 563.8(e), 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 23, 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).

PART 556—STATEMENTS OF POLICY

1. Add a new § 556.7 to read as follows:

§ 556.7 Suretyship.

The Board will not authorize a Federal association to be surety under § 545.24-3 (b) (3) of this chapter unless such activity would be properly incident to the exercise of other powers authorized for such association.

PART 563—OPERATIONS

2. Amend § 563.8 by revising paragraphs (a) (1), (2) and (3) and adding a new paragraph (e) to read as follows:

§ 563.8 Limitation upon borrowing.

(a) Except as the Corporation may otherwise permit by advice in writing, no insured institution shall borrow in excess of the amount authorized by the law under which such insured institution operates. Within the foregoing limit, an insured institution may borrow amounts not exceeding in the aggregate the following percentages of the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates:

(1) 50 percent of such paid-in and credited amount for all borrowings;

(2) A portion of the amount authorized in paragraph (a) (1) of this section not to exceed 10 percent of such paid-in and credited amount for all borrowings and guarantees of such borrowings from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution; *Provided*, That mortgage-backed bonds which are not in conformity with § 563.8-2 (except such mortgage-backed bonds in existence before May 23, 1974, for the period of their loan terms or until November 23, 1975, whichever is shorter), and guarantees of such borrowings, shall not constitute more than 5 percent of such paid-in and credited amount; and

(3) A portion of the amount authorized in paragraph (a) (1) of this section not to exceed 5 percent of such paid-in and credited amount, in addition to the amount authorized in paragraph (a) (2) of this section, for mortgage-backed bonds which are in conformity with § 563.8-2 and guarantees of such borrowings;

* * * * *

(e) (1) As used in this section, the term "guarantees of such borrowings" means the contingent liability arising from an agreement to be guarantor or surety or to give bond or security with respect to any borrowing by another insured institution or any service corporation or any other entity or individual; *Provided*, That only 50 percent of the amount of any such guarantee arising with respect to mortgage-backed bonds issued pursuant to § 563.8-2 shall be counted as a borrowing under this section if such guarantee is part of a reciprocal "surety" (as the quoted term is defined in § 545.24-3(a) of this chapter) agreement among a group of insured institutions which are issuing such mortgage-backed bonds.

(2) Guarantees in existence before [the effective date of this amendment] shall not be included within the percentage limitations of this section for the period of their terms or until November 23, 1975, whichever period is shorter.

3. Revise § 563(b)(4) to read as follows:

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

* * * * *

(b) *Net worth requirements.*

* * * * *

(4) Each insured institution shall also have an additional amount of net worth equal to 5 percent of the unpaid principal amount of all outstanding secured borrowings with original stated maturities in excess of one year and "guarantees of such borrowings", as defined in § 563.8(e)(1) (other than borrowings from a Federal Home Loan Bank or a State-chartered central reserve institution).

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); 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.75-10767 Filed 4-23-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release IA-451, File No. S7-555]

INVESTMENT ADVISER DISCLOSURE AND RECORDKEEPING REQUIREMENTS

Extension of Comment Period

The Securities and Exchange Commission ("Commission") has extended from April 30, 1975 until May 31, 1975 the period for submission of comments by interested persons on proposed Rule 206(4)–4 under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) ("Act") and proposed new paragraph (14) of Rule 204–2(a) (17 CFR 275.204–2(a)) under the Act.

Notice of the proposed rules was published on March 5, 1975 in Release No. IA–442 and in the FEDERAL REGISTER on March 14, 1975, 40 FR 11897. Proposed Rule 206(4)–4 would require an investment adviser to provide clients and prospective clients with a written disclosure statement containing specified information relating to, among other things, the adviser's services, method of operation, and fee arrangements, and qualifications of advisory personnel. Proposed paragraph (14) of Rule 204–2(a) would require investment advisers to maintain a copy of such written statements, and any amendments or revisions thereof, in their books and records.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 16, 1975.

[FR Doc.75-10760 Filed 4-23-75;8:45 am]

[17 CFR Parts 270, 275]

[Release IA-452, IC-8760, File No. S7-554]

VARIABLE LIFE INSURANCE EXEMPTIVE RULES

Extension of Comment Period

The Securities and Exchange Commission ("Commission") has received a request for an extension of the due date for comments on its notice of intention to propose an exemptive rule for variable life insurance under section 6(e) [15 U.S.C. 80a–6(e)] of the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq.] ("Investment Company Act"). An exemptive rule under section 6(e) would exempt issuers of certain variable life insurance contracts, and affiliated persons thereof, from certain provisions of the Investment Company Act.

In view of the request that the comment period be extended, the Commission has authorized an extension until Monday, June 2, 1975, of the due date for submitting comments. The Commission desires a prompt determination with respect to its notice of intention to propose an exemptive rule under section 6(e), but believes that this extension is appropriate and will not result in undue delay. Notice of the intention to propose an exemptive rule under section 6(e) was published on February 27, 1975 in Investment Company Act Release No. 8691 and Investment Advisers Release No. 440 and in the FEDERAL REGISTER issue of March 12, 1975 (40 CFR 11614).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 16, 1975.

[FR Doc.75-10761 Filed 4-23-75;8:45 am]

[17 CFR Parts 270, 275]

[Release No. IA-453, IC-8761, File No. 4-149]

VARIABLE LIFE INSURANCE EXEMPTIVE RULES

Extension of Comment Period

The Securities and Exchange Commission ("Commission") has received a request for an extension of the due date for comments on its proposal to rescind Rule 3c–4 (17 CFR 270.3c–4) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) ("Investment Company Act") and Rule 202–1 (17 CFR 275.202–1) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) ("Investment Advisers Act") (hereinafter collectively referred to as the "rules"). These rules exempt issuers of certain variable life insurance contracts, and affiliated persons thereof, from the provisions of the Investment Company and Investment Advisers Acts.

In view of the request that the comment period be extended the Commission has authorized an extension until Monday, June 2, 1975 of the due date for submitting comments. The Commission desires a prompt determination with respect to its proposal to rescind these rules, but believes that this extension is appropriate and will not result in undue delay. Notice of the proposal to rescind the rules was published on February 27, 1975 in Investment Company Act Release No. 8690 and Investment Advisers Act Release No. 439 and in the FEDERAL REGISTER issue of March 12, 1975 (40 FR 11613).[1]

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 16, 1975.

[FR Doc.75-10762 Filed 4-23-75;8:45 am]

[1] The original period for comment was extended from March 31, 1975 to April 18, 1975 on March 5, 1975. See Investment Company Act Release No. 8706, Investment Advisers Act Release No. 443.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on May 19, 1975, from 2 p.m. to 5 p.m., in Room 5951, New State Building, 21st and Virginia Avenue NW., Washington, D.C.

The purpose of the meeting will be to examine and comment upon the structure, functions and objectives of the Advisory Committee on Voluntary Foreign Aid, the experience and role of A.I.D. and voluntary agencies in Indochina and such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

The session will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mrs. Harriett S. Crowley will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC 202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance.

Dated: April 17, 1975.

HARRIETT S. CROWLEY,
Acting Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.75-10700 Filed 4-23-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[CLA 74-028786]

STANDARD NEWSPRINT PAPER

Proposed Revision of Basis Weight

APRIL 14, 1975.

Notices of a proposal to revise downward to 24.5 pounds the minimum basis weight of standard newsprint paper were published in the FEDERAL REGISTER of August 29, 1973 (38 FR 23341), and November 5, 1973 (38 FR 20455). Comment periods were provided for, and additional time was allowed so that interested parties could submit comments.

Standard newsprint paper is classifiable under the free provision of item 252.65, Schedule 2, Subpart B, Tariff Schedules of the United States (TSUS). The specifications for standard newsprint paper are set out in Treasury Decision 56349, dated January 22, 1965, as amended by Treasury Decision 68-265 (20), dated October 22, 1968. The basis weights are specified as 28½ pounds to 35 pounds per ream of 432,000 square inches. The test for determining whether a paper is classifiable as standard newsprint paper under item 252.65, TSUS, is whether at the time of its importation the paper is of that class or kind chiefly used in the United States in the printing of newspapers.

Substantial evidence was not submitted to the Commissioner of Customs that paper with basis weights lower than 28½ pounds, but conforming in all other respects to the specifications set out in the referenced Treasury decisions, is chiefly used in the United States in printing newspapers. Of 121 letters received from publishers of newspapers, only a few contained information that lighter weight papers are or were actually used to print newspapers. Accordingly, after very careful consideration of the representations received and other pertinent available material, it has been determined the claim of the change in chief use has not been established.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-10701 Filed 4-23-75;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 11]

S & H INSURANCE CO.

Surety Companies Acceptable on Federal Bonds; Change of Name

Martin Insurance Company, a California corporation, has formally changed its name to S & H Insurance Company, effective November 15, 1974. Documents evidencing the change of name are on file in the Treasury.

A new certificate of authority as an acceptable surety on Federal bonds, dated November 15, 1974, has been issued by the Secretary of the Treasury to S & H Insurance Company, Los Angeles, California, under sections 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1974 (39 FR 26366, July 18, 1974), to the company under its former name, Martin Insurance Company. The underwriting limitation of $219,000 previously established for the company remains unchanged.

The change in name of Martin Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the certificate of authority issued by the Secretary of the Treasury.

Certificates of authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the Circular, when issued, may be obtained from Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 18, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-10769 Filed 4-23-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

CONSTRUCTION OF MILITARY FAMILY HOUSING

Aliamanu Military Reservation, Oahu, Hawaii, Filing of Final Environmental Impact Statement With Council on Environmental Quality

APRIL 17, 1975.

In compliance with the National Environmental Policy Act of 1969, the Army is filing with the Council on Environmental Quality a final environmental impact statement concerning the construction of 2600 military housing units in the Aliamanu Military Reservation, Oahu, Hawaii.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested individuals may obtain copies from the Office of the U.S. Army Engineer Division, Pacific Ocean, ATTN: PODEDMP, Building 230, Fort Shafter, APO San Francisco 96558. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E-676, Pentagon Building, Washington, D.C. 20310. (Telephone: (202) 694-1163).

CHARLES R. FORD,
Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc.75-10662 Filed 4-23-75;8:45 am]

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee will hold a closed meeting on May 22 and 23, 1975, at the Woods Hole Oceanographic Institution, Woods Hole, Massachusetts. The agenda will consist of matters which are classified in the interest of national security, including various matters pertaining to the committee's general mission to advise on whether research and development efforts being conducted by the Department of the Navy are adequate in relation to the problems to be solved. The Secretary of the Navy for that reason has determined in writing that this meeting of the Naval Research Advisory Committee should be closed to the public because it is concerned with matters listed in section 552(b)(1) of title 5, U.S.C.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy,
Deputy Judge Advocate General.

APRIL 18, 1975.

[FR Doc.75-10754 Filed 4-23-75;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that closed meetings of a Panel of the DIA Scientific Advisory Committee will be held at Pomponio Plaza, Rosslyn, Virginia on:

Monday, 19 May 1975
Tuesday, 29 May 1975

The entire meetings commencing at 0900 hours on 19 May and 1300 hours on 29 May are devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to continue work on a study of specialized intelligence data requirements and U.S. ability to meet these requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 21, 1975.

[FR Doc.75-10653 Filed 4-23-75;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 13 May 1975 at 9:45 a.m. in Room IE-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 USC 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense, (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence, (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

Dated: April 21, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.75-10722 Filed 4-23-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Change of Meeting

This is to provide notice of change of meeting for the Juvenile Delinquency Task Force to the National Advisory Committee on Criminal Justice Standards and Goals.

The Juvenile Delinquency Task Force will now meet only for one day, Saturday, May 3. The meeting will be held at the Quality Inn Motel, Capitol Hill, 415 New Jersey Avenue NW., Washington, D.C. The meeting will convene at 8:30 a.m. and will be open to the public.

This will be the first meeting of the Task Force. Discussion will focus upon the functions and duties to be performed by the Task Force as well as a discussion of the Task Force subject matter.

For further information, contact William T. Archey, Acting Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue NW., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-10699 Filed 4-23-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

IOWA TRIBE OF OKLAHOMA AND IOWA TRIBE OF KANSAS AND NEBRASKA

Plan for the Use and Distribution of Iowa Judgment Funds Awarded in Docket 135 Before the Indian Claims Commission

APRIL 14, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use of distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of March 21, 1972, 86 Stat. 86, in satisfaction of an award granted to the Iowa Tribe of Oklahoma and the Iowa Tribe of Kansas and Nebraska in Indian Claims Commission Docket 135. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated January 20, 1975, and was received by both the Senate and the House of Representatives on January 23, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on March 24, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of March 21, 1972, 86 Stat. 86, in satisfaction of the award granted to the Iowa Tribe of Oklahoma and the Iowa Tribe of Kansas and Nebraska, in Docket 135, shall be used and distributed, including all interest accrued, less attorney fees and litigation expenses, as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall divide the judgment funds in Docket 135 in terms of 61.29 percent to the Iowa Tribe of Kansas and Nebraska and 38.71 percent to the Iowa Tribe of Oklahoma.

IOWA TRIBE OF KANSAS AND NEBRASKA

The funds apportioned to the Kansas-Nebraska Iowas (61.29 percent) shall be used in the following manner:

(a) Twenty (20) percent of such funds, and interest accrued thereon, shall be set aside for a land purchase program, subject to Secretarial approval.

(b) The Secretary shall make a per capita distribution of eighty (80) percent of such

funds, and interest accrued thereon, in a sum as equal as possible to each tribal member who was born on or prior to and is living on the effective date of this plan. The membership roll shall be brought current under existing tribal procedures.

(c) The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money accounts (IIM) and handled under 25 CFR 104.5. The per capita shares belonging to minors shall be segregated from the tribal funds and invested and administered by the Secretary until he determines whether the minors' funds shall be deposited in either separate IIM accounts or be placed in a trust as developed and approved by the Secretary. During this interim period, minors who will have reached the age of 18 years within six months from the effective date of the plan, shall have their shares, including the principal and interest earned, withdrawn from the segregated minors' fund account, and placed in separate IIM accounts for them. In order to administratively accomplish this, the Secretary shall determine and prepare a list of such minors. This same procedure shall continue for each succeeding six-month period, until such time as the method of handling the minors' funds is determined. The expenditure of funds in any separate IIM accounts established for minors shall be subject to 25 CFR 104.4. Upon a minor's reaching 18 years of age, both principal and investment income accruing to the per capita share shall be paid out unless the former minor is a legal incompetent, in which case the funds shall be handled under 25 CFR 104.5. Expenditure of funds from any trust for minors which may be established shall be made pursuant to the provisions of such trust. Per capita payments of deceased individual beneficiaries shall be distributed pursuant to the Departmental Indian probate regulations in 43 CFR Part 4, Subpart D.

(d) Should any unclaimed or undeliverable per capita shares be restored to the Iowa Tribe pursuant to the Act of September 22, 1961, 75 Stat. 58[4], funds representing such shares shall be made available for general tribal purposes.

IOWA TRIBE OF OKLAHOMA

The funds apportioned to the Oklahoma Iowa (38.71 percent) shall be used in the following manner:

(a) Twenty (20) percent of such funds, and interest accrued thereon, shall be added to the existing Tribal Assistance Program, effective as of May 13, 1973, pursuant to Resolution No. I-73-4, which was adopted by the Tribal Business Committee on October 26, 1972.

(b) The Secretary shall make a per capita distribution of eighty (80) percent of such funds, and interest accrued thereon, in a sum as equal as possible to each tribal member who was born on or prior to and is living on the effective date of this plan. The Secretary, in arranging for the per capital payments to be made, shall withhold sufficient shares for individuals whose entitlement to tribal membership may be in question. Those shares shall be held at interest in separate individual Indian money accounts pending determination of enrollment appeals. The amount of any shares not used to pay successful appellants may be used for any purposes that are authorized by the tribal governing body and approved by the Secretary.

(c) As soon as possible, the Iowa Tribe of Oklahoma shall post or cause to be posted copies of the proposed tribal membership roll for a period of 30 days, during which time any person may appeal the inclusion or omission of any name on or from the roll. The deadline for filing appeals will be midnight of the last day of said 30-day period. Appeals shall be handled in accordance with procedures established under 25 CFR Part 42—Enrollment appeals.

(d) The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money accounts (IIM) and handled under 25 CFR 104.5. The per capita shares belonging to minors shall be deposited in separate IIM accounts. The expenditure of funds in any separate IIM accounts for minors shall be subject to 25 CFR 104.4. Upon a minor's reaching 18 years of age, both principal and investment income accruing to the per capita shall be paid out unless the former minor is a legal incompetent, in which case the funds shall be handled under 25 CFR 104.5. Per capita payments of deceased individual beneficiaries shall be distributed pursuant to the Departmental Indian probate regulations in 43 CFR Part 4, Subpart D.

(e) The unclaimed or undeliverable per capita shares of funds of the Iowa Tribe of Oklahoma two years from the date of the administrative directive for the payment of such shares to tribal members, shall be restored to the tribe and may be used for general tribal purposes.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-10694 Filed 4-23-75;8:45 am]

KIKIALLUS TRIBE OF INDIANS

Plan for the Use and Distribution of Kikiallus Judgment Funds Awarded in Docket 263 Before the Indian Claims Commission

APRIL 10, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972 (86 Stat. 1498), in satisfaction of the award granted to the Kikiallus Tribe of Indians in Indian Claims Commission Docket 263. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated November 11, 1974, and was received by the House of Representatives on November 18, 1974, and by the Senate on November 19, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on February 18, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of October 31, 1972 (86 Stat. 1498) in satisfaction of the award granted to the Kikiallus Tribe of Indians in Docket 263 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall publish rules and regulations in the FEDERAL REGISTER governing Kikiallus enrollment procedures. Pursuant to such rules and regulations, the Secretary shall prepare a roll, based on the 1919 Roblin Roll and any other records which are acceptable to him, of all the lineal descendants of the Kikiallus Tribe, as it existed in 1859, born on or prior to and living on the approval date of this plan. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of the judgment fund principal and its accrued interest, in a sum as equal as possible, to each Kikiallus descendant on this roll.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-10697 Filed 4-23-75;8:45 am]

LOWER SKAGIT TRIBE OF INDIANS

Plan for the Use and Distribution of Lower Skagit Judgment Funds Awarded in Docket 294 Before the Indian Claims Commission

APRIL 15, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of March 21, 1972 (86 Stat. 86), in satisfaction of the award granted to the Lower Skagit Tribe of Indians in Indian Claims Commission Docket 294. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated November 11, 1974, and was received by the House of Representatives on November 18, 1974, and by the Senate on November 19, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on February 18, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of March 21, 1972 (86 Stat. 86) in satisfaction of the award granted to the Lower Skagit Indians in Docket 294 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter referred to as "Secretary") shall publish rules and regulations in the FEDERAL REGISTER governing Lower Skagit enrollment procedures. Pursuant to such rules and regulations, the Secretary shall prepare a roll, based on the 1919 Roblin Roll and any other records which are acceptable to him, of all the lineal descendants of the Lower Skagit Tribe as it existed in 1859 born on or prior to and living on the approval date of this plan; provided, that a Skagit ancestor accepted as proof of Upper Skagit descent for inclusion on the Upper Skagit payment roll prepared pursuant to the Act of June 23, 1971 (85 Stat. 83), shall not be accepted as proof of Lower Skagit ancestry. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of the judgment fund principal and its accrued interest, in a sum as equal as possible, to each eligible Lower Skagit descendant named on this roll.

The shares of living competent adults shall be paid directly to them. The shares belonging to minors, persons under legal disability and deceased persons shall be invested as Individual Indian Money until paid under appropriate safeguards, as determined by the Secretary, to the minor or legal incompetent or distributed in accordance with Departmental regulations governing estates (43 CFR 4.200–4.297), whichever is applicable.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75–10695 Filed 4–23–75;8:45 am]

LUMMI TRIBE OF INDIANS

Plan for the Use and Distribution of Lummi Tribe of Indian Judgment Funds Awarded in Docket 110 Before the Indian Claims Commission

APRIL 10, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972 (86 Stat. 1498), in satisfaction of the award granted to the Lummi Tribe of Indians in Indian Claims Commission Docket 110. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated November 18, 1974, and was received by the House of Representatives on November 21, 1974, and by the Senate on December 9, 1974, neither House of Congress having adopted a resolution disapproving it, the plan became effective on March 3, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of October 31, 1972 (86 Stat. 1498), in satisfaction of the award granted to the Lummi Tribe of Indians in Docket 110 before the Indian Claims Commission; including all interest accrued, less attorney fees and litigation expenses, shall be held and continued to be invested by the Secretary of the Interior pursuant to 25 U.S.C. 162a, until such time as a further plan for the use and distribution of the funds is approved by the Congress.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75–10696 Filed 4–23–75;8:45 am]

TUSCARORA NATION

Plan for the Use and Distribution of Tuscarora Nation Judgment Funds Awarded in Docket 321 Before the Indian Claims Commission

APRIL 17, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of July 1, 1973, 87 Stat. 99, in satisfaction of an award granted to the Tuscarora Nation in Indian Claims Commission Docket 321. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 21, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on September 11, 1974, and by the Senate on September 4, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on December 18, 1974, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Tuscarora Nation in Docket 321 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be held and continued to be invested by the Secretary of the Interior pursuant to 25 U.S.C. 162a until such time as a specific plan for the use and distribution of the funds is approved by the Congress.

DANIEL MCDONALD,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.75–10698 Filed 4–23–75;8:45 am]

Bureau of Land Management

[Group 551]

ARIZONA

Filing of Plats of Survey

APRIL 18, 1975.

Plats of survey of lands described below accepted on November 14, 1974, will be officially filed in the Arizona State Office, 3022 Federal Building, Phoenix, Arizona 85025, effective 10 a.m., on June 9, 1975:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 14 E.

1. A supplemental plat of Tracts 42, 43, and 44 in the unsurveyed portions of this township based on the plat of mineral segregations in sections 13 and 14 accepted November 14, 1974, and the approved mineral survey records.

The above tracts aggregate 39.16 acres.

Since the above described lands are withdrawn by the Tonto National Forest they are not subject to disposition under the general public land laws by reason of the official filing of this plat. The supplemental plat was prepared at the request of the Department of Agriculture, Forest Service, to accommodate Forest Exchange application A 1523.

2. A dependent resurvey of a portion of the south boundary of T. 1 N., R. 14 E., a dependent resurvey of a portion of the west boundary of T. 1 N., R. 15 E., the establishment of the corners for a portion of the east boundary and the survey of a portion of the subdivisional lines in T. 1 N., R. 14 E.

Sec. 13, lots 1 to 7, inclusive;
Sec. 14, lots 1 to 8, inclusive;
Sec. 15, lots 1 to 7, inclusive, W½NE¼, NW¼, N½SW¼;
Sec. 22, lots 15 to 18, inclusive;
Sec. 23, lots 1 and 2;
Sec. 24, lot 1;
Sec. 25, lots 2, 3, and 4;
Sec. 26, lots 1 to 5, inclusive;
Sec. 27, lots 1 to 4, inclusive;
Sec. 35, lots 1 to 7, inclusive;
Sec. 36, lots 1 to 13, inclusive.

The area described above aggregates 1,311.25 acres.

3. All the surveyed and resurveyed land ranges from mountainous in most areas to nearly level. The elevation varies from 3,425 feet to 5,250 feet above sea level. The soil is rocky throughout the township with gravelly loam along bottom of most of the washes. The vegetation consists of oak brush, manzanita, catclaw and cacti.

4 Subject to valid existing rights, title will pass to the State of Arizona under the provisions of the Enabling Act upon acceptance of the plat of survey for the following described lands:

T. 1 N., R. 14 E.,
Sec. 36, lots 1 to 13, inclusive.

The area described aggregates 225.62 acres.

5. The lands described in paragraph 2, exclusive of sec. 36, subject to any existing valid rights, will be open to filing of petition, application, and selection under the public land laws, including the mining and mineral leasing laws effective 10 a.m., June 9, 1975.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.75–10675 Filed 4–23–75;8:45 am]

[Colorado 228]

WESTERN SLOPE GAS CO.

Pipeline Application

APRIL 17, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for an amendment to its right-of-way number C–228 to permit the construction of a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 100 W.,
Sections 19 and 30, Mesa County
T. 8 S., R. 101 W.,
Section 24, Mesa County

The pipeline is an addition to Western Slope Gas Company's natural gas transmission system in Mesa County, Colorado. The purpose of this project is to enable the applicant to meet increasing demands for natural gas.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms

and conditions; to allow interested parties to comment on the application; and to allow any person asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objection must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after the publication of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-10676 Filed 4-23-75;8:46 am]

MULTIPLE USE ADVISORY BOARD; COEUR D'ALENE DISTRICT

Meeting Date Change

Pursuant to the requirements of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Coeur d'Alene District Multiple Use Advisory Board Meeting scheduled for May 8, 1975, has been changed to May 29, 1975, at 9 a.m., at the Holliday Inn, Coeur d'Alene, Idaho. The agenda for the meeting will include election of officers, presentation of the North Idaho and Elk City Management Framework Plans, Mineral Ridge Bald Eagle Wildlife Habitat Plan, Lower Salmon River Visitor Management Plan, Timber Sale Plan, and programs for Fiscal Year 1976.

The meeting is open to the public. Interested persons will have an opportunity at the end of committee business to make oral presentations to the committee or file written statements. Such requests should be made to the official listed below at least three days prior to the meeting.

Further information concerning this meeting may be obtained from BLM District Manager Larry Woodard, 1808 North Third Street, Coeur d'Alene, Idaho 83814. His telephone number is 208-664-8231. Minutes of the meeting will be available for public inspection and copying two weeks after the meeting at the BLM District Office in Coeur d'Alene, Idaho and the BLM Resource Area Headquarters in Cottonwood, Idaho.

LARRY L. WOODARD,
District Manager.

[FR Doc.75-10677 Filed 4-23-75;8:45 am]

[Serial No. I-7435]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 16, 1975.

Notice of an application, Serial No. I-7435, for withdrawal and reservation of lands was published as FR Doc. No. 74-2518 on page 3977 of the issue for January 31, 1974. The Energy Research and Development Administration, formerly known as the Atomic Energy Commission, has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be at 10 a.m. on May 16, 1975 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 26 E.,
Secs. 19, 20, 21, 28, 29, 30, 31 and 32.
T. 15 S., R. 25 E.,
Secs. 23, 24, 25, 26 and 27.
T. 15 S., R. 26 E.,
Secs. 6, 7, 18, 19 and 30.
T. 16 S., R. 25 E.,
Secs. 25 and 26.
T. 16 S., R. 26 E.,
Secs. 19, 20, 21, 22 and 23.

The areas described aggregate 13,311.50 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-10674 Filed 4-23-75;8:45 am]

[NM 25173]

NEW MEXICO

Notice of Application

APRIL 16, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 10 W.
Sec. 30, Lots 7 and 10.

This pipeline will convey natural gas across 0.085 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-10755 Filed 4-23-75;8:45 am]

[NM Misc. No. 25]

NEW MEXICO

Order Opening Lands to Entry

APRIL 18, 1975.

1. Pursuant to section 3 of the Recreation and Public Purposes Act of 1926, 68 Stat. 175, as amended, 43 U.S.C. Sec. 869.2 (1964), the following described patented lands have reverted back to the United States, such reversion being evidenced by various deeds recorded in records of Chaves and Otero Counties, New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 14 S., R. 10 E.
Sec. 22, NW¼NE¼, S½SE¼SW¼NE¼, N½NE¼NW¼SE¼ and NE¼NW¼NW¼SE¼.
T. 16 S., R. 10 E.
Sec. 5, NE¼SW¼ and SE¼.
T. 10 S., R. 25 E.
Sec. 33, S½N½ and N½SE¼.
T. 9 S., R. 24 E.
Sec. 26, SE¼SW¼;
Sec. 35, NE¼NW¼.

The areas described aggregate 572.50 acres in Chaves and Otero Counties.

2. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law the above described lands will at 10 a.m. on June 20, 1975, be open to all forms of appropriation under the public land laws. All valid applications received at or prior to 10 a.m. on June 20, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, PO Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-10756 Filed 4-23-75;8:45 am]

[NM 25209]

NEW MEXICO

Notice of Application

APRIL 18, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Anadarko Production Company has applied for a 3 inch and 4 inch water supply pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 27 E.
Sec. 11, E½E½ and NW¼NE¼.

These pipelines will convey water across 1.003 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-10757 Filed 4-23-75;8:45 am]

SHOSHONE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting; Correction

APRIL 16, 1975.

In FR Doc. 75-9826 appearing at page 17047 in the issue of Wednesday, April 16, 1975, the scheduled date of the Shoshone District Multiple Use Advisory Board meeting is corrected to May 29, 1975.

CHARLES J. HASZIER,
District Manager.

[FR Doc.75-10693 Filed 4-23-75;8:45 am]

National Park Service

CRATER LAKE MASTER PLAN

Notice of Public Workshop

Notice is hereby given that a public workshop will be held to discuss master plan alternatives for Crater Lake. Out of the meeting will come an environmental assessment of the alternatives for the master plan of Crater Lake National Park.

The first workshop will be held on May 12 at 7 p.m. in the Winema Motel, 1111 Main Street, Klamath Falls, Oregon. A second workshop will be held on May 13 at 7 p.m. in the Public Service Building, 920 Southwest Sixth Street, Portland, Oregon. A third workshop will be held on May 14 at 7 p.m. in the Oregon State University Extension Service Auditorium, 1301 Maple Grove Drive, Medford, Oregon.

A workshop material packet can be obtained by phoning one of the National Park Service offices at Klamath Falls (503-882-7387), Portland Field Office (503-234-4478), Crater Lake National Park (503-594-2211), or the Pacific Northwest Regional Office (206-442-4590).

Dated: April 14, 1975.

EDWARD J. KURTZ,
Acting Regional Director, Pacific Northwest Region.

[FR Doc.75-10751 Filed 4-23-75;8:45 am]

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, May 12, 1975, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. Gary E. Everhardt (Chairman)
Director, National Park Service
Washington, D.C.

Mr. George M. White
Architect of the Capitol
Washington, D.C.

General Mark W. Clark
Chairman, American Battle Monuments Commission
Washington, D.C.

Mr. J. Carter Brown
Chaiman, Fine Arts Commission
Washington, D.C.

Chairman, National Capital Planning Commission
Washington, D.C.

Honorable Walter E. Washington
Mayor of the District of Columbia
Washington, D.C.

Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to consider sites for relocation of the Major General George C. Meade Memorial.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: April 14, 1975.

JOHN A. TOWNSLEY,
Acting Director, National Capital Parks.

[FR Doc.75-10752 Filed 4-23-75;8:45 am]

WESTERN REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a field trip and public meeting of the Western Regional Advisory Committee will be held in Yosemite National Park. The field trip will be on May 16, 1975, beginning at 8:30 a.m. and leaving from the Ahwahnee Hotel, Yosemite. A public meeting will be held at 9 a.m., P.d.t., on May 17, 1975, in the auditorium of the Yosemite Valley Visitor Center.

The purpose of the Western Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Western Region of the National Park Service.

The members of the Advisory Committee are as follows:

Lewis S. Eaton, Fresno, California (Chairman)
Ben Avery, Phoenix, Arizona
David W. Ballie, Jr., Lihue, Kauai, Hawaii
Ed Fike, Las Vegas, Nevada
Bernard Fontana, Tucson, Arizona
Jean Ford, Las Vegas, Nevada
Jack Walston, San Francisco, California
Todd Watkins, Bishop, California

The single item on the agenda will be general discussion of the Yosemite National Park Master Plan process and the current status of the issues and problems of Yosemite.

The field trip will provide the committee with an onsite orientation of the programs, problems and master plan considerations pertinent to Yosemite. The meeting will be open to the public. Any member of the public will also be able to file with the Committee a written statement concerning the Yosemite Master Plan.

Due to a lack of space only the Advisory Committee Members and associated National Park Service personnel will be provided transportation for the field trip.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Ray C. Foust, Executive Assistant to the Regional Director, Western Regional Office, at Area Code 415-556-8227.

Minutes of the meeting will be available for public inspection eight weeks after the meeting at the Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California, and Yosemite National Park.

HOWARD H. CHAPMAN,
Regional Director, Western Region.

APRIL 14, 1975.

[FR Doc.75-10750 Filed 4-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MALHEUR NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Malheur National Forest Grazing Advisory Board will meet at 1:30 p.m., May 13, 1975 at Malheur Forest Headquarters, 139 NE Dayton, John Day, Oregon, 97845.

The purpose of this meeting is to elect officers, report on current situation of each allotment on its own policy, other old business, recommendations on 1975 grazing applications for temporary permits, and other new business.

The meeting will be open to the public. Persons who wish to attend should notify Ellis J. Callantine, 139 NE Dayton, John Day, Oregon, 97845, Phone 503-575-1731. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at any

time unless otherwise stated by presiding officer at beginning of meeting.

TOM KERNS,
Acting Forest Supervisor.

APRIL 16, 1975.

[FR Doc.75-10753 Filed 4-22-75;8:45 am]

Office of the Secretary

NORTHERN CHEYENNE RESERVATION IN MONTANA

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Northern Cheyenne Indian Reservation in Montana has been materially increased and become acute because of excessive snowfall creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on April 18, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-10704 Filed 4-23-75;8:45 am]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

Open Meeting

Correction

In FR Doc. 75-10183, in the issue for Friday, April 18, 1975, appearing on page 17302, the room number in the last paragraph now reading 11017 should be changed to read 11C17.

Office of Trade Adjustment Assistance

ALGY SHOES, INC.

Notice of Petition and Hearing

A petition was filed on April 24, 1975, by Algy Shoes, Inc., of Everett, Massachusetts, under section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR, Part 350, 40 FR 14921 (April 3, 1975) (the "regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner claims that imported articles classified in items 700.20, 700.45 and 700.55 of the Tariff Schedules of the United States Annotated (TSUSA) are like or directly competitive with footwear for women produced by the firm.

A public hearing on the matter has been requested by the petitioner and will be held beginning at 10 a.m., e.d.t., on May 9, 1975, in Conference Room D, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. Requests for appearances at the hearing conforming to § 350.40 of the regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice. Briefs or written statements in support of, or in opposition to, the petition will be accepted in lieu of appearance at the hearing, if received by the close of business of the tenth calendar day following the publication of this notice, provided that such briefs and written statements evidence that the person submitting such briefs and written statements has a substantial interest in the proceedings, as described in § 350.40(b) of the regulations. Such written submissions from persons exhibiting a substantial interest shall be given the same effect as an appearance at the hearing, as set forth in § 350.44 of the regulations. Section 350.24 of the regulations, dealing with confidential business information, shall be applicable to any such written submissions. Briefs or written statements submitted shall be subject to public inspection, together with the Petition Form DIB-345P, in Room 3011, U.S. Department of Commerce, Washington, D.C. (except for information submitted and accepted in confidence), subject to the provisions of § 350.43 of the regulations.

The hearing shall be conducted as follows: Petitioner or his representative shall have up to one hour for an initial oral statement and presentation of evidence, following which each person scheduled to appear at the hearing shall be permitted thirty (30) minutes within which to make an oral statement, submit evidence and comment on the views and evidence received from petitioner or its representative. After all parties scheduled to appear at the hearing have been heard, petitioner or its representative shall be permitted another fifteen (15) minutes within which to make a further statement, during which petitioner shall be permitted to comment upon the views and evidence received from other parties appearing at the hearing, and upon any written submission in lieu of appearance from persons evidencing a substantial interest in the proceedings. Questions may be addressed to persons appearing at the hearing by the Department official presiding at the hearing or other Department representatives, but no other persons shall be permitted to address questions.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance)

HAROLD A. BRATT, Jr.
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-10874 Filed 4-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Meeting

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble the month of May 1975:

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

May 19–20, 9:30 a.m. Conference Room G, Parklawn Bldg., Rockville, Maryland. Open—May 20. Closed—May 19. Contact David G. Orchard, Parklawn Bldg., Rm. 16–86, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4703.

Purpose: Advises the Secretary, Department of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: May 19, the Council will conduct a final review of grant applications for Federal assistance, and this session will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

May 20 will be devoted to discussions pertaining to the "National Planning and Resources Development Act of 1974." Additional agenda items may be added as priorities dictate.

Substantive program information may be obtained from the contact person listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Council members is Mr. Harry C. Bell, Associate Director for

Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6-C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, telephone (301) 443-3306.

Dated: April 21, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-10654 Filed 4-23-75;8:45 am]

Food and Drug Administration

[FDA-225-75-4039]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Florida Department of Agriculture and Consumer Services

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Florida Department of Agriculture and Consumer Services on March 12, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Florida Department of Agriculture & Consumer Services, Div. of Inspection, Bur. of Food Grades & Standards, Rm. 216, Mayo Building, Tallahassee, Florida 32304.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency:* Florida Department of Agriculture & Consumer Services, Division of Inspection, Bureau of Food Grades & Standards, Room 218, Mayo Building, Tallahassee, Florida 32304.

V. *Liaison Officers.* For Florida Dept. of Agriculture & Consumer Services: Dr. George M. Rose, Chief, Food Grades & Standards Sect. Address: Rm. 218, Mayo Bldg., Tallahassee, FL 32304. Telephone No.: (904) 488-3951.

For FDA: Adam J. Trujillo, Director, Orlando District. Address: 7200 Lake Ellenor Drive, Orlando, FL 32809. Telephone No.: (305) 855-0900.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Florida Dept. of Agriculture and Consumer Services, Bureau of Food Grades and Standards, Div. of Inspection:

Dated: March 5, 1975.

G. M. ROSE,
Chief, Bureau of Food Grades & Standards, Division of Inspection.

Approved and accepted for the Food and Drug Administration:

Dated: March 12, 1975.

M. D. KINSLOW,
Regional Food and Drug Director, Atlanta Field Office.

Effective date. This memorandum of understanding became effective March 12, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.10657 Filed 4-23-75;8:45 am]

[FDA-225-75-4018]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Idaho Department of Health and Welfare

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Idaho Department of Health and Welfare (Environmental Services Division) on February 11, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE IDAHO DEPARTMENT OF HEALTH AND WELFARE (ENVIRONMENTAL SERVICES DIVISION) AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Environmental Services Division, Department of Health and Welfare, State House, Boise, Idaho 83720.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Dr. James A. Bax, Director, Idaho Department of Health and Welfare, State House, Boise, Idaho 83720.

V. *Liaison Officers.* For Idaho Department of Health and Welfare (Environmental Services Division): Carroll E. Despain, Chief, Milk & Food Quality. Address: Idaho Department of Health and Welfare, State House, Boise, Idaho 83720. Telephone No.: (208) 384-2344.

For FDA: J. Kenneth Kinney, Federal-State Liaison Officer. Address: 5003 Federal Office Bldg., Seattle, WA 98174. Telephone No.: (206) 442-5304.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Department of Health and Welfare:

Dated: February 11, 1975.

DR. JAMES A. BAX,
Director, Department of Health and Welfare.

Approved and accepted for the Food and Drug Administration:

Dated: January 24, 1975.

JAMES W. SWANSON,
Regional Fod and Drug Director, Seattle Field Office, Region X

Effective date. This memorandum of understanding became effective February 11, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10661 Filed 4-23-75;8:45 am]

[FDA-225-75-4024]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Maryland Department of Health and Mental Hygiene

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Maryland Department of Health and Mental Health Hygiene on March 28, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE (ENVIRONMENTAL HEALTH ADMINISTRATION) AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Environmental Health Administration, 201 West Preston Street, Baltimore, MD 21201.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the State according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Maryland Department of Health & Mental Hygiene, Environment of Health Administration, 201 West Preston Street, Baltimore, MD 21201.

V. *Liaison Officers.* For Terminal Agency: Howard Ellingsen, Manager of Terminal Operations. Address: 201 West Preston Street, Baltimore, MD 21201. Telephone No.: (301) 383-2733.

For FDA: Lawrence M. Carter, Supervisory Investigator. Address: 2nd & Chestnut Streets, Room 900, Philadelphia, PA 19106. Telephone No.: (301) 962-3590.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Maryland Department of Health and Mental Hygiene, on behalf of Environmental Health Administration:

Dated: March 18, 1975.

NEIL SOLOMON, M.D.,
Secretary of Health and Mental Hygiene.

Approved and accepted for the Food and Drug Administration:

Dated: March 28, 1975.

T. C. MARAVIGLIA,
Regional Food and Drug Director, Region III.

Effective date. This memorandum of understanding became effective March 28, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10656 Filed 4-23-75;8:45 am]

[FDA-225-75-4010]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the New York State Department of Agriculture and Markets

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the New York State Department of Agriculture & Markets on March 4, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the New York State Department of Agriculture and Markets, Building 8, State Campus, Albany, New York 12226.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* New York State Department of Agriculture & Markets, Building 8, State Campus, Albany, New York 12226.

V. *Liaison Officers.* For New York State Department of Agriculture & Markets: James L. Burnes, Director of Administration. Address: Building 8, State Campus, Albany, New York 12226. Telephone No.: (518) 457-6999.

For FDA: Edward G. Seibert, Compliance Officer. Address: 599 Delaware Avenue, Buffalo, N.Y. 14202. Telephone No.: (716) 842-6906.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the New York State Department of Agriculture & Markets:

Dated: March 4, 1975.

FRANK WALKLEY,
Commissioner, Department of Agriculture and Markets.

Approved and accepted for the Food and Drug Administration:

Dated: February 11, 1975.

CLIFFORD G. SHANE,
Regional Food and Drug Director, Region II.

Effective date. This memorandum of understanding became effective March 4, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10660 Filed 4-23-75;8:45 am]

[FDA-225-75-4009]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Oklahoma State Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Oklahoma State Department of Health on January 30, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE OKLAHOMA STATE DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the offices of the Consumer Protection Service, Department of Health, N.E. 10th & Stonewall, Oklahoma City, Oklahoma.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that

proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Oklahoma State Department of Health, Consumer Protection Service, Northeast 10th St. & Stonewall, Oklahoma City, Oklahoma 73105.

V. *Liaison Officers.* For Oklahoma State Department of Health: Mr. Lloyd Parham, Chief, Consumer Protection Service. Address: Northeast 10th St. & Stonewall, Oklahoma City, Oklahoma 73105. Telephone No.: (405) 271-5243.

For FDA: J. L. Perrin, Prog. Mgr. for Intergovt. Relations. Address: 3032 Bryan St., Dallas, TX 75204. Telephone No.: (214) 749-3951.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Oklahoma State Department of Health:

Dated: January 30, 1975.

W. F. GISLER,
Comptroller, Oklahoma State Department of Health.

Approved and accepted for the Food and Drug Administration:

Dated: January 21, 1975.

JAMES E. ANDERSON,
Acting Regional Food and Drug Director.

Effective date. This memorandum of understanding became effective January 30, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10658 Filed 4-23-75;8:45 am]

[FDA-225-75-4017]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Rhode Island Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Rhode Island Department of Health on January 30, 1975. The purpose of the memorandum is to establish the procedure and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE RHODE ISLAND DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Division of Drug Control, 304 Health Building, 75 Davis Street, Providence, Rhode Island 02908.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

11. Receive and transmit messages for FDA personnel stationed in Rhode Island.

IV. *Name and Address of Terminal Agency.* Rhode Island Department of Health, Room 401, 75 Davis Street, Providence, Rhode Island 02908.

V. *Liaison Officers.* For Rhode Island Department of Health: Joseph J. Cahill, Drug Control Administrator. Address: 75 Davis Street, Room 304, Providence, Rhode Island 02908. Telephone No.: (401) 277-2837.

For FDA: Richard J. Davis. Address: Boston, Mass. Telephone No.: 223-5067.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the R.I. Dept. of Health:

Dated: January 30, 1975.

JEAN M. MAYNARD, M.D.,
Acting Director.

Approved and accepted for the Food and Drug Administration.

Dated: January 30, 1975.

A. J. BEEBE, Jr.,
Regional Food and Drug Director.

Effective date. This Memorandum of Understanding became effective January 30, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10655 Filed 4-23-75;8:45 am]

[FDA-225-75-4005]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With South Dakota Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the South Dakota Department of Agriculture on January 31, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Room 101, State Office Building #1, Pierre, South Dakota.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* South Dakota Department of Agriculture, Division of Agriculture Regulations & Inspection, Office Building No. 1, Pierre, South Dakota 57501.

V. *Liaison Officers.* For South Dakota Department of Agriculture: Rodger Pearson, Director, Division of Agricultural Regulations & Inspections. Address: Office Building No. 1, Pierre, South Dakota 57501. Telephone No.: (606) 224-3375.

For FDA: John R. Vodneck, Program Analyst. Address: Room 500, U.S. Customhouse, Denver, Colorado 80202. Telephone No.: (303) 837-4915.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the South Dakota Department of Agriculture:

Dated: January 31, 1975.

WILLIAM H. SCHRODER,
Secretary of Agriculture, State of South Dakota.

Approved and accepted for the Food and Drug Administration:

Dated: January 23, 1975.

E. PITT SMITH,
Deputy Regional Food and Drug Director.

Effective date. This memorandum of understanding became effective January 31, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10659 Filed 4-23-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on May 14, 1975, from 7 p.m. to 10 p.m. and May 15, 1975 from 9 a.m. to 4:30 p.m. at 1200 19th Street, NW., Room 823, Washington, D.C.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93-380. (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406. The Council with the assistance of the Commissioners shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of section 406.

The meeting of the Council shall be open to the public. The proposed agenda includes:

May 14—NIE Efforts in Career Education
May 15—Current and Future Legislation Survey
Consideration of Commission Studies
Council Mission

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education located in Room 3100—7th and D Streets SW., Washington, D.C. 20202).

JOHN LINDIA,
Deputy Director for Career Education.

[FR Doc.75-10766 Filed 4-23-75;8:45 am]

COMMUNITY EDUCATION ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Community Education Advisory Council will be held May 15 and 16, 1975, at the U.S. Office of Education, 400 Maryland Avenue, SW, Room 4173, Washington, D.C. The Thursday meeting will begin at 8:30 a.m. and end at 5 p.m. The Friday meeting will begin at 8:30 a.m. and end at 12 p.m.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools. In the fiscal year ending June 30, 1975, the Advisory Council shall be responsible for advising the Commissioner regarding the establishment of policy guidelines and regulations for the operation and administration of the Community Schools Act.

In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Consideration of Proposed Regulations.
(2) Procedures for Evaluation.
(3) Future Business and Administrative Matters.

Records shall be kept of all council proceedings and shall be available for public inspection in Room 4177-E, Federal Office Building No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on April 18, 1975.

JULIE ENGLAND,
Special Assistant to the U.S. Commissioner of Education.

[FR Doc.75-10624 Filed 4-23-75;8:45 am]

FULBRIGHT-HAYS TRAINING GRANTS

Criteria for Funding Applications for Fiscal Year 1975

On pages 43415 and 43416 of the FEDERAL REGISTER of December 13, 1974, there was published a notice to set forth criteria for funding applications for Fiscal Year 1975 for financial assistance under section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(6)). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and only typographical and technical corrections have been made. The proposed criteria are hereby adopted as are set forth below.

Effective date. The Notice of Proposed Rule Making was transmitted to Congress on December 9, 1974 pursuant to section 431(d) of the General Education Provisions Act. (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such action having been taken. Therefore these criteria shall become effective April 24, 1975.

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Hays Training Grants—Doctoral Dissertation Research Abroad)

Dated: March 28, 1975.

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

Approved: April 21, 1975.

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

A. The Commissioner of Education and the Board of Foreign Scholarships will evaluate applications on the basis of the following criteria for each of the following programs:

1. DOCTORAL DISSERTATION RESEARCH ABROAD PROGRAM

(a) Academic qualifications of the candidate;
(b) Soundness and feasibility of the project;
(c) Preference will be given to foreign languages and areas that are critical to the national interest, for which adequate instruction has not been widely available in the United States, and for which there exists a shortage of trained personnel.

2. FACULTY RESEARCH ABROAD PROGRAM

(a) Relevance of the proposed project to the U.S. educational institution's educational goals and to its plans for developing programs in foreign languages and area studies;
(b) The project's potential impact on foreign languages and area studies in American education;
(c) The project's relevance to contemporary issues and problems significantly related to the national interest;
(d) Scholarly qualifications of the candidate, and his previous opportunities for research abroad;
(e) The extent to which direct experience abroad is necessary to complete the project and the effectiveness with which host country resources would be utilized;
(f) Soundness and feasibility of the project.

3. GROUP PROJECTS ABROAD PROGRAM

(a) The potential impact of the project on the development of foreign language and area studies programs in American education;
(b) The project's relevance to the applicant institution's educational goals and its relationship to the institution's program development in foreign languages and area studies;
(c) The extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which host country resources would be utilized;
(d) Preference to projects concerning foreign languages and geographic areas which are of special concern to the national interest and for which adequate instruction has not been widely available in the United States;
(e) The factors set forth in section 100a.26 of the General Provisions for the Office of Education (45 CFR 100a.26).

4. FOREIGN CURRICULUM CONSULTANTS PROGRAM

(a) Potential impact on the applicant institution's plans for developing its foreign language and area studies programs;
(b) Potential effective use of the results of the consultant's work following the completion of the project;
(c) Appropriateness of the consultant's duties and the approximate allocation of time among the duties;
(d) Number of faculty, students, and members of the relevant community who are expected to be affected by the consultant's activities;
(e) Likelihood that educational institutions other than the grantee will share in the consultant's services and the extent to which such institutions have participated in helping define the nature of these services;
(f) Adequacy of the arrangements made for coordinating the consultant's work under the supervision of a project director.
(g) The factors set forth in section 100a.26 of the General Provisions for the Office of Education (45 CFR 100a.26).

(22 U.S.C. 2452(b)(6))

B. In addition to the criteria set forth in Paragraph A for the Doctoral Dissertation Research Abroad and the Faculty Research Abroad programs, the Board of Foreign Scholarships will consider the professional and personal references for individual applicants and employment or other records for individual applicants which are readily available from other governmental agencies, including law enforcement agencies.

(22 U.S.C. 2452(b)(6))

[FR Doc.75-10726 Filed 4-23-75;8:45 am]

National Institutes of Health
NATIONAL EYE INSTITUTE
Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National

Eye Institute, on June 9, 1975, in Building 31, Conference Room #8, National Institutes of Health, Bethesda, Maryland. This meeting will convene and be open to the public from 9 a.m. to 9:45 a.m. for reporting of items of general interest by the Institute Director and discussion of the guidelines for the National Eye Institute research training program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:45 a.m. to adjournment for the review, discussion and evaluation of academic investigator awards and of individual and institutional applications under the National Research Services Awards program. The closed portion of the meeting involves solely the internal expression of views and judgments of such applications which contain detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Information Officer, National Eye Institute, National Institutes of Health, Building 31, Room 6A-27, Bethesda, Maryland 20014, telephone (301) 496-5248, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William F. Raub, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496-4903.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health)

Dated: April 14, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-10672 Filed 4-23-75;8:45 am]

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases, June 12-13, 1975, Conference Room 7, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. to 4 p.m. on June 12, 1975 to review and discuss the inactivated *Mycoplasma pneumoniae* vaccine field trial and from 9 a.m. to 3 p.m. on June 13, 1975 to review and discuss the streptococcal program. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)4 and 552(b)6, Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 4 p.m. to 5 p.m. on June 12, 1975 for the review, discussion, evaluation, and making of recommendations pertaining to two contract proposals on *Mycoplasma pneumoniae* vaccines. The meeting will be closed to the public from 3 p.m. to adjournment on June 13, 1975 for the review, discussion, evaluation and making of recommendations pertaining to one contract proposal on streptococcal vaccines. These contract proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with these contract proposals.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-34, phone 496-5717, will furnish summaries of the meeting and roster of committee members. Mrs. Martha Mattheis, Executive Secretary of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A-10, phone 496-5105, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health)

Dated: April 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-10671 Filed 4-23-75;8:45 am]

NATIONAL INSTITUTE OF DENTAL RESEARCH

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on June 19-20, 1975, from 9 a.m. to adjournment, in Building 31-C, Conference Room 6, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 1 p.m. on June 19, 1975, for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on June 19 from 1 p.m. to 5 p.m., and on June 20 from 9 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Janet Lynn McMahan, Council Secretary, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C-35, Bethesda, Maryland 20014 (telephone 301-496-3571), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.325, National Institutes of Health)

Dated: April 14, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-10673 Filed 4-23-75;8:45 am]

Office of the Secretary

SURVEY OF PERSONS IN LONG-TERM CARE INSTITUTIONS

Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the results of activities associated with the HEW project entitled, "Design Task for a Survey of Persons in Long-Term Care Institutions."

The Design Task was initiated as part of the Federal interest in the institutionalized long-term care population from a programmatic and policy point of view. The purpose was to update and expand the scope of the 1967 National Survey of Institutionalized Adults conducted by the Social Security Administration and to develop survey instruments for data collection which would enhance policy research on the entire spectrum of the long-term care population. The final report includes a review of previous studies, identification of issues of current concern, a proposed sample design, survey instrumentation, and pretest results.

The proposed variables of stratification in the sample design are facility type and facility size. The six institutional facility types are psychiatric care, physically handicapped, mentally handicapped, children's facilities, nursing homes, and other facilities. The proposed size categories are small (under 100 beds), medium (100-499 beds), and large (500 or more beds).

Three separate survey instruments were developed for the institutionalized persons survey: one to collect information about the facility, one for the resident, and one for the resident's family. The instruments are designed to be administered in a personal interview format.

A limited field test of the instrumentation was conducted for a sample of facilities, residents and families in the Washington, D.C. area.

A copy of this report will be filed and available as soon as possible from the National Technical Information Service,

U.S. Department of Commerce, Springfield, Virginia 22152.

Dated: April 21, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-10725 Filed 4-23-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-297]

ASHUMET VALLEY

Hearing

In the matter of Ashumet Valley, OILSR No. 0-2518-25-17, Docket No. Y-1049.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Ashumet Valley Sales Corporation, Shepard Sumberg, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Ashumet Valley, located in Barnstable County, Massachusetts, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 24, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 29, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 22, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10705 Filed 4-23-75;8:45 am]

[Docket No. N-75-295]

BREVARD PROPERTIES

Hearing

In the matter of Brevard Properties, OILSR No. 0-0149-09-43, Docket No. Y-800.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Brevard Investment Properties, Inc., Frederick T. Hyman, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Brevard Properties, located in Brevard County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 20, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 13, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10706 Filed 4-23-75;8:45 am]

[Docket No. N-75-306]

BUFFALO HILLS

Hearing

In the matter of Buffalo Hills, OILSR No. 0-2723-41-22, Docket No. Y-997.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Condo-Mobile, Inc., Edgar L. Lash, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued March 5, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Buffalo Hills, located in Noble County, Ohio, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 24, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on May 29, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 22, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10707 Filed 4-23-75;8:45 am]

[Docket No. N-75-307]

CAPE CANAVERAL HEIGHTS

Hearing

In the matter of Cape Canaveral Heights, OILSR No. 0-1849-09-545, Docket No. Y-915.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Cape Canaveral Heights Properties, Inc., Frederick T. Hyman, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Cape Canaveral Heights, located in Brevard County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on May 15, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 8, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10708 Filed 4-23-75;8:45 am]

[Docket No. N-75-300]

JASPER VALLEY AT AMHERST

Hearing

In the matter of Jasper Valley at Amherst, OILSR No. 0-1515-34-28, Docket No. Y-907.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Jasper Valley Development Corporation, Peter J. Flood, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued March 3, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.-125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Jasper Valley at Amherst, located in Amherst County, New Hampshire, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 2, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 23, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 8, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10709 Filed 4-23-75;8:45 am]

[Docket No. N-75-292]

KING'S GATE

Hearing

In the matter of King's Gate, OILSR No. 0-2619-09-782, Docket No. Y-1062.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. King's Gate Camper's Holiday, Inc., Lynn A. Morey, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for King's Gate, located in Sarasota County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 14, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 7, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 30, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true,

and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10710 Filed 4-23-75;8:45 am]

[Docket No. N-75-294]

LAKE OF THE MENOMINEES

Hearing

In the matter of Lake of the Menominees a/k/a Legend Lake, OILSR No. 0-1267-58-16, Docket No. Y-935.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Menominee Enterprises, Inc., Joseph E. Trechette, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued February 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Lake of the Menominees a/k/a Legend Lake, located in Menominee County, Wisconsin, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 19, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 12, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10711 Filed 4-23-75;8:45 am]

[Docket No. N-75-293]

MEADOW WOOD FARMS

Hearing

In the matter of Meadow Wood Farms, OILSR No. 0-1920-09-576, Docket No. Y-918.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Dade County Development Company, O'Neil Naples, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Meadow Wood Farms located in Marion County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 11, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 13, 1975, at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 6, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10712 Filed 4-23-75;8:45 am]

[Docket No. N-75-296]

SWISS ALPINE DEVELOPMENT CORP.

Hearing

In the matter of Swiss Alpine Development Corporation, OILSR NO. 0-2778-26-53, Docket No. Y-995.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Swiss Alpine Development Corporation, Roy West Berg, President, its Officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Swiss Alpine, Swiss Alpine 2, located in Osceola County, Michigan, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 2, 1975, at 2 p.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 26, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an

order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 8, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10713 Filed 4-23-75;8:45 am]

[Docket No. N-75-296]

WHISPERING OAKS

Hearing

In the matter of Whispering Oaks, OILSR No. 0-3499-18-19, Docket No. Y-1094.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Rolling Ridge Development Company, Inc., H. Sam Clark, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Whispering Oaks, located in Miami County, Kansas, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 18, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on May 27, 1975 at 10:00 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 20, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-10714 Filed 4-23-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

VEHICLE IDENTIFICATION NUMBERS

Public Availability

The purpose of this notice is to advise the public on procedures for obtaining vehicle identification numbers (VIN's) of motor vehicles subject to defect notification and recall campaigns.

The National Highway Traffic Safety Administration administers a defect reporting program under 49 CFR Part 573, "Defect Reports." Under this program, motor vehicle manufacturers are required to submit information reports and quarterly reports on safety related defect notification and recall campaigns.

Effective August 6, 1974, the Defect Reports regulation was amended to require the inclusion of vehicle identification numbers with the third quarterly report submitted to the NHTSA after a notification campaign is initiated. Only the VIN for each vehicle for which corrective measures have not been completed at the end of the third quarterly reporting period (approximately 6-9 months after a campaign is begun) are required to be submitted. VIN's for vehicles subject to the campaign which have been corrected by that time are not submitted.

The NHTSA believes that safety benefits can be realized by making publicly available the VIN lists which it receives. In order to effectively disseminate this information, the NHTSA has developed a computerized program which will maintain a VIN information system that will provide VIN information when requested in either of two modes: (1) Individual vehicle and (2) recall campaign. Persons obtaining the information should understand that the vehicle may have been corrected after the VIN number is submitted to the agency.

Individual vehicle. This method is designed primarily for requests for the recall status of one or a relatively few vehicles. Possible uses would be for a vehicle owner attempting to determine whether his vehicle is or has been subject to a campaign. The system would also be useful for a person purchasing or contemplating the purchase of a used vehicle, enabling him to determine whether the vehicle contained any uncorrected defects. Persons wishing to verify the recall status for individual vehicles must furnish the following information to the address listed below:

Name and address of person making the request.
Manufacturer of vehicle.
VIN of vehicle.

If the computer search indicates that the vehicle was subject to a recall campaign and was not corrected, the agency will furnish that information to the inquirer along with the recall campaign number (assigned by the agency to each campaign at its inception) and a brief reference to the nature of the campaign.

Recall campaign. The recall campaign method is designed for persons who wish to know VIN's of vehicles, subject to a particular campaign, which have not been corrected. Persons wishing to obtain this information must furnish the following information to the address listed below:

Name and address of person making the request.
Manufacturer of vehicle.
Recall campaign number.

A computer search will provide the VIN of every uncorrected vehicle in a given campaign, and if requested, will produce VIN's for uncorrected vehicles for every campaign by a given manufacturer. Information produced by this method will be available on ADP, magnetic tape, microfiche film, and photocopy of microfiche film.

Address. Persons wishing to obtain VIN information should write to:

Office of Consumer Services, National Highway Traffic Safety Administration, Washington, D.C. 20590.

Single or small numbers of VIN's will normally be mailed within 24 hours from receipt. Campaign or manufacturer listings will normally be mailed within 72 hours.

Fees. The fees charged for the production of VIN's are those established for the Department of Transportation for the reproduction of documents (49 CFR 7.85). They are as follows:

First copy of each page of documents, by photocopy or similar method	$0.25
Each additional copy of each page	.05
Duplicate data tapes—each reel of tape or fraction thereof (where person wishing to obtain VIN information furnishes the necessary number of blank magnetic tapes, compatible for use in the Department of Transportation's computer system, either 7-track, 556 BPI, or 9-track, 1600 BPI, 2,400 ft long)	36.00
Duplicate data tapes—each reel of tape or fraction thereof (where the Department of Transportation furnishes the necessary number of blank magnetic tapes)	60.00
Microfiche copies, each standard size sheet (4 by 6 in)	.15
Data processed records, each 1,000 lines or fraction thereof	1.00

Charges will be waived for persons wishing to obtain VIN information regarding a single vehicle.

(Secs. 108, 112, 113, 119, Pub. L. 89-563, 80 Stat. 718; Sec. 102, Pub. L. 93-492, 88 Stat.

1470 (15 U.S.C. 1397), 1401, 1402, 1408, 1411–1420; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on April 17, 1975.

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

[FR Doc.75-10622 Filed 4-23-75;8:45 am]

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting; Detailed Agendas

As previously published in the FEDERAL REGISTER dated April 11, 1975, the National Motor Vehicle Safety Advisory Council is holding public meetings April 30 and May 1 in Washington, D.C., in room 2232 of the DOT Building, 400 Seventh Street SW. This second notice provides additional information on the agendas not available at the time of the first notice. Please note that the times of the meetings are given.

The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On April 30 at 9 a.m. in room 2232 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Status of Braking Standards for Cars and Trucks (FMVSS 105–75 & 121)
Status of Motorcycle Helmet Compliance Testing
Status Report on Motorcycle Safety Improvement Program
Status Report on Motorcycle Crash Studies
Effectiveness of Daytime Use of Motorcycle Headlights to Improve Safety
Advanced Training/Licensing Requirements for Motorcyclists
Status Report on Motorcyclist Helmet Laws
New Business/Future Meetings

Also at 9 a.m. in room 2234 the Consumer and Public Information Committee will meet with the following agenda:

Status Report on Consumer "Hot Line" Recommendation
New Consumer Information Program on Defects & Recalls
Anti-Odometer Tampering Program (Title IV—Motor Vehicle Information & Cost Savings Act of 1972)
New Business/Future Meetings

At 1 p.m. the Crashworthiness Committee will meet in room 2232 with the following agenda:

Status Report—Occupant Crash Protection Standard (FMVSS 208)
School Bus Safety—Proposed Standard
Status Report—Child Seating Systems (FMVSS 213)
Safety and the Trend Toward Smaller Cars
Is There Public Support for Moratorium on Auto Safety?
Mandatory Safety Belt Use Laws—Status Report
New Business/Future Meetings

On May 1 at 9 a.m. in room 2232 the full Council will meet with the following agenda:

Election of Council Chairman
Adoption of Council Minutes of November 14, 1974
Discussion and Approval of Revised Council Bylaws
Status Report on Effects of Energy Crisis on Highway Safety
Report of Accident Avoidance and Operating Systems Committee
Report of Consumer & Public Information Committee
Report of Crashworthiness Committee
Status Report on Fourth International Congress on Automotive Safety
New Business/Future Meetings

For further information contact the NHTSA Executive Secretary, room 5215, 400 Seventh Street SW., Washington, D.C. telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92–462, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: April 18, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-10689 Filed 4-23-75;8:45 am]

Saint Lawrence Seaway Development Corporation

[Ref: SLS-2-5610.1B]

ENVIRONMENTAL IMPACTS

By notice in the FEDERAL REGISTER of November 21, 1973, pursuant to guidelines of the Council on Environmental Quality (CEQ) appearing a 40 CFR Part 1500, published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550), the Saint Lawrence Seaway Development Corporation published proposed procedures for consideration of environmental impacts required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (January 1, 1970, Pub. L. 91–190, section 102(2)(C), 83 Stat. 853; 42 USC 4332(2)(C)). The published procedures implemented DOT Order No. 5610.1B, "Procedures for Considering Environmental Impacts", published in the FEDERAL REGISTER on November 1, 1973 (38 FR 30215) as proposed procedures. No comments were received on the Corporation's publication of the proposed procedures; however, in light of comments received by the Office of the Secretary of Transportation regarding DOT Order No. 5610.1B, that order was revised and republished in the FEDERAL REGISTER on September 30, 1974 (39 FR 35234). These comments were lengthy and it is deemed impractical to repeat them here.

In the Corporation's proposal, the attachments referred to were published as a part of DOT Order No. 5610.1B. Again, in this final publication, they are incorporated by reference, since they are lengthy and republication of identical material is unnecessary.

Accordingly, the Corporation's implementing order SLS–2–5610.1B is revised to read as appears below.

(68 Stat. 92–97, 33 U.S.C. 981–990, as amended; National Environmental Policy Act, (42 U.S.C. 4321 et seq.); Executive Order 11514, 35 FR 4247; 40 CFR Part 1500)

Issued: March 31, 1975.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

1. *Purpose:* DOT Order 5610.1B establishes procedures for consideration of environmental impacts through preparation and use in decision making of detailed environmental impact statements which serve, where required, as the single vehicle for all environmental findings, determinations, and clearances on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. These procedures provide for implementation of DOT Order 5610.1B, and cancel "Procedures for Implementation of DOT Order 5610.1A".

2. *Scope:* These procedures provide instructions for implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190) (hereafter "NEPA"); section 2(b) and section 4(f) of the Department of Transportation Act of 1966 (Pub. L. 89–670) (hereafter "the DOT Act"); section 309 of the Clean Air Act of 1970 (Pub. L. 91–604) (hereafter "the Clean Air Act"); section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89–665) (hereafter "the Historic Preservation Act"); sections 303 and 307 of the Coastal Zone Management Act of 1972 (Pub. L. 92–583); section 662 of the Fish and Wildlife Coordination Act (Pub. L. 85–624); and various Executive Orders relating to environmental impacts.

3. *Policy:* It is the policy of the Department of Transportation, in compliance with court decisions, that Departmental officials must comply with both the procedures and the intent of NEPA. NEPA provides for the creation of a Council on Environmental Quality (CEQ). The environmental statement serves as the record of compliance with the policy, as well as the procedures, of NEPA and it should reflect a thorough review of all relevant environmental factors.

4. *Applicability:* The requirements in DOT Order 5610.1B calling for either a negative declaration or a statement pursuant to section 102(2)(C) of the NEPA apply to, but are not limited to, the following: all contracts, purchases, leases, construction, research and development involving construction, rulemaking and regulatory actions, certifications, licensing, permits, plans, legislative proposals, directives, program or budget proposals or actions (except for continuation of existing programs at approximately current levels, i.e. plus or minus 25%), and any renewals or reapprovals of the foregoing. Exceptions to the foregoing are: (1) administrative procurements (e.g., general supplies) and contracts for personal services; (2) normal personnel actions (promotions and hirings); (3) project amendments (e.g., increases in costs) which do not alter the environmental impact of the action; (4) legislative proposals not originating in DOT and relating to matters not the primary responsibility of DOT, (5) issuance of

vessel passage permits as a matter of routine Seaway procedures and (6) reports to Congress setting forth policy recommendations to be followed by proposed legislation. (See Definitional Guidelines, Attachment 1.)[1]

5. *Requirements:* a. All Office Heads are required to forward a description of proposed major programs and actions such as construction, waste disposal, regulations, operation of Federal facilities, etc., to the Chief Engineer for review at the time of the initial technical studies.

b. All such proposed programs received by the Chief Engineer will be reviewed, and within five days, a determination will be made of whether a section 102(2)(C) statement is required, or whether a declaration will be made that the proposed action will not have a significant impact on the environment. When a negative declaration is prepared, it need not be coordinated outside this agency.

c. When a determination is made that a section 102(2)(C) statement is required, the Chief Engineer shall prepare a draft statement.

6. *Research activities:* Guidance for Corporation officials engaged in major research and development programs is set forth in Attachment 3.[2]

7. *Preparation of environmental statements:* Guidelines for the form and content of environmental statements are set forth in Attachment 2.[3]

a. *Applications:* Applicants for permits will be required to submit, together with the original application, an environmental analysis of the proposed project. In all cases, the Chief Engineer will make an evaluation of the environmental issues and take responsibility for the scope and context of the draft and final environmental statements or negative declarations. Actions taken by the applicant prior to completion and review of the final application shall be limited to study and design and no actual construction or operating activities will be allowed.

b. *Actions Originating Within the Corporation:* In the case of proposals originating within the Corporation for an action to which these procedures are applicable, the originator of the proposal will state when forwarding the proposed program to the Chief Engineer for review whether or not the action, in his judgment, will require a 102(2)(C) statement.

8. A list shall be maintained in the Office of the Chief Engineer of actions for which environmental statements are being prepared and the current list shall be submitted quarterly to TES and CEQ. The list will be made available to the public upon request to the Technical Information Officer.

9. *Processing of draft environmental statement:*

a. *Federal Review:* (1) The draft 102(2)(C) statement shall be circulated by the Office of the Chief Engineer for comment to all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved (see Attachment 4),[4] and to interested parties (see paragraph 9e). Five copies of the draft statement shall also be sent to CEQ and two copies to TES for review. A time limit of not less than sixty days from the date of transmittal to CEQ shall be allowed for review.

b. *State or Local Review:* (1) Where review of the proposed action by State and local agencies is relevant, such State and local review shall be provided for as follows:

(a) Where review takes place prior to preparation of an environmental statement, comments of the reviewing agencies on the environmental effects of the proposed project are inputs to the environmental statement. These comments shall be attached to the draft statement when it is circulated for review and copies of the draft shall be sent to those that commented. Clearinghouses should be sent copies of the draft and final environmental statements.

(b) Comments shall be solicited from municipalities and counties on all projects located therein.

(2) Environmental statements on legislative proposals are not generally subject to State and local review. Similarly, budget proposals may be excluded from such review. The draft of the environmental statement for proposed legislation shall be cleared with TES and submitted by TGC-40 to the Office of Management and Budget for circulation in the normal legislative clearance process. The statement, and any comments received, shall be furnished to the Congress and made available to the public for consideration in connection with the proposed legislation. If the scheduling of congressional hearings on legislation does not allow adequate time for the completion of a final environmental statement, a draft environmental statement shall be furnished to the Congress and made available to the public, pending transmittal of the comments as received and the final text. Negative declarations shall be forwarded to the Congress, if requested.

c. *Scope of Statement:* The scope of the action covered by the statement should avoid segmentation of projects and be sufficiently broad that alternatives to the proposed action can be meaningfully evaluated.

d. *Negative Declarations:* Any proposal for action to which these procedures are applicable (in accordance with Item 4 of these Procedures) will include either a statement as required by section 102(2)(C) of NEPA or a declaration that the proposed action will not have a significant impact on the environment.

(1) Negative declarations need not be coordinated outside the Corporation, but must be made available to the public upon request.

(2) Negative declarations must be supported by sufficient documentation so that the basis for the determination that the proposed action does not have a significant impact on the environment is clear.

(3) However, if the Chief Engineer decides that an environmental statement is not necessary for a proposed action (a) which has been identified as normally requiring preparation of a statement; (b) which is similar to actions for which a statement has been prepared; (c) which has been previously announced to be the subject of a statement; or (d) for which a negative declaration has been made in response to a request from CEQ pursuant to Paragraph 13, the Chief Engineer shall assure that the negative declaration is carefully documented. Lists of such negative determinations, and any determinations made that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided in Paragraph 8 of this Order, for lists of statements under preparation.

e. *Citizen Involvement:* As soon as the decision is made by the Chief Engineer that an Environmental Statement is to be prepared, citizen involvement will be encouraged by solicitation of views through hearings, personal contact, press releases, notices in newspapers, etc. Lists will be developed of interested parties at the national, state and local levels. Citizen involvement and environmental issues raised will be documented in the environmental statements.

f. *Hearings:* The Chief Engineer will determine whether a public hearing is required, considering the magnitude of the costs, environmental impact, degree of interest evidenced by the public, the complexity of the issue and the extent to which public involvement already has been achieved through other means. If a public hearing is to be held, the draft statement or environmental analysis shall be made available to the public at least thirty days prior to the hearing. The notice of the hearing will indicate that the statement is available from the Technical Information Officer, Saint Lawrence Seaway Development Corporation, Administration Building, Massena, New York 13662.

g. *Interdisciplinary Approach:* The anticipated environmental impacts of proposed projects will be described in detail and shall reflect the utilization of a systematic interdisciplinary approach, not only in preparation of the impact statement, but also in the early planning stages of the proposed action.

h. *Lead Agency:* As required by DOT Order 5610.1B, where more than one agency directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement should be prepared for all Federal actions involved. Administrations and secretarial offices in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multiagency actions. Situations where a geographic or regionally focused statement would be desirable because of cumulative effects of multiagency actions should be brought to the attention of CEQ through TES. For projects serving and primarily involving land owned by or under the jurisdiction of another Federal agency, the owner agency may be the appropriate lead agency.

i. *Legislative Proposals:* As stated in DOT Order 5610.1B, before the Department submits or makes a favorable report on proposed legislation involving matters for which it is primarily responsible or proposes draft legislation to the Congress, the office which develops the Departmental position on the report or originates legislation shall, in accordance with OMB Bulletin 72-6, "Proposed Federal Actions Affecting the Environment", prepare, circulate, and file with CEQ an environmental statement or prepare a negative declaration.

10. *Utilization of comments:* Comments received from Federal, State and local agencies will accompany the draft statement through the normal internal project or program review process.

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[1] Attachments to DOT Order No. 5610.1B, published in the FEDERAL REGISTER of September 30, 1974, are incorporated by reference.

[2] Ibid.

[3] Ibid.

[4] Ibid.

11. *Final environmental impact statement:* a. *Preparation:* Draft statements shall be revised, as appropriate, reflecting comments received, issues raised through hearings, etc. Final statements shall conform to the guidelines for form and content in Attachment 2.

b. *Legal Review:* All Corporation final environmental statements shall be reviewed for legal sufficiency by the General Counsel.

c. *Internal Processing:* Final statements (two copies), together with all comments received from the responsible Federal, State, and local agencies and from private organizations, will be submitted to TES for concurrence. The final statement may be deemed concurred in by TES unless, within two weeks after its receipt, TES notifies the administration to the contrary, or unless it is an item requiring concurrence by other Secretarial Officers, in which case TES will transmit the coordinated decisions of the appropriate offices to this agency. When TES does not concur, the final statement will be returned with a statement of the reasons for non-concurrence.

d. *Availability, pending approval:* Proposed final statements may be made available to the public and Federal, State or local agencies pending final approval and filing with CEQ, if they carry a notification that the statement is not approved and filed.

e. *Decisions Reserved to the Secretary:* If an action requires the personal approval of the Secretary or Deputy Secretary, pursuant to a request by them or by TES, TGC, or the Corporation, the final environmental statement shall be accompanied by a brief cover memorandum requesting the Secretary's or Deputy Secretary's approval of the action. The memorandum shall have signature lines for the concurrence of the Assistant Secretary for Environment, Safety and Consumer Affairs, the General Counsel, and the Deputy Secretary and for the approval of the Secretary or Deputy Secretary.

f. *Availability of Statements to the President, the CEQ and the public:* After approval, the Chief Engineer will transmit five copies of each final statement to CEQ, which transmittal shall be deemed a transmittal to the President. The draft and final versions of the statements and the comments received will be made available to the public from the Technical Information Officer at the Saint Lawrence Seaway Development Corporation, Administration Building, P.O. Box 520, Massena, New York 13662, and will be furnished to the appropriate State and regional clearinghouses, unless the Governor designates some other point for receipt of this information. Notice of that designation is included in an OMB listing of clearinghouses. Draft and final statements shall be made available in public places such as libraries, and the offices of the Corporation. A copy of the final statement, with comments attached, should be sent, at the same time it is sent to CEQ, to the appropriate office of EPA, to all Federal, State, and local agencies and private organizations who commented substantially on the draft statement or requested copies of the final statement and to individuals who requested copies.

g. *Timing of Agency Decision:* Action to implement a proposed action other than Corporation proposals for legislation to Congress, budget proposals, or Corporation reports on legislation for which an environmental statement is required may not be taken sooner than ninety days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Corporation, made available to the public pursuant to these guidelines. Neither should such actions be taken sooner than thirty days after the final statement has been filed with CEQ.

Exceptions to these time periods may be made for emergency procurement or when advance public disclosure will result in significant added costs of procurement to the Corporation.

h. *Supplemental or Amended Statements:* Where substantial changes in a proposed action, or significant new information regarding an environmental impact comes to light, the Corporation should consult with CEQ, through TES, with respect to the need for recirculating the statement for the appropriate period.

12. *Determinations under section 4(f) of the DOT Act:* a. As indicated in Attachment 1, subparagraph 2.a.(1) to DOT Order 5610.1B, any action falling under the provisions of section 4(f) of the DOT Act will normally require the preparation of an environmental statement. In these cases, the statement shall include the material required by Paragraph 4 of Attachment 2.

b. If an environmental statement is not required, the material called for by Paragraph 4 of Attachment 2 shall be set forth in a separate document, accompanied by a negative declaration. The section 4(f) determination shall be reviewed for legal sufficiency by the Corporation's General Counsel. The document must reflect consultation with the Department of the Interior and, where appropriate, the Departments of Agriculture or Housing and Urban Development.

13. *Requests from the council on environmental quality:* CEQ, in fulfilling its responsibilities under NEPA and Executive Order 11514, may request reports and other information dealing with issues arising in connection with the implementation of NEPA. The Corporation will make every effort to be responsive to requests by CEQ for preparation or circulation of environmental statements. If it is determined a statement is not required, an assessment should be prepared setting forth the reasons for that determination and shall be made publicly available.

14. *Review of environmental statements prepared by other agencies:* Other agencies may consult with the Corporation in preparation of environmental statements. The purpose of Corporation review of and comment on environmental statements drafted by other agencies is to provide constructive assistance on proposals relating to functional areas of responsibility and expertise of the Corporation. The responsibility of the Chief Engineer will generally be limited to the provision of a competent and cooperative advisory and consultant service. Departmental review of statements prepared by other agencies will consider the environmental impact of the proposal on areas within this Department's functional area of responsibility or special expertise.

a. Comments should be organized in a manner consistent with the structure of the draft statement and may include alternatives or modifications that will enhance environmental quality or avoid or minimize adverse environmental impacts.

b. Corporation projects that are environmentally related to the proposed action should be indicated so interrelationships may be included in the final statement.

c. The nature of any monitoring effects during construction startup or operation phases may be suggested and encouraged to assist the sponsor, to the extent the Corporation may have expertise in establishment and operation of environmental monitoring.

d. *Receipt from other agencies:* Other agencies may consult with the Corporation and will be requested to forward the draft environmental statements directly to the Office of the Chief Engineer.

e. *Headquarters:* There are several types of matters that should be referred to Departmental headquarters for comment. These generally include the following:

(1) Actions with national policy implications;

(2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance;

(3) Legislation, regulations having national impacts, or national program proposals;

(4) Projects regarding the transportation of hazardous materials and natural gas and liquid-products pipelines;

(5) Water resource projects.

f. These items except for water resources projects which are referred to the Water Resources Coordinator, U.S. Coast Guard (GWS), should be referred to the Assistant Secretary for Environment, Safety, and Consumer Affairs and, where appropriate, to headquarters or operating administrations. When referring the above matters to headquarters, the Corporation is encouraged to prepare a proposed Departmental response.

g. *Regional Offices:* Requests for comments on draft environmental statements for projects of local or regional significance with no national implications should be answered in the Massena Office.

h. *Coordination:* When appropriate, the commenting office should provide for coordination of response with offices within the Department with special expertise in the subject matter.

i. *Timing and Format:* Response to requests for comments should be within the time limits set forth in the request. The receiving office will be responsible for submission of comments within the time specified except where it has requested a specific extension of time. Any comments should be concise and specific as to what change is desired in either the action proposed or in the environmental statement, or both. Any lengthy analysis should be preceded by a summary of the principal areas of comment and conclusions and/or recommendations.

j. *Copies:* The original and a courtesy copy of the comments should be furnished to the requesting agency, and a copy transmitted to TES–70 and five copies to CEQ.

[FR Doc.75–10684 Filed 4–23–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27758 et al; Order 75–4–96]

ALLEGHENY AIRLINES, INC.

Detroit-Boston Nonstop Route Proceeding, Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of April, 1975.

Application of Allegheny Airlines, Inc., Delta Air Lines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., and Trans World Airlines, Inc. [Docket Nos. 27758, 24957, 24946, 24874, 24932, 27636, 27670]

A number of applications for new nonstop authority in the Detroit-Boston market are pending before the Board.[1]

[1] Allegheny Airlines (Docket 24957); Delta Air Lines (Docket 24946); North Central Airlines (Docket 24874); Northwest Airlines (Docket 24932); and Trans World Airlines (Docket 27636). Allegheny has also filed an application under Subpart M for Detroit-Boston authority (Docket 27670) through the elimination of the one-stop restriction in condition (4) of its certificate for route 97. Answers in opposition to that application have been filed by North Central, Delta, American and Trans World Airlines. By Order 75–4–39, April 8, 1975, the Board, pursuant to § 302.1305(a) of its Procedural Regulations, stayed further procedural steps with respect to Allegheny's application pending further order of the Board.

In addition, North Central has filed a motion requesting an immediate hearing on its application for such authority.

Answers in support of North Central's motion were filed by Delta and Northwest, the City and Chamber of Commerce of Grand Rapids and County of Kent, the Massachusetts Port Authority,[2] the State of Wisconsin and the Wisconsin Department of Transportation, the Michigan Aeronautics Commission, the City and Chamber of Commerce of Detroit and Board of County Road Commissioners of Wayne County, the Bay Area Chamber of Commerce, the City and Chamber of Commerce of Kalamazoo, Brown County, Wisconsin and the City and Chamber of Commerce of Green Bay, the City and Chamber of Commerce of Lansing, Milwaukee County and the Air Services Division of the Metropolitan Milwaukee Association of Commerce, the Massachusetts Aeronautics Commission, the Midland Chamber of Commerce, the Tri-City Airport Commission, and the Greater Saginaw Chamber of Commerce.

In support of its motion, North Central argues, inter alia, that the market has experienced substantial and continued growth but is underserved by the incumbent carriers; that North Central will meet the needs of the market with four daily nonstop DC-9 round trips and first effective single-plane and single-carrier service between Boston and points beyond Detroit in Michigan, Indiana and Wisconsin; [3] and that its proposal will generate a $3.5 million operating profit and a $645,000 excess over the Subpart K return and tax requirement, with a de minimis amount of diversion.

American filed an answer in opposition to North Central's motion in which it contends generally that more nonstop service in the market would be unjustified by the needs of the market and that North Central's proposal would result in a loss of service in numerous smaller markets, an increase in North Central's subsidy need and substantial diversion from American. Allegheny filed an answer in which it agrees that the Board should consider the question of additional nonstop service in the Detroit-Boston market, but states that the solution is not to authorize a new carrier but to remove the stop restriction on Allegheny's service in the market. Trans World Airlines has filed an answer in which it takes no position on North Central's motion but points out that TWA has filed an application for Detroit-Boston authority and states that the Board should hear TWA's application in any proceeding involving Boston-Detroit nonstop routes.

Upon consideration of the above pleadings and of all relevant facts, we have decided to institute an investigation, to be set down for immediate hearing, for the purpose of considering the need for new nonstop service in the Detroit-Boston market. Accordingly, we are consolidating for hearing the applications of Allegheny, Delta, North Central, Northwest, and TWA, in Dockets 24957, 24946, 24874, 24932 and 27636, respectively,[4] insofar as those applications conform to the scope of the proceeding instituted herein.

Moreover, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should additional nonstop service be authorized. In its application in Docket 27670, Allegheny proposes two daily nonstop round trips and two one-stop round trips in addition to retaining some of its current two-stop service in the Boston-Detroit market. In view of the size of that market (216,220 O&D and connecting passengers in fiscal year 1974) and the level of existing service [5] it is unlikely that any other candidate for new Detroit-Boston nonstop authority would offer significantly more service.[6] Such a service change must be placed against the large overall level of traffic at Boston and Detroit. Boston is a large hub which ranked tenth among U.S. airports in air carrier passenger enplanements for fiscal year 1972. In 1973 there were 307,000 aircraft operations at Logan International Airport, with 313,000 projected for 1975 and 319,000 for 1976. Detroit ranked twelfth among U.S. airports in air carrier passenger enplanements in fiscal year 1972. In 1973 there were 663,000 aircraft operations at City, Metropolitan and Willow Run Airports, with 690,000 projected for 1975 and 727,000 for 1976.[7]

Therefore, it is unreasonable to suppose on the face of the matter that authorization of new nonstop service in the Detroit-Boston market will lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That:

1. A proceeding to be known as the Detroit-Boston Nonstop Route Proceeding, Docket 27758, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop air transportation between Boston, Massachusetts, and Detroit, Michigan?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

3. Insofar as they conform to the scope of the proceeding set forth in paragraph (2) above, the applications of Allegheny Airlines, Inc., in Docket 24957, Delta Air Lines, Inc., in Docket 24946, North Central Airlines, Inc., in Docket 24874, Northwest Airlines, Inc., in Docket 24932, and Trans World Airlines, Inc., in Docket 27636, be and they hereby are consolidated with the proceeding instituted by paragraph (1), above; to the extent not consolidated, the foregoing applications be they hereby are dismissed without prejudice;

4. The application of Allegheny Airlines in Docket 27670 be and it hereby is dismissed;

5. The motion of North Central Airlines for an immediate hearing be and it hereby is granted;

6. The motions of the Massachusetts Port Authority and of the City and Chamber of Commerce of Grand Rapids and the County of Kent to submit late-filed documents be and they hereby are granted; and

7. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed twenty days from the service date of this order and answers thereto shall be filed ten days thereafter.

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[2] The Massachusetts Port Authority and the Grand Rapids and County of Kent parties accompany their answers with motions to submit late-filed documents, which motions will be granted.

[3] Grand Rapids-Lansing, Saginaw/Bay City, South Bend-Kalamazoo/Battle Creek, Milwaukee.

[4] Under these circumstances we will dismiss Allegheny's Subpart M application filed in Docket 27670.

[5] The Detroit-Boston market is currently served by three daily American nonstop round trips (with an extra nonstop in the eastbound direction), one daily American one-stop round trip and three daily Allegheny two-stop round trips. OAG, April 15, 1975.

[6] In its motion for expedited hearing, North Central, proposes the addition of four daily nonstop round trips in the Detroit-Boston market.

[7] *Terminal Area Forecast, 1975–1985,* Department of Transportation, FAA Office of Aviation Economics, Aviation Forecast Division, July 1973, pages ix, ne 11, and GL 21. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-10765 Filed 4-23-75;8:45 am]

[Docket No. 27216; Order 75-4-97]

PACIFIC WESTERN AIRLINES, LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of April, 1975.

Application of Pacific Western Airlines, Ltd. for amendment of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

In this proceeding, Pacific Western Airlines, Ltd., an air carrier of Canada, seeks authority to add Vancouver, Canada as a coterminal point with Victoria on its Victoria-Seattle scheduled service route. The scheduled service permit was issued by Order 70-9-125, implementing Order 70-9-119. In addition to its limited scheduled service operations, Pacific Western operates primarily as a charter carrier with large aircraft. Its charter foreign air carrier permit was recently reissued in the standard form of Canadian large aircraft permits, authorizing operations between Canada and the United States, in accordance with the Nonscheduled Air Service Agreement between the United States and Canada, executed on May 8, 1974.[1] (Since the Nonscheduled Air Service Agreement only authorizes charter operations directly between the United States and Canada, the circle-tour charter authority previously contained in Pacific Western's charter permit, was reissued in the form of a separate permit.) Because of the duplication of charter authority existing under the applicant's charter permit, and the charter authority normally granted under scheduled route permits, the route permit issued to Pacific Western for operations between Victoria and Seattle did not include off-route charter authority. There was, nevertheless, no restriction imposed upon the on-route charter authority of the carrier which arises by virtue of the authorization to engage in foreign air transportation with respect to persons, property and mail between the points specified.

In his Recommended Decision served March 18, 1975, Administrative Law Judge William A. Kane, Jr. recommended that the applicant's permit be amended to add Vancouver to the route, as requested by the applicant. He further recommended that on-route charter authority be authorized between the new route segment Vancouver-Seattle, despite the fact that such authority would be duplicative of the charter authority held by the applicant under its standard form charter permit authorizing operations between Canada and the United States. Although Judge Kane noted that such grant would have no practical effect since the carrier had stated on the record that it had no plans to operate such on-route charters, he concluded that such authority should not be withheld because of the incongruous result of withholding such authority on the Vancouver-Seattle segment of the route while such authority was retained on the Victoria-Seattle segment. Judge Kane felt that, since the question of the applicant's on-route charter authority on the Victoria-Seattle segment was not an issue in this proceeding, granting of such ineffective on-route charter authority constituted the best means to avoid the otherwise incongruous result.

The Board tentatively finds that the public interest would not be served by granting further ineffective and duplicative on-route charter authority to the applicant between Vancouver and Seattle,[2] and that the incongruous result recited by the Administrative Law Judge is more appropriately resolved by deleting the similarly ineffective[3] and duplicative on-route charter authority presently held by Pacific Western between Victoria and Seattle. Accordingly, the Board tentatively finds that it is in the public interest to cancel such duplicative on-route charter authority held by Pacific Western, and that Pacific Western should be directed to show cause why such authority should not be deleted from the permit proposed to be issued herein.

Accordingly, it is ordered, That:

1. Pacific Western and any other interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein, and why, subject to the approval of the President pursuant to section 801 of the Federal Aviation Act, the Board should not cancel the authority presently held by Pacific Western pursuant to its scheduled route permit to perform on-route charters between Victoria, British Columbia, Canada and Seattle, Washington; and why the scheduled route permit issued in this proceeding should not exclude authority to perform on-route charters between the points on the specified route;

2. Any interested person having objections to the tentative findings and conclusions set forth herein, or to the exclusion of on-route charter authority from the foreign air carrier permit proposed to be issued herein, shall, within 15 days after the date of service of this order, file with the Board, and serve on the persons named in paragraph 5, a statement of objections together with statistical data and other materials and evidence relied upon to support the stated objections;[4]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order and issue a permit in accordance with the tentative findings and conclusions herein if it is determined that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event that no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. This order shall be served upon Pacific Western Airlines, Ltd., Bureau Counsel, and the Canadian Ambassador to the United States.

This order will be published in the FEDERAL REGISTER, and will be transmitted to the President of the United States.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-10764 Filed 4-23-75;8:45 am]

[1] Issued by Order 75-3-19, in implementation of Order 74-11-154, approved by the President on November 27, 1974.

[2] The Board has previously withheld such duplicative on-route charter authority in similar circumstances. See, Arrow Aviation, Ltd., Foreign Air Carrier Permit, Order 75-1-49.

[3] Judge Kane noted that the Board had, by Order 74-11-154, required prior approval of all on-route charter operations pursuant to such authority, and had indicated its intention to use that provision to insure that the carrier would not use its route permit to operate charters between the United States and Canada other than those authorized in their charter permits (Orders 74-6-30 and 74-11-154).

[4] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

CIVIL RIGHTS COMMISSION

ARIZONA 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 Arizona State Advisory Committee will convene at 7 p.m., on May 29, 1975, Hunter Inn, 1245 24th Street, Phoenix, Arizona 85034-Conference Room #109.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80282.

The purpose of this meeting is to discuss Native Americans and the Administration of Justice in the areas off the reservations in Arizona-Discussion of: Schedule of hearings, place of hearings and SAC participation.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 21, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-10716 Filed 4-23-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Amendment

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that the Meeting of the Michigan State Advisory Committee (SAC) of the Commission Published in the FEDERAL REGISTER on April 9, 1975 on page 16138 (FR Doc. 75-9228) is hereby amended to begin on April 30, 1975 with a meeting of the SAC's Community Development Subcommittee to be held in a room of the Detroit Heritage Hotel, Washington Boulevard and Grand Circus Park, Detroit, Michigan, Room number to be posted. The subcommittee's agenda will be to review a revised draft of the Advisory Committee report on its February 20, 1975 hearing in Livonia, Michigan. The subcommittee will take no final action.

Persons wishing to attend this meeting should contact the committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-10719 Filed 4-23-75;8:45 am]

NEW JERSEY 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 New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on May 13, 1975, at Rutgers University, Labor Education Center, New Brunswick, New Jersey.

Persons wishing to attend this meeting should contact the Committee chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 21, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-10717 Filed 4-23-75;8:45 am]

NEW YORK 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 New York State Advisory Committee (SAC) to this Commission will convene at 4 p.m., on May 20, 1975, at Phelps Stokes Fund, 10 E. 87 Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss follow-up to Poughkeepsie hearings, plans for Syracuse project and current developments in other committee projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 21, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-10718 Filed 4-23-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROPOSED ADDITIONS AND DELETIONS TO PROCUREMENT LIST

The Committee, in its efforts to obtain more current information regarding the potential impact of its actions under Pub. L. 92-28, June 23, 1971, has revised its procedures for publishing proposed additions to or deletions from the Procurement List in the FEDERAL REGISTER. In the past, the "Notice of Proposed Addition" and "Notice of Proposed Deletion", as well as the comments received as a result of these notices, were considered to be valid for a period of about one year from the date of publication in the FEDERAL REGISTER.

Hereafter notices of proposed additions and deletions will be considered valid for a maximum of six months and will include an automatic cancellation date six months after the publication date.

Proposed additions and deletions to Procurement List 1975, November 12, 1974 (39 FR 39964) pending on or before September 30, 1974 are cancelled.

Cancellation dates are established for the following notices containing proposed additions and deletions to Procurement List 1975 which are currently pending:

Date published in FEDERAL REGISTER	Page No.	Date of Cancellation
Oct. 25, 1974	38031	Apr. 25, 1975
Nov. 22, 1974	40973	May 22, 1975
Dec. 10, 1974	43102	June 10, 1975
Jan. 3, 1975	831	July 3, 1975
Jan. 17, 1975	3034	July 17, 1975
Feb. 5, 1975	5390	Aug. 5, 1975
Feb. 14, 1975	6816	Aug. 14, 1975
Feb. 28, 1975	8592	Aug. 28, 1975
Mar. 7, 1975	10706	Sept. 7, 1975
Mar. 14, 1975	11936	Sept. 14, 1975
Mar. 21, 1975	12838	Sept. 21, 1975
Mar. 28, 1975	14113	Sept. 28, 1975
Mar. 31, 1975	14348	Sept. 30, 1975
Apr. 8, 1975	15931	Oct. 8, 1975

Effective: April 24, 1975.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-10683 Filed 4-23-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/235; FRL-363-4]

APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before June 23, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a

minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 23, 1975.

Dated: April 17, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/235)

EPA File Symbol 218-AU. Allied Chem. Corp., Agricultural Dept., PO Box 1057R, Morristown NJ 07960. KEPONE "90" TECHNICAL. Active Ingredients: Decachlorooctahydro-1,3,4,metheno-2H-cyclobuta[cd] pentalen-2-one 90%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 218-AAG. Allied Chem. Corp., Agricultural Dept., PO Box 1057R, Morristown NJ 07960. KEPONE "85" TECHNICAL. Active Ingredients: Decachlorooctahydro - 1,3,4 - metheno-2H-cyclobuta[cd] pentalen-2-one 85%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 12264-A. Allstates Chem. Corp., PO Box 7416, Houston TX 77008. ALLSTATES DISINFECTANT, SANITIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 12264-I. Allstates Chem. Corp. ALLSTATES MINT FRAGRANCE 15 DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 12264-E. Allstates Chem. Corp. ALLSTATES MINT FRAGRANCE DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interm policy. PM31

EPA File Symbol 12664-G. Allstates Chem. Corp. ALLSTATES LEMON SCENT DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 12664-L. Allstates Chem. Corp. ALLSTATES LEMON SCENT 15 DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 239-1281. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO DIBROM 8 EMULSIVE. Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 58%; Xylene 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 464-302. Dow Chem. USA, PO Box 1706, Midland MI 48640. DOW ESTERON 245 CONCENTRATE MULTI-USE BRUSH AND WEED KILLER. Active Ingredients: 2,4,5-Trichlorophenoxyacetic Acid, Propylene Glycol Butyl Ether Esters 92.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA Reg. No. 279-2924. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. THIODAN 3 E.C. INSECTICIDE. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 33.7%; Xylene base aromatic petroleum solvent 60.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM15

EPA File Symbol 1990-GTA. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. ATRAZINE TECH (BRAND OF TECHNICAL ATRAZINE). Active Ingredients: Technical Atrazine: [2-chloro-4-(ethylamine-6-(isopropylamino) - S - triazine] 92%; Related compounds 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 2393-ETT. Hopkins Agritural Chem. Co., PO Box 584, Madison WI 53701. HOPKINS DIAZINON 14G GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl 0-(2-isopropyl - 6 - methyl - 4-pyrimidinyl) Phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 2393-ETI. Hopkins Agricultural Chem. Co. HOPKINS 10% DIAZINON GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 2393-ETT. Hopkins Agricultural Chem. Co. HOPKINS 2% DIAZINON GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 2393-ETO. Hopkins Agricultural Chem. Co. HOPKINS 5% DIAZINON GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) pohsphorothioate 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 21346-U. The Jomaps Co., PO Box 88583, Atlanta GA 30338. M-I SOLUTION "PREVENTS" MILDEW AND MOLD. Active Ingredients: Tetrachloroisophthalonitrile 0.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11200-R. National Sanitary Supply Co., 14455 S. Broadway, PO Box 61126, Los Angeles CA 90061. D-FEN 30-40 DISINFECTANT CLEANER. Active Ingredients: Alkyl (60 C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium carbonate 3.0%. Method of Support: Application proceeds under 2 (b) of interim policy. PM31

EPA File Symbol 33576-GG. Olin Water Services, Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. OLIN 7021. Active Ingredients: Methylene bis(thiocyanate) 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 904-EUR. B. G. Pratt Div., Gabriel Chem. Ltd., 204 21st Ave., Paterson NJ 07509. PRATT L 2 SEVIN PLANT INSECTICIDE. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 21.5%. Method of Support: Application Proceeds under 2(c) of interim policy. PM12

EPA File Symbol 572-GNN. Rockland Chem. Co., PO Box 204, Passaic Ave., W. Caldwell NJ 07006. ROCKLAND WEED & FEED 18-6-6. Active Ingredients: Butoxypropyl ester of Silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 0.79%; Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 1.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1989-RL. Sanco Prod. Co., Div. of Sanitary Supply & Chem. Co., Inc., 1810 7th St., Macon GA 31206. LEMON ODOR DISINFECTANT. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.5%; Sodium Metasilicate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36531-E. Shamrock Chem. Co., PO Box 1132, Huntington WV 25714. MINT CLEAN-UP MINT ODOR DISINFECTANT COEF. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36531-R. Shamrock Chem. Co., PO Box 1132, Huntington WV 25714. LEMON CLEAN-UP LEMON ODOR DISINFECTANT COEF. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 11656-LR. Western Farm Service, Inc., c/o Shell Chem. Co., Suite 200, 1025 Conn. Ave., NW, Washington DC 20036. POLY-SUL FUNGICIDE-INSECTICIDE-MITICIDE. Active Ingredients: Calcium polysulfide 29%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

[FR Doc.75-10785 Filed 4-23-75;8:45 am]

[OPP-32000/236; FRL 363-5]

APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before June 23, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569, Office of Pesticide Programs, 401 M Street, SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 23, 1975.

Dated: April 17, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/236)

EPA Reg. No. 275-21. Abbott Labs., 14th & Sheridan Rd., North Chicago IL 60064. AMICAL-48. Active Ingredients: Diiodomethyl-para-tolyl sulfone 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 275-22. Abbott Labs. AMICAL-77. Active Ingredients: para-chlorophenyl diiodomethylsulfone 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 275-27. Abbott Labs. AMICAL-50. Active Ingredients: Diiodomethyl para-tolyl sulfone 75%.Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 275-28. Abbott Labs. AMICAL-79. Active Ingredients: para-chlorophenyl diiodomethyl sulfone 75%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 8590-447. Agway Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. AGWAY DIAZINON 10G. Active Ingredients: 0,0 - diethyl 0 - (2 - isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 13967-R. Birsch Chemicals Ltd., Box 12175, Norfolk VA 23502. BIRSCH LEMON ODOR DISINFECTANT-CLEANER COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA Reg. No. 475-176. Boyle-Midway Inc., South Ave., & Hale St., Crawford NJ 07016. BLACK FLAG TRIPLE ACTION BUG KILLER. Active Ingredients: Pyrethrins 0.30%; Technical Piperonyl Butoxide (equivalent to 1.20% (butylcarbityl) (6-propylpiperonyl) ether and 0.30% related compounds) 1.50%; Petroleum Distillates 4.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 239-432. Chevron Chemical Co., Ortho Div., 940 Hensley Way, Richmond CA 94801. TOXAPHENE 6 EMULSIVE INSECTICIDE: Active Ingredients: Toxaphene [Technical Chlorinated Camphene (Chlorine Content 67% to 69%)] 58%; Petroleum Distillate 29%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 4715-GUA. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. BEST 4 SERVIS BRAND DIAZ-A-NOL 14G GRANULAR INSECTICIDE. Active Ingredients: 0,0-diethyl 0-2-isopropyl - 4 - methyl - 6 - pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 121-RA. Cutter Laboratories, Inc., Regulatory Affairs Dept., 4th & Parker Sts., Berkeley CA 94710. CUTTER INSECT REPELLENT LOTION. Active Ingredients: N,N-Diethyl-meta-toluamide 33.25%; Other isomers 1.75%; Dimethyl Phthalate 13%; Di-n-propyl isocinchomeronate 1%; N-octyl bicycloheptene dicarboboximide 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 779-RNN. Faesy & Besthoff, Inc., 143 River Rd., Edgewater NJ 07020. F & B 4% DIAZINON DUST. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 779-RNR. Faesy & Besthoff, Inc., 143 River Rd., Edgewater NJ 07020. F & B 5% DIAZINON DUST. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 1990-GTT. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. COOP ATRAZINE 80W 80% WETTABLE POWDER HERBICIDE. Active Ingredients: Atrazine (2-chloro-4-ethylamino - 6 - isopropylamino - s - triazine) 74.4%; Related compounds 5.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 33561-U. Hercules Inc., 910 Market St., Wilmington DE 19899. MB 131. Active Ingredients: 2,2-Dibromo-3-Nitrilopropionamide 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 35923-A. Kel-Glo Corp., 54 NE 73rd St., Miami FL 33138. 409 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 23.58%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-E. Kel-Glo Corp. 403 CAP'N CHARLIE BROWN'S ANTI-FOULING PAINT. Active Ingredients: Cuprous Oxide (Copper) 32.29%; Bis(Tributyltin) Adipate 0.85%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-G. Kel-Glo Corp. 412 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 20.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-I. Kel-Glo Corp. 407 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 21.36%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-L. Kel-Glo Corp. 410 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 21.32%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-R. Kel-Glo Corp. 404 CAP'N CHARLIE BROWN'S ANTI-FOULING PAINT. Active Ingredients: Copper 29.6%; Bis(Tributyltin) Adipate 0.78%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-T. Kel-Glo Corp. 408 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 21.31%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-U. Kel-Glo Corp. 411 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 21.32%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 2643-I. Northwest Products Co., 1515 "C" Ave., Sioux Falls SD 57104. NO-BAC 45. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 9779-5. Riverside Chemical Co., PO Box 171199, Memphis TN 38117. RIVERSIDE MALATHION 5. Active Ingredients: Malathion (0,0-dimethyl phosphorodithioate of diethyl mercaptosuccinate) 56.8%; Aromatic Petroleum Solvent 36.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 1989-RE. Sanitary Supply & Chemical Co., Inc., 1810 Seventh St., Macon GA 31206. DIAZINON ROACH SPRAY CONCENTRATE. Active Ingredients: Diazinon 5.0%; Petroleum Distillates 92.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 33734-E. J. R. Schneider Co., Inc., PO Box 878, Tiburon CA 94920. SCHNEIDER MICRO-CIDE I. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 201-GIU. Shell Chemical Co., A Div. of Shell Oil Co., 1 Shell Tower, Houston TX 77001. SHELL CYCLO SOL 31 HERBICIDE. Active Ingredients: Aromatic Petroleum naphtha 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 11687-TL. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL FUNGI-RHAP CU-75. Active Ingredients: Copper 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 11687-TU. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL MCPA ACID. Active Ingredients: 2-Methyl-4-Chlorophenoxyacetic Acid 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 550-OT. Van Waters & Rodgers, Box 3200, San Francisco CA 94119. HALOPHEN 68. Active Ingredients: Tetrachlorophenol 68%; Pentachlorophenol 32%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 20954-1. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. ALTOSID SR-10. Active Ingredients: [Isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional new use. PM17

[FR Doc.75-10786 Filed 4-23-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FOOD INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Food Industry Advisory Committee will meet Wednesday, May 14, 1975, at 10 a.m., in the Mayfair Room, Continental Plaza Hotel, 909 North Michigan Avenue, Chicago, Illinois.

The Committee was established to advise the Administrator, Federal Energy Administration, about food industry interests and problems as they relate to national energy conservation programs.

The agenda for the meeting is as follows:

1. Chairman's Report
2. Status of Conservation and Environment Programs
3. Task Force Reports:
a. Natural Gas
b. Transportation
c. Foodservice Handbook
d. Equipment Efficiency
e. Retail Stores
f. Industrial Education
g. Government Regulations
4. New Business
a. Natural Gas Priorities
b. Energy Audit Program
5. General Discussion

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on April 22, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-10944 Filed 4-23-75;9:49 am]

COAL CONVERSION

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Federal Energy Administration (FEA) has prepared a final environmental impact statement relating to FEA's program to implement section 2 of the Energy Supply and Environmental Coordination Act of 1974. That program will prohibit certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source, and require certain powerplants in the early planning process to be designed and constructed to be capable of using coal as their primary energy source, through the issuance of prohibition orders or construction orders, respectively.

Single copies of the final environmental impact statement may be obtained from the FEA, Office of Communications and Public Affairs, Room 220, Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202/964-3538), and from the FEA Regional Offices listed below:

REGION I

150 Causeway Street, Room 700, Boston, Massachusetts 02114

REGION II

26 Federal Plaza, Room 3206, New York, New York 10007

REGION III

1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102

REGION IV

1655 Peachtree Street, N.E., 8th Floor, Atlanta, Georgia 30309

REGION V

Federal Office Building, 175 West Jackson Blvd., Room A-333, Chicago, Illinois 60604

REGION VI

Corrigan Towers, 212 North St. Paul Street, Room 1720, Dallas, Texas 75201

REGION VII

Federal Office Building, Post Office Box 15000, 112 East 12th Street, Kansas City, Missouri 64106

REGION VIII

Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226

REGION IX

Barclay Bank Boulevard, 111 Pine Street, San Francisco, California 94111

REGION X

Federal Office Building, 909 First Avenue, Room 1151, Seattle, Washington 98104

Copies of the final environmental impact statement also will be available for public review in the FEA Information Access Reading Room, Room 206, Old Post Office Building, 12th and Pennsylvania Avenue, NW, Washington, D.C.

Pursuant to the Council on Environmental Quality's notice in the January 31, 1975 FEDERAL REGISTER (40 FR 4675), the Council has granted FEA's request for a waiver of ten days of the thirty-day period for circulation of the final environmental impact statement, in accordance with 40 CFR 1500.11(b).

Inquiries concerning the statement should be directed to Phyllis Becherman, Program Analyst, Office of Fuel Utilization, Federal Energy Administration, Room 6117, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C. 20461 (202/961-8331).

Dated: April 22, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.75-10835 Filed 4-22-75;11:23 am]

FEDERAL MARITIME COMMISSION

[Docket No. 73-38]

COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS, ET AL. v. AMERICAN MAIL LINES LTD., ET AL.

Amendment of Order on Submission of Environmental Memoranda

On February 10, 1975, the Commission issued an order on submission of environmental memoranda in this proceeding (40 FR 6823). Parties were granted 45 days to submit memoranda to the Commission which were to include "their evaluations and positions regarding predictable environmental effects resulting from the eventual resolution of this proceeding," using section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) as a guide in addressing issues. Considerable confusion has arisen among parties to this proceeding as to the thrust and effect of the language employed by the Commission in seeking environmental views from the parties. This amended order is issued to clarify both the wording and the purpose of the February 10, 1975 Order.

Said order included the following statement by the Commission:

> The Commission believes that the nature of this proceeding renders any decision hereon a "major federal action significantly affecting the quality of the human environment."

The purpose of that statement was to appraise parties that the Commission was undertaking an environmental investigation in the subject proceeding to determine whether under NEPA an environmental impact statement is required; the word "believes" apparently inaccurately conveyed the impression to several parties that the Commission has rendered a final positive decision on the need for such a statement, without granting interested persons the opportunity to participate prior to making this threshold determination. Clearly such public participation is required under the law and was in fact being sought by the Commission in its order; the language used was designed only to notify the

parties that at that point in time the Commission believed that more likely than not an environmental impact statement would be required in the instant proceeding. No pre-judgment of that issue was intended, and the Commission regrets the confusion caused by its word choice.

In light of several comments received, the Commission additionally points out that nothing in its order of February 10, 1975, should be construed to mean that the Commission is shirking its duties and requiring the parties, rather than its own staff, to prepare draft environmental impact statements. The order clearly stated that memoranda submitted would be used "to aid the Commission in its environmental evaluation" (emphasis added). Upon consideration of all memoranda received and completion of its own investigation, the Commission will prepare a threshold assessment survey which determines if an environmental impact statement is required.

All environmental memoranda previously submitted in this proceeding will be considered by the Commission in its environmental assessment as though they were submitted for that purpose. However, in light of this clarification and amendment of the order, all parties will be granted 15 days to amend their comments or to submit new comments should they so choose. In addition, this amendment of order and a notice of intent to make an environmental assessment will be published in the FEDERAL REGISTER to serve further notice on the public that an environmental assessment is being made in this proceeding, in line with § 547.7 of the Commission's newly proposed rules for environmental protection (Docket No. 75–6, 40 FR 13005).

Therefore, it is ordered, That the February 10, 1975, order on submission of environmental memoranda is amended in the following manner:

(1) Both references to "section 102 (C)" of NEPA are amended to read "section 102(2)(C)."

(2) The word "renders" in the first sentence of the second paragraph is deleted and the words "may render" are substituted in its place.

It is further ordered, That this amended order as well as a notice of intent to make an environmental assessment in Docket No. 73–38 be published in the FEDERAL REGISTER; and

It is further ordered, That all parties of record in this proceeding are hereby granted 15 days to amend any environmental memoranda previously submitted in response to the original order or to submit new environmental memoranda if they so choose.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10774 Filed 4-23-75;8:45 am]

[Docket No. 73-38]

COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS, ET AL. v. AMERICAN MAIL LINES, LTD., ET AL.

Intent To Make an Environmental Assessment

The above referenced proceeding was instituted by complaint to determine whether certain activities of Respondents, namely the transport of cargo between Complainants' ports and Far East ports by rail to and from West Coast ports and then by water to and from Far East ports under through tariffs, commonly referred to as "miniland bridge" tariffs, and the solicitation through advertising for such carriage, among other things:

(1) Constitute diversion or attempted diversion of cargo from its naturally tributary ports;

(2) Are unlawful, unfair, unjustly discriminatory, anti-competitive, in restraint of trade, and illegal under sections 15, 16, 17 and 18 of the Shipping Act, 1916, and section 8 of the Merchant Marine Act of 1920;

(3) Are detrimental to commerce and the general public interest, and unfair, unjust, discriminatory, and unduly prejudicial to the ports represented by the Complainants and to the individuals and business concerns which are interested in and dependent upon said ports;

(4) Will unduly concentrate shipping services in other port areas contrary to the policies of Congress as set forth in its various Acts, including, inter alia, the Shipping Act of 1916 and section 8 of the Merchant Marine Act of 1920.

This proceeding is pending resumption of hearing scheduled for May 27, 1975. The Commission believes its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Consequently the possible environmental factors involved warrant consideration and evaluation before decision making is undertaken. It should be noted that parties to the proceeding have already had the opportunity to submit environmental memoranda to the Commission and have this day under separate order been granted additional time to amend said memoranda or submit new memoranda.

As the presiding Administrative Law Judge is cognizant of NEPA's requirements, it is assumed he will take note of this Notice, and, if necessary, alter the conduct of this proceeding as may be required.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major federal action significantly affecting the quality of the human environment. Written comments regarding possible environmental effects which may occur from the eventual resolution of this proceeding are invited. In conjunction with other actions taken by the Commission in this proceeding this day, such comments should be submitted within 15 days of the date of this order to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10775 Filed 4-23-75;8:45 am]

[Docket Nos. 73-42, 73-61, 73-69, 74-4]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, ET AL. v. SEATRAIN INTERNATIONAL, S.A.

Amendment of Order on Submission of Environmental Memoranda

On February 24, 1975, the Commission issued an order on submission of environmental memoranda in this proceeding (40 FR 8382). Parties were granted 45 days to submit memoranda to the Commission which were to include "their evaluations and positions regarding predictable environmental effects resulting from the eventual resolution of this proceeding," using section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) as a guide in addressing issues. Considerable confusion has arisen among parties to this proceeding as to the thrust and effect of the language employed by the Commission in seeking environmental views from the parties. This amended order is issued to clarify both the wording and the purpose of the February 24, 1975 order.

Said order included the following statement by the Commission:

> The Commission believes that the nature of this proceeding renders any decision hereon a "major federal action significantly effecting the quality of the human environment."

The purpose of that statement was to appraise parties that the Commission was undertaking an environmental investigation in the subject proceeding to determine whether under NEPA an environmental impact statement is required; the word "believes" apparently inaccurately conveyed the impression to several parties that the Commission has rendered a final positive decision on the need for such a statement, without granting interested persons the opportunity to participate prior to making this threshold determination. Clearly such public participation is required under the law and was in fact being sought by the Commission in its order; the language used was designed only to notify the parties that at that point in time the Commission believed that more likely than not an environmental impact statement

would be required in the instant proceeding. No pre-judgment of that issue was intended, and the Commission regrets the confusion caused by its word choice.

In light of several comments received, the Commission additionally points out that nothing in its Order of February 24, 1975, should be construed to mean that the Commission is shirking its duties and requiring the parties, rather than its own staff, to prepare draft environmental impact statements. The order clearly stated that memoranda submitted would be used "to aid the Commission in *its* environmental evaluation" (emphasis added). Upon consideration of all memoranda received and completion of its own investigation, the Commission will prepare a threshold assessment survey which determines if an environmental impact statement is required.

All environmental memoranda previously submitted in this proceeding will be considered by the Commission in its environmental assessment as though they were submitted for that purpose. However, in light of this clarification and amendment of the order, all parties will be granted 15 days to amend their comments or to submit new comments should they so choose. In addition, this amendment of order and a notice of intent to make an environmental assessment will be published in the FEDERAL REGISTER to serve further notice on the public that an environmental assessment is being made in this proceeding, in line with § 547.7 of the Commission's newly proposed rules for environmental protection (Docket No. 75-6, 40 FR 13005).

Therefore, it is ordered, That the February 24, 1975, order on submission of environmental memoranda is amended in the following manner:

(1) Both references to "section 102 (C)" of NEPA are amended to read "section 102(2)(C)."

(2) The phrase "may be required to" is added between the words "and" and "issue" in the first sentence of the second paragraph.

(3) The word "renders" in the first sentence of the third paragraph is deleted and the words "may render" are substituted in its place.

(4) The last sentence of the third paragraph is deleted and the following sentence substituted: "As the presiding Administrative Law Judge is cognizant of NEPA's statutory requirements it is assumed no Initial Decision will be rendered until such time as the Commission completes its Environmental Assessment and issues any statement associated therewith."

It is further ordered, That this amended order as well as a notice of intent to make an environmental assessment in Docket Nos. 73-42, 73-61, 73-69, 74-4 be published in the FEDERAL REGISTER; and

It is further ordered, That all parties of record in this proceeding are hereby granted 15 days to amend any environmental memoranda previously submitted in response to the original order or to submit new environmental memoranda if they so choose.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10771 Filed 4-23-75;8:45 am]

[Dockets Nos. 73-42, 73-61, 73-69, 74-4]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, ET AL. v. SEATRAIN INTERNATIONAL, S.A.

Intent To Make an Environmental Assessment

The above referenced proceeding was instituted by complaint to determine whether certain activities of Respondent, namely the transport of cargo between Complainants' ports and European ports by rail to and from the Port of Charleston, South Carolina and then by water to and from ports under through tariffs, commonly referred to as "mini-land bridge" tariffs, among other things:

(1) Constitute diversion or attempted diversion of cargo from its naturally tributary ports;

(2) Are unlawful, unfair, unjustly discriminatory, and illegal under sections 16, 17 and 18 of the Shipping Act, 1916, and section 8 of the Merchant Marine Act of 1920;

(3) Are detrimental to commerce and the general public interest, and unfair, unjust, discriminatory, and unduly prejudicial to the ports represented by the Complainants and to the individuals and business concerns which are interested in and dependent upon said ports;

(4) Will unduly concentrate shipping services in Charleston contrary to the policies of Congress as set forth in its various Acts, including, inter alia, the Shipping Act of 1916 and section 8 of the Merchant Marine Act of 1920.

Hearings in this proceeding have been completed and briefs filed. Nonetheless, the Commission believes its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Consequently the possible environmental factors involved warrant consideration and evaluation before decision making is undertaken. It should be noted that parties to the proceeding have already had the opportunity to submit environmental memoranda to the Commission and have this day under separate order been granted additional time to amend said memoranda or submit new memoranda.

As the presiding Administrative Law Judge is cognizant of NEPA's requirements, it is assumed no initial decision will be rendered until such time as the Commission completes its environmental assessment and issues any statements associated therewith.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major federal action significantly affecting the quality of the human environment. Written comments regarding possible environmental effects which may occur from the eventual resolution of this proceeding are invited. In conjunction with other actions taken by the Commission in this proceeding this day, such comments should be submitted within 15 days of the date of this Order to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10772 Filed 4-23-75;8:45 am]

[Docket No. 73-35]

INTERMODAL SERVICE OF CONTAINERS AND BARGES AT THE PORT OF PHILADELPHIA

Intent To Make an Environmental Assessment

The above referenced proceeding is an investigation to determine whether practices, past or present, by container or barge type of operators serving the Port of Philadelphia other than by direct ocean vessel calls, whether it be by rail, highway, or water:

(1) Violate section 14, Shipping Act, 1916, by making any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered or by discriminating against any shipper in the matter of cargo space accommodations or other facilities;

(2) Are authorized by approved agreements and, if so, whether the agreements, to the extent that they authorize such practices, should be disapproved, cancelled or modified pursuant to section 15, Shipping Act, 1916; or are in implementation of any other agreement between persons subject to the Shipping Act, 1916, which has not been filed with or approved by the Federal Maritime Commission as required by section 15 of the Shipping Act, 1916;

(3) Violate section 16, Shipping Act, 1916, by subjecting a person, locality or description of traffic to undue or unreasonable prejudice or disadvantage;

(4) Violate section 17, Shipping Act, 1916, by resulting, through the absorption of inland transportation costs, in demanding, charging or collecting rates or charges which are unjustly discriminatory between shippers or ports;

(5) Violate section 18, Shipping Act, 1916, or section 2 of the Intercoastal Shipping Act, 1933, by providing services not authorized by applicable tariffs;

(6) Are contrary to the policy of section 8, Merchant Marine Act, 1920;

(7) Are contrary to the provisions of section 205, Merchant Marine Act, 1936.

This proceeding is pending a second prehearing conference presently scheduled for May 13, 1975. No environmental

issues have been raised by the parties nor considered thus far in the proceeding.

Nonetheless the Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Consequently the environmental factors involved warrant consideration and evaluation before decision making is undertaken. As the presiding Administrative Law Judge is cognizant of NEPA's requirements, it is assumed he will take note of this notice, and, if necessary, alter this proceeding as may be required.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will significantly affect the quality of the human environment. Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this order to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10773 Filed 4-23-75;8:45 am]

[Docket No. 75-11]

SEQUOIA FORWARDERS CO.

Order of Hearing on Petition for License as an Independent Ocean Freight Forwarder

Sequoia Forwarders Company (Sequoia), 933 N. Main Street, Salinas, California, filed an application for a license as an independent ocean freight forwarder, pursuant to section 44, Shipping Act, 1916. Sequoia is a partnership owned equally by Messrs. Joel R. Hayden and Ronald J. Rotharmel.

During the course of the Commission's investigation of the applicant it was disclosed that the two partners of the applicant concern were also equal partners of Cal-West Produce Enterprises (Cal-West), a produce broker. Cal-West purchases produce on behalf of a client domiciled in a foreign country and receives a commission on those purchases. That produce moves in the export commerce of the United States.

The relationship of the owners of the applicant with a purchaser of shipments to foreign countries would appear to preclude the licensing of the applicant as it would appear to constitute a purchaser/forwarder relationship prohibited under section 44, Shipping Act, 1916, and the Commission's General Order 4. These provisions only permit licensing of persons who are not shippers or consignees or sellers or purchasers of shipments to foreign countries and are not directly or indirectly controlled by such shippers or consignees or by any person having a beneficial interest therein.

Pursuant to § 510.8 of the Commission's General Order 4 (46 CFR 510.8) the Commission, on March 7, 1975, advised the applicant of its intent to deny the application for the reasons set out hereinabove. In accordance with General Order 4, an applicant may, within 20 days of receipt of such advice request a hearing on the application.

By letter dated March 25, 1975, Sequoia through counsel requested the opportunity to show at a hearing that the denial of Sequoia's application is unwarranted.

Now, therefore, it is ordered, pursuant to section 44, Shipping Act, 1916, (46 USC 841b) § 510.8 of the Commission's General Order 4 (46 CFR 510.8), that a hearing is hereby ordered to afford Sequoia Forwarders Company the opportunity to demonstrate that the foregoing information and/or reasons do not warrant finding that the applicant does not qualify for a license as an independent ocean freight forwarder within the meaning of section 44, Shipping Act, 1916, and of the Commission's General Order 4 (46 CFR Part 510.).

It is further ordered, That Sequoia Forwarders Company be hereby made a petitioner in this proceeding pursuant to Rule 3(a) of the Commission's Rules of Practice and Procedure (46 CFR 502.41).

It is further ordered, That this proceeding be assigned for public hearing and an initial decision before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the presiding Administrative Law Judge on or before October 18, 1975.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon petitioner.

It is further ordered, That any persons other than petitioner who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72).

It is further ordered, That all further notices issued by or on behalf of the Commission in this proceeding, including notice and time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10770 Filed 4-23-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI75-120]

A. F. ROBERTS, JR.

Petition for Special Relief

APRIL 17, 1975.

Take notice that on April 3, 1975, A. F. Roberts, Jr., (Petitioner), 5403 27th Street, Lubbock, Texas 79407, filed a petition for special relief in Docket No. RI75-120, pursuant to Order No. 481. Petitioner seeks a rate of 36 cents per Mcf with 1 cent annual escalation thereafter, for the sale of natural gas to El Paso Natural Gas Company, from the Shannon Estate "V" well No. 1 in section 10, Block 10, GC& SF RR Survey, Crockett County, Texas.

Petitioner and El Paso entered into an Amendatory Agreement dated March 21, 1975, which provides, inter alia, that upon receipt of Commission authorization herein satisfactory to petitioner, petitioner" * * * shall promptly thereafter commence and prosecute to completion the installation of * * * additional compression contemplated * * * necessary for the optimum recovery of gas from the wells located on Seller's properties."

Petitioner states that unless relief is granted, under the present conditions the operator has no choice except to plug the well inasmuch as it is uneconomical to continue operating at 18.5 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.75-10641 Filed 4-23-75;8:45 am]

[Docket Nos. RP72-110; RP74-92, and PGA 75-5a]

ALGONQUIN GAS TRANSMISSION CO.

Order Approving PGA Rate Increase and Denying Protest

APRIL 17, 1975.

On March 3, 1975, Algonquin Gas Transmission Company (Algonquin) tendered for filing a revised tariff sheet[1] providing for an $11,268,162 rate increase to track increased gas costs from its supplier, Texas Eastern Transmission Corporation (Texas Eastern).[2] Algonquin has requested an effective date of March 1, 1975, and waiver of § 154.38(d)(4) of the Commission regulations. The filing was noticed with March 25, 1975, being established as the deadline for protests or comments.

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[1] Alternate Fourth Revised Sheet No. 10 of Algonquin's FPC Gas Tariff, First Revised Volume No. 1.

[2] Texas Eastern's increase, filed February 24, 1975, in Docket Nos. RP74-41 and PGA 75-6, was approved and made effective March 1, 1975, by order issued April 7, 1975.

Algonquin's filing is tendered pursuant to authority of Commission Opinion No. 699–H issued December 4, 1974, which, in pertinent part provides:

(D) Notwithstanding the provisions of § 154.38(d)(4)(iv) of the regulations under the Natural Gas Act (18 CFR 154.38(d)(4)(iv)), any jurisdictional pipeline company having a purchase gas adjustment clause in effect on June 21, 1974, and thereafter, pursuant to § 154.38(d)(4), may file on or before March 3, 1975, a special rate increase to track the rates prescribed in § 2.56a (18 CFR 2.56(a)) effective as of the date of the filing provided such rates are in effect pursuant to filings made by natural gas producers pursuant to § 2.56a(j) on or before January 31, 1975.

On March 20, 1975, a customer group [3] filed a joint protest to Algonquin's proposed PGA increase claiming that the 45 day notice provision of section 17 of the General Terms and Conditions of Algonquin's tariff had been breached.[4] These protestants request that the Commission deny any waiver of the applicable notice periods and suspend the implementation of the rate increase until April 10, 1975. The customer group alleges that the failure of Algonquin to provide the section 17 notice will impose hardships on the customers in recovering these increased costs.

Section 17.6 of Algonquin's tariff reads as follows:

Seller shall file each adjustment at least 45 days prior to the proposed effective date, provided Texas Eastern has made its filing to permit such notice, but in any event Seller's filing shall be made within 15 days after receipt of notice from Texas Eastern of its rate change. (emphasis supplied)

Our reading of § 17.6 and its application to the instant controversy indicates that Algonquin's filing is consistent with the language of that section. Under the circumstances presented herein Algonquin acted within the terms of its tariff by filing its tracking rate increase some eight days after Texas Eastern's filing. Accordingly, we shall deny the customers' requested relief.

Our review of Algonquin's filing indicates that it conforms with the PGA filing requirements and that good cause exists to grant the requested waiver of § 154.38(d)(4). The rates effectuated herein shall be subject to change to reflect any adjustments in the underlying supplier rates. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Algonquin's PGA clause and § 154.38(d)(4) of the regulations.

The Commission finds. The PGA increase filed herein should be approved and the requested waiver granted, subject to conditions hereinafter ordered. The requested relief of the customer group should be denied.

The Commission orders. (A) Algonquin's Alternate Fourth Revised Sheet No. 10 of Algonquin's FPC Gas Tariff, First Revised Volume No. 1 is hereby approved and made effective March 1, 1975.

(B) Algonquin's requested waiver of § 154.38(d)(4) of our regulations is hereby granted.

(C) The rates effectuated herein shall be subject to change to reflect any adjustments in the underlying supplier rates.

(D) The requested relief of the customer group 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.75-10626 Filed 4-23-75;8:45 am]

[3] Bay State Gas Company, Boston Gas Company, Bristol and Warren Gas Company, Cape Cod Gas Company, Commonwealth Gas Company, The Connecticut Natural Gas Corp., Fall River Gas Company, The Hartford Electric Light Co., Town of Middleborough, Municipal Gas and Electric Department, New Bedford Gas and Edison Light Company, North Attleboro Gas Company, City of Norwich, Department of Public Utilities, Providence Gas Company, South County Gas Company, The Southern Connecticut Gas Company, and Tiverton Gas Company.

[4] More specifically, section 17.6, General Terms and Conditions, Algonquin Gas' FPC Gas Tariff, First Revised Volume No. 1, Original Sheet No. 129.

[Docket No. RI75-126]

AMERICAN PETROFINA CO. OF TEXAS

Petition for Special Relief

APRIL 17, 1975.

Take notice that on April 4, 1975, American Petrofina Company of Texas, (Petitioner), P.O. Box 2159, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI75-126 pursuant to § 2.76 of the Commission's General Policy and Interpretations. Petitioner seeks a rate increase in excess of the applicable area ceiling rate for the sale of natural gas to Northern Natural Gas Company (Northern) from the Hunt-Baggett Field, Crockett County, Texas under its FPC Gas Rate Schedule No. 39. Petitioner states that in order to continue production from the Baggett No. 1 "C" Well located in the E/2 of Section 33, Block F, G.C. & S.F. Ry. Co. Survey, Crockett County, Texas, that it must perform reworking and stimulation operations as they are necessary and economically prudent to promote the continued production from the Baggett No. 1 "C" Well. The proposed rate is 35 cents per Mcf for the gas sold and delivered to Northern from said well pursuant to an Agreement Amending Gas Purchase Contract dated September 18, 1974 between Petitioner and Northern. Petitioner states that the 35 cent rate would be sufficient to reimburse it for the money to be expended in the reworking operations.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.75-10627 Filed 4-23-75;8:45 am]

[Docket No. E-9370]

ARIZONA PUBLIC SERVICE CO.

Supplement To Agreement

APRIL 17, 1975.

Take notice that on April 9, 1975, Arizona Public Service Company (APS), tendered for filing Supplement No. 11 to Agreement with Navajo Tribal Utility Authority (NTUA) which is APS Rate Schedule FPC No. 6. APS states that the Amendment permits the Tribe to obtain 13,125 Kilowatts plus 5,000 kilowatts from each of the first three units of the Navajo Generating Station located on the Navajo Reservation near Page, Arizona.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 75-10628 Filed 4-23-75;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Further Extension of Procedural Dates

APRIL 17, 1975.

On April 8, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 29, 1974, as most recently modified by notice issued March 6, 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, May 20, 1975.
Service of Intervenors Testimony, June 3, 1975.
Service of Company Rebuttal, June 17, 1975.
Hearing, July 1, 1975 (10 a.m. e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10629 Filed 4-23-75;8:45 am]

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Conference

APRIL 18, 1975.

Take notice that on Tuesday, April 29, 1975, a conference of all interested persons in the above-referenced docket will be convened at 2 p.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (conferences, offers of settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendence at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.8 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Cities Service Gas Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10625 Filed 4-21-75;8:38 am]

[Docket Nos. RP72-155, RP73-104, RP74-22, RP74-23, RP74-57, and CP74-314]

EL PASO NATURAL GAS CO.

Tariff Sheets Tender

APRIL 17, 1975.

Take notice that on April 15, 1975, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, the following revised tariff sheets, to become effective April 1, 1975:

ORIGINAL VOLUME No. 1

First Substitute Fourteenth Revised Sheet No. 3-B

THIRD REVISED VOLUME No. 2

First Substitute Fourth Revised Sheet No. 1-D

ORIGINAL VOLUME No. 2A

First Substitute Sixth Revised Sheet No. 1-C

El Paso states that the rates set forth on the tendered tariff sheets provide for a current increase of 14.01¢ per Mcf, effective as of April 1, 1975, and is comprised of annualized purchased gas cost increases equating to 5.27¢ per Mcf, plus 8.74¢ per Mcf representing the balance in Account 191 as of December 1, 1974. El Paso states that such increase results from the deletion of emergency and small producer purchases in excess of the Commission's Opinion No. 699-H nationwide rates included in El Paso's Purchased Gas Cost Adjustment ("PGAC") notice of change in rates filed with the Commission on February 24, 1975, and is 0.24¢ per Mcf below the PGAC increase of 14.25¢ per Mcf set forth in said February 24, 1975, filing. El Paso further states that such rates are consistent with the Commission's order issued March 31, 1975, in the captioned proceedings.

With regard to the increase of 8.2325¢ per Mcf applicable to certain sales subject to the PGAC—Clean High Pressure Gas contained in El Paso's Original Volume No. 2A tariff and included as a part of El Paso's February 24, 1975, filing, El Paso states that there were no emergency and small producer increases in excess of the Commission's Opinion No. 699-H rates associated with said proposed increase. Accordingly, Substitute First Revised Sheet No. 1-D to El Paso's Original Volume No. 2A tariff, tendered on February 24, 1975, filing should be designated effective as of April 1, 1975, by the Commission, without further adjustment. Further, El Paso states its tender of February 24, 1975, included First Revised Sheet No. 67-B to its Original Volume No. 1 tariff, providing modification of its PGAC provision to reflect increased purchased gas costs associated with changes in El Paso's gas purchase patterns, as well as changes occurring under the pricing provisions of its purchased gas contracts. The Commission order issued March 31, 1975, permitted El Paso to reflect in the rates to become effective on April 1, 1975, the changes resulting from the computation of purchased gas costs based on El Paso's changes in gas purchase patterns. Accordingly, tendered First Revised Sheet No. 67-B to Original Volume No. 1, should also be designated effective April 1, 1975.

El Paso states that the Commission order issued March 31, 1975, also permitted El Paso to file revised tariff sheets to become effective April 2, 1975, reflecting an amortization charge for increased special overriding royalty costs incurred during the period July 10, 1974, through December 1, 1974.[1] On February 28, 1975, El Paso tendered for filing certain tariff sheets to reflect an amortization charge to cover the period July 10, 1974, through November 30, 1974[2] in accordance with the Commission's order of February 24, 1975, which order permitted collection of an amortization charge respecting special overriding royalty costs.

El Paso states that the increased special overriding royalty cost applicable to the day of December 1, 1974, approximates $52,000 and would increase the amortization charge of 1.39¢ per Mcf proposed in El Paso's filing of February 28, 1975, by slightly less than .01¢ per Mcf. Rather than requiring a change in the rates to become effective on April 2, 1975, to reflect such amount, El Paso proposes that the rates reflected on its sheets tendered on February 28, 1975, be placed into effect on April 2, 1975, and that said $52,000 unamortized amount included as a part of the determination of any excess or deficient revenues collected during the amortization period in variance from the amount authorized to be collected by the Commission. Therefore, El Paso requests that the tariff sheets included in its February 28, 1975, filing[3] and reflecting both the 1.39¢ per Mcf amortization charge and the 14.25¢ per Mcf total PGAC adjustment, be made effective by the Commission on April 2, 1975.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket Nos. RP72-155, RP73-104, RP74-22, RP74-23, RP74-57 and CP74-314 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before May 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All propriate action to be taken but will not 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10630 Filed 4-23-75;8:45 am]

[Docket No. RP75-42-2]

EL PASO NATURAL GAS CO. (COMMUNITY PUBLIC SERVICE CO.)

Notice of Petition for Emergency Relief

APRIL 21, 1975.

Take notice that on March 27, 1975, Community Public Service Company

[1] See Order on Motion for Authorization to Collect Amortization Charge issued February 24, 1975, at Docket Nos. RP73-104, RP74-22, RP74-23, RP74-57 and CP74-314. By order issued March 19, 1975, the Commission amended its order of February 24, 1975, at Docket Nos. RP73-104, RP74-22, RP74-23, RP74-57 and CP74-314 by providing that the amortization charge for increased special overriding royalties be based upon increased costs incurred during the period July 10, 1974, through December 1, 1974.

[2] Second Substitute Fourteenth Revised Sheet No. 3-B to Original Volume No. 1; Second Substitute Fourth Revised Sheet No. 1-D to Third Revised Volume No. 2; Second Substitute Sixth Revised Sheet No. 1-C to Original Volume No. 2A.

[3] See note 2, supra.

(Petitioner), 501 West 6th Street, Fort Worth, Texas 76102, filed in Docket No. RP75–42–2 pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) a petition for temporary emergency relief from the curtailment provisions of El Paso Natural Gas Company's (El Paso) tariff for six-week periods, one in the fall and one in the spring of 1975, so as to enable Petitioner to obtain sufficient natural gas to operate its gas turbine generator at Lordsburg, New Mexico, all as more fully set forth in the petition, which is on file with the Commission and open to public inspection.

Petitioner states that its gas turbine generator must be operated during the periods from April 15 to June 1 and from September 1 to October 15, while its oil-fired steam turbine generator units are out of service for scheduled maintenance.

Petitioner requests approximately 3,900 Mcf per day for the operation of its gas turbine during the stated periods, when either of the oil turbines are out of service for maintenance purposes. Petitioner does not anticipate that it will need emergency relief of this type after 1975 because it is in the process of providing additional electric transmission facilities into the area, which will supply adequate power for emergencies such as the one described.

Petitioner further states that, if natural gas for its gas turbine generator is not provided, it will have no alternative other than to operate two steam units with substantial risk of failure of one or both until a 345 kilovolt line from Arizona is in service in late 1976. In the event of such failure, according to Petitioner, an extended electric outage in the service area would be the result.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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.75-10847 Filed 4-22-75;3.23 pm]

[Docket No. RP75-42-8 etc.]

EL PASO NATURAL GAS CO.

Petitions for Extraordinary Relief

APRIL 17, 1975.

Take notice that on April 9, 1975, petitions pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) for extraordinary relief from curtailment by El Paso Natural Gas Company (El Paso) relating to natural gas used for irrigation purposes were filed by the following petitioners in the following dockets:

West Texas Natural Gas Co. (West Texas), a Texas gas distributor, in Docket No. RP75–42–8;

City of Whiteface Gas Co. (Whiteface), a Texas gas distributor, in Docket No. RP75–42–9;

Magma Natural Gas Company (Magma), an Arizona gas distributor, in Docket No. RP75–42–10;

General Utilities, Inc. (GU), an Arizona Gas distributor, in Docket No. RP75–42–11;

City of Morton Gas Company (Morton), a Texas gas distributor, in Docket No. RP75–42–12;

Great Plains Natural Gas Company (Great Plains), a Texas gas distributor, in Docket No. RP75–42–13;

EMW Gas Association (EMW), a New Mexico gas distributor, in Docket No. RP75–42–14.

The mailing address for each petitioner is:

Lamb, Metzgar, Franklin & Lines, P.A., Attorneys and Counsellors at Law, 500 Second Street, NW, Albuquerque, New Mexico 87101.

All petitions are on file with the Commission and open to public inspection.

Each petition requests that the volumes of gas set forth in the petition as necessary to maintain viable agricultural operations be permanently exempted from curtailment, that the volumes of gas set forth in the petition be allowed as a supplement to the volumes of gas which otherwise would be available to the petitioner under its end-use profiles as set forth in the tariff sheets filed by El Paso, and that the supplement be sufficient to reflect the annualized effect of the annualized volumes necessary to supply the relief requested in the petition.

Except for West Texas, all petitioners, it is stated, receive all their gas from El Paso. In the West Texas petition, it is stated that only one of the systems served by West Texas has an alternate supply of gas from both El Paso and Northern Natural Gas Company.

Each petition states that there exists no alternative fuel capacity for the period specified in the petition. Each petition states further that there is no source of natural gas available to the petitioner other than from El Paso and that inquiry of the FEA and local fuel allocation agencies indicates that, while alternate fuels are available by reallocation, there exists no distribution system or capability by the end-users to utilize such fuel.

The relief requested in volumetric terms and in terms of the number of customers for each distributer is as follows:

Distributor	Customers	Thousand cubic feet	
		Peak day	Monthly
West Texas	416	5,000	95,000
Whiteface	13	506	7,337
Magma	15	2,800	78,000
GU	155	1,171	24,380
Morton	42	1,400	28,067
Great Plains	252	7,586	180,755
EMW	130	3,000	69,500

The various petitions state the following prices for natural gas supplies per million Btu:

West Texas	$0.52
White face	.4811
Magma:	
February	.6596
April	.7767
GU	.7668
Morton	.5982
Great Plains	.415838
EMW	.6446

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petitions should on or before May 8, 1975, file with the Federal Power Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10647 Filed 4-23-75;8:45 am]

[Docket No. E-9373]

ILLINOIS POWER CO.

Filing of Interconnection Agreement

APRIL 17, 1975.

Take notice that on April 11, 1975, Illinois Power Company tendered for filing an Interconnection Agreement dated January 14, 1975, between Illinois Power Company and the City of Springfield, Illinois.

Illinois Power Company states that the proposed Interconnection Agreement would supersede an existing Surplus Power Contract between the City of Springfield and the City of Jacksonville, Illinois. The interest of the City of Jacksonville in that contract was assigned to Illinois Power Company as a part of its acquisition of the Jacksonville municipal electric system on February 13, 1974.

The proposed Interconnection Agreement includes Service Schedules A through F, which specify the types of service and rates of compensation contemplated. Both service and rates are the same as those contained in Illinois

Power Company's Rate Schedule FPC No. 50, previously accepted for filing by the Commission. Also, the Agreement includes Appendix A, which sets forth the points of interconnection between the parties' systems and the facilities to be provided by each party.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice 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 May 1, 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 the filing referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10631 Filed 4-23-75;8:45 am]

[Docket Nos. E-9296, E-9297, and E-9298]

IOWA PUBLIC SERVICE CO.

Filing of Supplemental Data

APRIL 17, 1975.

Take notice that on April 7, 1975, Iowa Public Service Company (IPS) tendered for filing supplemental data intended to make complete its original filing of: (1) A Participation Unit Agreement between IPS and Interstate Power Company (Docket No. E-9296), (2) a Participation Unit Agreement between IPS and Nebraska Public Power District (Docket No. E-9297), and (3) a Firm Power and Participation Unit Agreement between IPS and Minnesota Power and Light Company (Docket No. E-9298); all three of which were originally tendered for filing on February 28, 1975. IPS tendered for filing this supplemental data in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

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 May 6, 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.75-10632 Filed 4-23-75;8:45 am]

[Docket No. CI75-586]

MOBIL OIL CORP.

Application

APRIL 17, 1975.

Take notice that on April 4, 1975, Mobil Oil Corporation (Applicant), Three Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CI75-586 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) and Southern Natural Gas Company (Southern) from the Eugene Island Block 330 Field, offshore Louisiana, on a best efforts basis, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authority to sell to United and Southern up to 35,000 Mcf of gas per day from the subject acreage at the nationwide rate prescribed by § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a), within the contemplation of § 2.70 of the general policy and interpretations (18 CFR 2.70). Applicant desires to commence the proposed sale on May 15, 1975, or on the date of Commission authorization, whichever is sooner, and to terminate on November 1, 1976, or thirty days after notice of termination is given after August 15, 1975.

Applicant states that the gas will be transported onshore through the existing facilities of a joint venture composed of United's and Southern's affiliates for the purpose of effecting ultimate delivery of the gas to United and Southern at onshore points. Thus, Applicant asserts, deliveries will effectively be made offshore to United and Southern with their affiliate serving as a conduit.

Applicant further states that its share of the Block 330 Field gas was subject to an advance payments agreement between Applicant and NI-Gas Supply, Inc. (NI-Gas), but that NI-Gas elected to terminate its rights to purchase gas from the present Block 330 Field by letter agreement with Applicant. Applicant states that it has executed an option agreement with Texas Eastern Transmission Corporation (Texas Eastern) extending to Texas Eastern the right to purchase Applicant's share of gas from the present Block 330 Field when Texas Eastern's facilities have been authorized and constructed. Applicant also states that the subject gas is currently being sold to United and Southern pursuant to a limited-term certificate which expires on May 15, 1975.

Applicant concludes upon the facts herein stated that the gas to be delivered hereunder is not otherwise available for a term longer than the period ending with the termination dates proposed in the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10633 Filed 4-23-75;8:45 am]

[Project No. 2752]

NORTHERN LIGHTS, INC.

Application for Preliminary Permit

APRIL 18, 1975.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Northern Lights, Inc. (correspondence to: Mr. William T. Nordeen, Manager, Northern Lights, Inc., Post Office Box 310, Sandpoint, Idaho 83864) for the proposed Kootenai River Hydroelectric Project No. 2752, to be located on the Kootenai River in the County of Lincoln, Montana.

According to the application, the proposed Kootenai River Hydroelectric Project would consist of: (1) A reservoir located immediately upstream of Kootenai Falls having a surface elevation of approximately 1,990 feet created by a low-gated spillway diversion structure; (2) a 1,600 foot canal conveying the water to a power intake; (3) two 28-foot diameter penstocks, each controlled by a tainter gate; (4) a powerhouse containing two 70 mW generating units; and (5) a 2,000 foot tailrace tunnel for returning the turbine discharge to the river at an elevation of approximately 1,900 feet. Northern Lights, Inc. estimates that the proposed project would be capable of generating 500,000,000 kWh annually. The Applicant would use the power from

this proposed project to serve its present and future customers. Applicant states that it will not be able to obtain additional power from Bonneville Power Administration for future growth after 1983.

No construction is authorized under a preliminary permit; its function is to allow the applicant to conduct detailed studies to determine the feasibility of the proposed project.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10634 Filed 4-23-75;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 18, 1975.

Take notice that Northern Natural Gas Company (Northern) on April 11, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. Northern states that the proposed changes would increase revenues from jurisdictional sales by $69,821,425 annually, based on sales volumes and costs for the twelve months ended December 31, 1974, as adjusted for the Test Period. Northern states the principal reasons for the proposed rate increase are: (1) Increased costs of obtaining new gas supplies, (2) Increased costs associated with LNG storage facilities and leased storage arrangements to maintain peak day deliveries to high priority customers, (3) The loss of revenues from reductions in sales to electrical generating plants and other large volume interruptible low priority end use customers, (4) The need to increase revenues to provide a return of 10⅜ percent on its utility investment, (5) Increases in construction costs, wages, supplies; expenses and taxes, and (6) Increased annual depreciation expense.

Northern states that this filing also includes proposed tariff sheets whereby Northern proposes to provide a new "Emergency" service pursuant to Rate Schedule E-1. Northern states that this rate schedule will be available to gas utilities for the purchase of gas which is not otherwise available for purchase under Northern's other rate schedules for sale and delivery during emergency situations.

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 must be filed on or before May 1, 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.75-10635 Filed 4-23-75;8:45 am]

[Docket No. RP74-88]

NORTH PENN GAS CO.

Filing of Settlement Agreement

APRIL 17, 1975.

Take notice that on April 7, 1975 North Penn Gas Company (North Penn) filed with the Commission a "Motion Submitting to Commission for Approval Stipulation and Agreement for Settlement of Rate Proceeding" and an enclosed Stipulation and Settlement Agreement. The Settlement Agreement contains a settlement as to rates and a proposed clause concerning the possible imposition of the Pennsylvania Gross Receipts Tax on certain jurisdictional sales made by North Penn.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 7, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10636 Filed 4-23-75;8:45 am]

[Docket Nos. RP72-154 and RP74-72; PGA No. 75-4a]

NORTHWEST PIPELINE CORP.

Filing of Revised Tariff Sheet

APRIL 17, 1975.

Take notice that on April 4, 1975, Northwest Pipeline Corporation (Northwest) tendered for filing a revised tariff sheet to its FPC Gas Tariff Original Volume No. 1. Northwest states that this filing is pursuant to the Commission order issued February 28, 1975 and eliminates the surcharge adjustment to recover the interest cost associated with increased purchased gas costs for the period November 1 through November 17, 1974.

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 May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10637 Filed 4-23-75;8:45 am]

[Docket No. E-9371]

OHIO EDISON CO.

Tendered Agreement

APRIL 17, 1975.

Take notice that on April 10, 1975, Ohio Edison Company (Company), tendered for filing a letter agreement dated January 20, 1975, between the Company and the Village of Grafton, Ohio, respecting wholesale service to Grafton supplementary to the service provided for in F.P.C. Rate Schedule No. 104.

The Company states that the letter agreement supplements the provisions of F.P.C. Rate Schedule No. 104 providing for a temporary additional service connection in Grafton through which a maximum of 750 KVA of capacity will be provided. The Company states further that the service is to be metered and billed separately from the other service now being provided and billing is to be in accordance with Ohio Edison Company's Municipal Resale Service Primary Voltage rates as opposed to the Transmission Voltage rate schedule under which the existing other service is now being provided to Grafton. According to the Company's filed statement the Village has agreed to pay Ohio Edison Company the cost of installing and removing the temporary facilities, amounting to about $3,100.00.

Ohio Edison also claims that the company's Municipal Resale Service Primary Voltage rate schedule for this new service to Grafton is identical to the rate schedules for Primary Voltage service to the Company's other municipal wholesale customers for such service.

The Company requests that the Commission waive its requirement for comparison of sales, services and revenues and a line diagram of the facilities to be installed in connection with this supplementary service in view of the temporary term and minor cost involved in providing this service, and in view of the rates applicable to such service being

standard rates for Primary Service approved by this Commission in Docket No. E-7705.

Service was commenced on December 20, 1974, prior to execution of the letter agreement of January 20, 1975. Accordingly, the Company requests that this supplement be permitted to become effective retroactively as of December 20, 1974, to provide a lawful basis of billing for service from the date it commenced to meet an urgent need of Grafton.

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 May 5, 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.75-10638 Filed 4-23-75;8:45 am]

[Docket Nos. E-7718, E-8435]

PENNSYLVANIA ELECTRIC CO.

Filing of Motion To Terminate Proceedings Without Refund Obligation

APRIL 17, 1975.

On April 7, 1975, Pennsylvania Electric Company (Penelec) filed a motion to terminate the above referenced proceedings without refund obligation. Penelec notes that by letter ordered dated March 14, 1974, the Commission accepted for filing a revised fuel adjustment clause effective as of March 20, 1975, which conformed to Order No. 517. This meant that there is now a locked-in period from November 10, 1973, until, and including March 19, 1975, wherein the fuel clause issue remains to be resolved.

Penelec included in the instant filing comparisons of fuel clause revenues actually collected for the period November 10, 1973, to March 20, 1975, with revenues that would have been collected under the Order No. 517 fuel clause made effective as of March 20, 1975. The comparisons show that during the locked-in period Penelec would have collected $33,115 more under the revised clause than it actually collected under the previous clause. Penelec accordingly requests that this proceeding be terminated without any refund obligation.

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 May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10640 Filed 4-23-75;8:45 am]

[Docket Nos. E-7718, E-8435]

PENNSYLVANIA ELECTRIC CO.

Proposed Rate Increase Under Gross Receipts Tax Adjustment Clause

APRIL 17, 1975.

Take notice that on April 10, 1975, Pennsylvania Electric Company (Penelec) tendered for filing a proposed change in rates and charges pursuant to a gross receipts tax adjustment provision in the contract for supplemental energy between Penelec and the Allegheny Electric Cooperative, Inc. (Allegheny). Penelec proposes to surcharge the rate for supplemental power and energy by a factor of 1.04712 which would be applied to 1972 revenues for sales to Allegheny of $4,001,939. The proposed effective date is May 10, 1975.

Copies of the filing were sent to Allegheny.

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 May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10639 Filed 4-23-75;8:45 am]

[Project 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Certification of Settlement Agreement

APRIL 17, 1975.

Public notice is hereby given that, on October 8, 1974, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement concerning two separate transfers of lands within the project boundary for Upper American River Project No. 2101. Sacramento Municipal Utility District (SMUD) has pending before the Commission an application involving the two transfers.

The first transfer occurred in 1964 and was a land exchange with the U.S. Forest Service, Department of Agriculture (Forest Service). The second transfer occurred in 1968 and was a transfer of lands in partial settlement of a fire suppression suit brought by the U.S. Department of Justice.

By the terms of the settlement none of the parties object to the transfer of all of the project lands involved to the Forest Service, which will administer the lands in accordance with project purposes as set forth in the Federal Power Act and the license. SMUD's responsibilities as licensee would not be altered or diminished and its duties with respect to the transferred lands would continue under the license. Additionally, the transferred lands within the project boundary are necessary for the purposes of Project No. 2101, and any proposal for a use of these lands that would interfere with their use for project purposes must be formally approved by the Commission prior to any such use.

It is proposed the fully executed settlement agreement would resolve all outstanding issues in this proceeding which resulted from the Commission Order Providing for Hearing issued November 26, 1973.

Any person desiring to protest or comment on said settlement agreement should file comments with the Federal Power Commission, 825 North Capital Street NW, Washington, D.C. 20426, on or before May 5, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. A copy of the settlement agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10642 Filed 4-23-75;8:45 am]

[Docket No. RI75-127]

TEXAS OIL AND GAS CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 17, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act, particularly sections 4 enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended

[1] Does not consolidate for hearing or dispose of the several matters herein.

and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf *		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI75-127	Texas Oil & Gas Corp	29	18	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	1,530	3-21-75		9-21-75	24.4807	25.5007	
	do	[1] 31	6	Northwest Pipeline Corp. (Colorado) (Rocky Mountain).	1,530	3-21-75		9-21-75	24.4807	25.5007	
	do	32	11	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	1,530	3-21-75		9-21-75	24.4807	25.5007	
	do	36	9	do	1,530	3-21-75		9-21-75	24.4807	25.5007	
	do	38	9	do	1,530	3-21-75		9-21-75	24.4807	25.5007	
	do	114	[2] 18	Northwest Pipeline Corp. (Colorado) (Rocky Mountain).	1,530	3-21-75		9-21-75	24.4807	25.5007	
	do	115	[3] 1	do	1,530	3-21-75		9-21-75	24.4807	25.5007	
	do	116	[4] 9	do	1,530	3-21-75		9-21-75	24.4807	25.5007	
	do	33	10	El Paso Natural Gas Co. (Colorado) (Rocky Mountain).	1,530	3-21-75		9-21-75	24.4807	25.5007	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.

[1] Sales under Rate Schedule No. 31 have been totally divested to Northwest Pipeline Corp.

[2] Filed as a supplement to Texas Oil & Gas Corp. Rate Schedule No. 36. Sales attributable to Northwest are now covered under Rate Schedule No. 116.

[3] Filed as a supplement to Texas Oil & Gas Corp. Rate Schedule No. 29. Sales attributable to Northwest are now covered under Rate Schedule No. 114.

[4] Filed as a supplement to Texas Oil & Gas Corp. Rate Schedule No. 32. Sales attributable to Northwest are now covered under Rate Schedule No. 115.

The proposed rate increases of Texas Oil & Gas Corp. exceed the applicable area ceiling rate in Opinion No. 658 and are suspended for five months.

[FR Doc.75-10578 Filed 4-23-75;8:45 am]

[Docket No. RP74-20 and RP74-83]

UNITED GAS PIPELINE CO.

Further Extension of Procedural Dates

APRIL 17, 1975.

On April 3, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 16, 1974, as most recently modified by notice issued March 14, 1975, 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 Staff's Testimony on unsettled issues in RP74-20, May 13, 1975.
Service of Intervenor's Testimony on Unsettled issues in both dockets, June 3, 1975.
Service of Company Rebuttal, June 17, 1975.
Hearing, July 8, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10644 Filed 4-23-75;8:45 am]

[Project No. 2716]

VIRGINIA ELECTRIC AND POWER CO.

Application for Approval of Revised Exhibit R (Recreational Use Plan)

APRIL 18, 1975.

Public notice is hereby given that under the Federal Power Act (16 U.S.C. 791a–825r) application for approval of Exhibit R (Recreational Use Plan), included initially in its application for major license filed on July 31, 1973, was amended by Virginia Electric and Power Company (Correspondence to: Mr. Stanley Ragone, Senior Vice President, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; copies to Arnold Quint, Esquire, Hunton, Williams, Gay & Gibson, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006) on February 14, and March 7, 1975, for the proposed Bath County Pumped Storage Project. The project would be located on Back Creek and Little Back Creek, tributaries of the Jackson River in the James River Basin, in Bath County, Virginia. The transmission lines would cross portions of Bath, Highland, Augusta and Rockbridge Counties, Virginia. The proposed project would affect the interests of interstate or foreign commerce and lands of the United States located in the George Washington National Forest.

The Exhibit R, as amended, provides for a recreation complex which would be developed by the Applicant downstream of the lower dam and would consist of two recreation ponds, hiking and nature trails, picnicking and camping facilities, and a visitors' center. The two recreation ponds would have a total of 87 surface acres and would have facilities for swimming, boating, and fishing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 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 available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10643 Filed 4-23-75;8:45 am]

[Docket No. E-8619]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Postponement of Hearing

APRIL 17, 1975.

Take notice that due to a schedule conflict of the Presiding Administrative Law Judge the hearing set for April 22, 1975, by notice issued February 11, 1975, in the above-designated matter, is postponed until May 20, 1975, at 10 a.m. (e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10645 Filed 4-23-75;8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.

Order Denying Rehearing

APRIL 18, 1975.

On February 19, 1975 we issued an Order in these proceedings in which we

held, inter alia, that Wisconsin Power & Light's (WP&L) proposed rate increase would be barred under the *Mobile-Sierra* doctrine as to the following:

City of Stoughton FPC No. 59 Contract Expires 2-13-77.
City of Columbus FPC No. 66 Contract Expires 6-26-76.
City of Princeton FPC No. 68 Contract Expires 10-21-77.
City of Shullsburg FPC No. 104 Contract Expires 7-30-78.
Pioneer Power & Light FPC No. 60 Contract Expires 10-14-76.
Cross Plains Electric Co. FPC No. 67 Contract Expires 9-16-77.

On March 20, 1975 WP&L filed a petition for rehearing pursuant to § 1.34 of our rules of practice and procedure asking us to modify our foregoing finding that WP&L's unilateral filing was prohibited as to the above mentioned customers, and to provide in its place that the rate filing be permitted to become effective as to those customers on a prospective basis.

In support of its petition WP&L asserts that in Docket No. E-8158, on April 27, 1973, WP&L tendered for filing proposed rate increases for its cooperative wholesale customers under Rate Schedule W-2 and for its municipal wholesale customers under Rate Schedule W-3. These rate changes were accepted for filing and, by Order of the Commission dated June 26, 1973, were suspended until September 1, 1973.

WP&L states that although the customers in question were granted intervention in Docket No. E-8158, and had an opportunity to raise the Mobile-Sierra issue at that time, they did not do so. Furthermore, WP&L asserts that the Municipals and Cooperatives, as well as the Commission Staff, participated in settlement negotiations resulting in a Settlement Agreement that was noticed on April 24, 1974 and approved by Commission Order dated September 4, 1974.

The Agreement was allegedly supported by all parties and provides, in part:

> Cooperatives and Municipals waive any and all objections they may have under the Sierra-Mobile rule to the rate increase proposed herein and the additions and amendments to said tariffs and rate schedules and agree that all contracts for the purchase of energy and the tariffs and rate schedules thereunder shall be interpreted and modified, if required, to provide for the rate increase and amendments and additions to said tariffs and rate schedules proposed herein.

In its September 4, 1974, Order this Commission, in summarizing the provisions of the proposed settlement, noted the following:

> 4. *Mobile Sierra.* Cooperatives and Municipals waive any objections they may have under the *Mobile-Sierra* rule to this rate increase and to the proposed changes in the tariffs and rate schedules in this Stipulation and Agreement.

WP&L now states that the settlement agreement in Docket No. E-8158, entered into by Stoughton, Columbus, Princeton and Shullsburg constitutes an express waiver of any right to object to unilaterally filed rate-increases and, by its express terms, constituted a specific agreement on their part that their contracts were modified to permit such increased rates.

WP&L states that a stipulation in a settlement agreement is in the nature of a contract and may modify earlier contracts between the stipulating parties and that an agreement to amend a contract may be implied from the conduct of the parties. We would agree that the rate increase agreed to by the parties in the Docket No. E-8158 settlement modified the rates established in the earlier contracts. But the settlement, by its own terms, expressly limited the modification of the earlier contracts to the rate increase agreed to in Docket No. E-8158. Neither the agreement nor the subsequent Order approving the agreement issued September 4, 1974, refer to waiver of objections under the Mobile-Sierra rule as it may apply to any other (or future) unilaterally filed rate increase proposals except the rate increase proposed in Docket No. E-8158. Therefore, it is clear that the customers in question neither expressly nor impliedly waived any rights occurring under their general contracts other than their right to object, under the Mobile-Sierra rule, to the rate increase agreed to in the settlement of Docket No. E-8158.

Inasmuch as WP&L has brought forth no new evidence to contradict the clear and unambiguous language contained in the settlement Agreement, we shall deny WP&L's application for rehearing.

However, our review indicates that a waiver of the ninety-day notice requirement of the Commission's Regulations is appropriate as to each of WP&L's customers which have fixed rate, fixed term contracts with WP&L. Pursuant to Municipal Electric Utility Association of Alabama v. F.P.C.,[1] we will require that as each of the above-mentioned fixed rate contracts expires, WP&L will file with the Commission a superseding service agreement capable of serving as the notice of termination of contractual service required by 16 CFR 35.15 and an amended list of purchasers. Upon review of this material, we shall then make a determination whether additional data is necessary to demonstrate the continuing validity of the proposed rate, and, if necessary, we shall suspend extension of the rate schedule to the additional customers.

The Commission finds. (1) WP&L's Application for Rehearing filed on March 20, 1975, raises no facts or principles of law which would provide an appropriate basis for modification of the Commission's Order of February 19, 1975.

(2) Good cause exists to allow waiver of the 90 day notice requirement to permit WP&L to apply the rate increase proposed herein to Stoughton, Columbus, Princeton, Shullsburg, Pioneer Power & Light, and Cross Plains Electric Company on the date each of their respective contracts expire, subject to the condition as hereinafter ordered.

[1] 485 F. 2d 967 (D.C. Cir. 1973).

The Commission orders. (A) WP&L's Application for Rehearing filed March 20, 1975, is denied.

(B) A waiver of the ninety day notice requirement of the Commission's Regulations as to Stoughton, Columbus, Princeton, Shullsburg, Pioneer Power & Light, and Cross Plains Electric Co. is hereby granted on condition that, when each of their respective contracts expires, WP&L will file with the Commission, pursuant to Municipal Electric Utility Association of Alabama v. F.P.C., supra., a superseding service agreement capable of serving as the notice of termination of contractual service required by 16 CFR 35.15, and an amended list of purchasers.

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

By the Commission.

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

[FR Doc.75-10646 Filed 4-23-75;8:45 am]

FEDERAL RESERVE SYSTEM

BANK OF VIRGINIA CO.

Acquisition of Bank

Bank of Virginia Company, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank of Virginia-Shenandoah, Winchester, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 19, 1975.

Board of Governors of the Federal Reserve System, April 16, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-10663 Filed 4-23-75;8:45 am]

COUNTRY AGENCIES AND INVESTMENTS, INC.

Acquisition of Bank

Country Agencies & Investments, Inc., Odessa, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 26.3 percent of the voting shares of Bunceton State Bank, Bunceton, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in

writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 16, 1975.

Board of Governors of the Federal Reserve System, April 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-10688 Filed 4-23-75;8:45 am]

FIRST BANCGROUP-ALABAMA, INC.

Order Approving Merger of Bank Holding Companies

First Bancgroup-Alabama, Inc., Mobile, Alabama ("FBA"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with United Alabama Bancshares, Inc., Birmingham, Alabama ("United", under the charter of Applicant and the name of First-United Bancgroup-Alabama, Inc.

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

FBA controls three banks with aggregate deposits of $351 million, representing approximately 4.4 percent of the total deposits in commercial banks in Alabama, and is the sixth largest multi-bank holding company in the State.[1] United controls three banks [2] with total deposits of $58 million, representing less than 1 percent of total deposits in the State, and is Alabama's seventh multi-bank holding company. Consummation of the proposed merger would result in FBA's control of approximately 5 percent of total deposits in the State's commercial banks, and the resulting organization would become the State's fifth largest multi-bank holding company, approximately one-half the size of the State's fourth largest banking organization.

FBA's present subsidiary banks are located in Mobile, Huntsville, and Foley, Alabama. United's present subsidiary banks are located in Huntsville, Eufaula, Dothan, and Bessemer, Alabama. While FBA and United each owns and controls a bank in Huntsville, United has committed to divest its Huntsville bank, thereby removing any adverse competitive effects that would result from the elimination of competition in the Huntsville area.[3] United's subsidiary bank in Eufaula (First National Bank of Eufaula with deposits of $14 million) is the second largest of seven banks competing in the Barbour County banking market and holds about 21 percent of the total deposits in that market. United's subsidiary bank in Dothan (City National Bank of Dothan with deposits of $22 million) is the third largest of seven banking organizations competing in the Houston County banking market and holds approximately 13 percent of the total deposits in that market. United's subsidiary bank in Bessemer (First Western Bank with deposits of $22 million) is the sixth largest of 12 banking organizations competing in the Jefferson County banking market and holds approximately 1 percent of the total deposits in that market.

Consummation of the proposed merger would not appear to have an adverse effect on existing competition since the distance separating FBA's subsidiary bank nearest to a subsidiary bank of United is approximately 97 miles, the distance between Huntsville and Bessemer and no subsidiary of FBA competes in any geographic market in which a subsidiary of United competes (other than in the Huntsville area). In addition, the relatively small sizes of FBA and United and the fact that United does not have a lead bank, suggest the absence of any development of competition between those organizations, absent consummation of the proposed merger. While FBA is capable of entering each of the relevant markets de novo, the low population per bank and personal income per bank office ratios in Barbour and Houston Counties,[4] and the number of larger holding companies presently represented in Jefferson County makes each of these markets unattractive for such entry in the near future. The proposed merger should result, however, in the develeopment of a new State-wide holding company with the financial resources to compete effectively with the State's largest bank holding companies.

The Board recognizes that consummation of the proposal would foreclose the possibility that United would expand to become a State-wide competitor of FBA. However, taking into account the time lag and financial resources necessary to establish competitive effectiveness through "foothold" or de novo entry, the Board does not view the record in this case as reflecting a probability that, absent this proposal, United would or could expand to become an effective State-wide competitor of FBA and the State's other bank holding companies in the reasonably foreseeable future. In prior orders involving mergers of bank holding companies, the Board has noted that a substantial adverse effect on potential competition occurs only where there is a probability rather than just a possibility that substantial competition would develop between the banking organizations involved absent the proposed affiliation.[5] Therefore, on the basis of the record, the Board concludes that consummation of the proposed transaction would not have significant adverse effects on existing or potential banking competition in any relevant area.

The financial condition and managerial resources and future prospects of FBA, its subsidiary banks and United appear satisfactory. The financial condition and managerial resources and future prospects of United's subsidiary banks appear generally satisfactory in light of the fact that FBA will be able to provide financial and managerial strength to those banks. These considerations are consistent with approval of the application. The primary banking needs of the areas served by both holding companies appear to be adequately met at the present time. However, consummation of the proposal would provide customers of United's banks immediate access to trust department services and investment advice. In addition, FBA intends to provide its new subsidiaries with a ready source for loan participations, as well as marketing services and computer facilities. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[6] effective April 16, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-10664 Filed 4-23-75;8:45 am]

[1] Banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through November 30, 1974.

[2] United also controls The Bank of Huntsville, Huntsville, Alabama, which it has committed to divest by offering all the stock of the bank to United's shareholders in exchange for their shares of United or by a distribution of shares of the bank to United's shareholders as a dividend, or by both means. United shall take other measures necessary to ensure effective termination of its control of The Bank of Huntsville.

[3] It does not appear that severance of the relationship between United and The Bank of Huntsville (deposits of $40 million as of December 31, 1974) which has exhibited continuous and substantial growth since 1969 will weaken the competitive vitality of that bank; nor does it appear that The Bank of Huntsville would encounter serious problems in raising equity capital as an independent bank.

[4] The number of banks located in these counties has not increased in the last 5 years.

[5] See Board's order of February 16, 1973, approving merger of First Florida Bancorporation and United Bancshares of Florida, Inc., 59 Fed. Res. Bulletin, 183, at 184 (1973); and Board's Order of August 1, 1973, approving the merger of Atlantic Bancorporation and Citizens Bancshares of Florida, Inc., 59 Fed. Res. Bulletin 685, at 686 (1973).

[6] Voting for this action: Chairman Burns and Governors Mitchell, Holland, and Coldwell. Absent and not voting: Governors Sheehan, Bucher, and Wallich.

FIRST NATIONAL BANKSHARES OF FLORIDA, INC.

Acquisition of Bank

First National Bankshares of Florida, Inc., Pompano Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of First National Bank of New Smyrna Beach, New Smyrna Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 19, 1975.

Board of Governors of the Federal Reserve System, April 16, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-10665 Filed 4-23-75;8:45 am]

LANDMANDS CORP.

Formation of Bank Holding Company

The Landmands Corporation, Kimballton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Landmands National Bank of Kimballton, Kimballton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 16, 1975.

Board of Governors of the Federal Reserve System, April 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-10667 Filed 4-23-75;8:45 am]

MOUNTAIN FINANCIAL SERVICES, INC.

Formation of Bank Holding Company

APRIL 17, 1975.

Mountain Financial Services, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.5 percent of the voting shares of Northwest State Bank, Arvada, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Mountain Financial Services, Inc., Denver, Colorado has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to act as agent or broker for insurance directly related to extensions of credit by a bank or bank-related firm. Notice of the application was published on March 12, 1975 in The Arvada Citizen Sentinel, a newspaper circulated in Arvada, Colorado.

Applicant states that it would engage in insurance activities as agent or broker, for insurance directly related to the extension of credit by a bank or bank-related firm, such as credit life and credit accident and health insurance, and insurance protecting loan collateral. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 19, 1975.

Board of Governors of the Federal Reserve System, April 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-10668 Filed 4-23-75;8:45 am]

PEOPLES BANCORPORATION

Formation of Bank Holding Company

Peoples Bancorporation, Hampton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 86.5 percent or more of the voting shares of Peoples Savings Bank, Elma, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 16, 1975.

Board of Governors of the Federal Reserve System, April 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-10669 Filed 4-23-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of an application intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 16, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before May 12, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of new FCC Form 400-S, Supplemental Information for Trunked and Conventional Systems (806-821 MHz and 851-866 MHz Bands), required when making application for trunked or conventional systems of communications to operate in the 806-821 MHz and 851-866 MHz frequency bands in accordance with the provisions of Subpart S of Part 89 of the FCC rules and regulations. FCC Form 400-S will supplement FCC Form 400, Application for Radio Station Authorization in the Safety and Special Radio Services, in all cases except when the facility falls within the Chicago, Illinois, region in which case it will supplement FCC Form 425, Application for Radio Station Authorization. Respondent burden will vary according to the size and complexity of the system. The information and data required for conventional systems can be

obtained and entered into the form within from one to two hours. For trunked systems, which are inherently more complex, the data may require an additional one to two hours to assemble. The FCC estimates that approximately 2,000 supplemental forms will be filed during the first year.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-10748 Filed 4-23-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 17, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

This notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before May 12, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of a revision to form FEA 101A, Owners of Stored Product Report. This report is required to be filed by all owners of propane and butane who are storing the product in a merchant storage facility. This report provides the means by which new or current owners of the product that is in merchant storage will report required identification and classification information to the merchant storage operator. Potential respondents are expected to number 1,000. Estimated response time is one-half hour per report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-10749 Filed 4-23-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

FEDERAL PROPERTY MANAGEMENT REGULATIONS; TEMPORARY REGULATION F-336

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Alabama Public Service Commission (Docket No. 16966) involving the application of the South Central Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

DWIGHT A. INK,
Acting Administrator of General Services.

APRIL 14, 1975.

[FR Doc.75-10692 Filed 4-23-75;8:45 am]

FEDERAL PROPERTY MANAGEMENT REGULATIONS; TEMPORARY REGULATION H-15

Delegation of Authority

1. *Purpose.* This regulation delegates to the Secretary of Defense authority to dispose of surplus real property at the Table Rock Lake project located on the White River in the States of Arkansas and Missouri to owners of adjoining privately owned property who have encroached thereon.

2. *Effective date.* The delegation of authority is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)), authority is delegated to the Secretary of Defense to determine that excess real property and related personal property under the control of the Department of the Army at the Table Rock Lake project located on the White River in the States of Arkansas and Missouri, which owners of adjoining privately owned lands have encroached upon in the development of their properties, is not required for the needs and responsibilities of Federal agencies, and where he considers such action appropriate, to dispose of that property by negotiated sale to the encroaching private property owners.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of the Army.

c. The authority conferred in this delegation shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, explanatory statements of the circumstances of the transactions, where required, shall be submitted to GSA for transmittal to the Committees on Government Operations of the Senate and House of Representatives as prescribed by Federal Property Management Regulations 101-47.304-12.

d. The Department of Defense, as the disposal agency, shall be responsible for (1) securing in accordance with FPMR 101-47.303-4 any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; and (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate.

e. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (PK), Washington, DC 20405.

4. *Effect on other issuances.* This delegation of authority does not affect existing delegations of authority to dispose of surplus real property previously granted to the Department of Defense. Instead, it is intended to supplement those delegations.

DWIGHT INK,
Acting Administrator of General Services.

APRIL 14, 1975.

[FR Doc.75-10670 Filed 4-23-75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural-Engineering Services, Region 1 for Tuesday, May 13, 1975 from 10 a.m. to 4 p.m., Room 711, John W. McCormack Post Office and Courthouse Building, Postoffice Square, Boston, Mass. 02109. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Supplemental Architect-Engineer open-end one year contract for selected projects in any one of the following states: Massachusetts, Connecticut, and Rhode Island. The proposed services would be used to supplement in-house design staff as may be required to meet Repair and Alterations program commitments.

Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5

U.S.C. 552(b)(5), the meeting will not be open to the public.

Dated: April 14, 1975.

ALAN E. GORHAM,
Acting Regional Administrator.

[FR Doc.75-10686 Filed 4-23-75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural-Engineering Services Region 1, for Wednesday, May 14, 1975 from 10 a.m. to 4 p.m., Room 711, John W. McCormack Post Office and Courthouse Building, Postoffice Square, Boston, Mass. 02109. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Supplemental Architect-Engineer open-end one year contract for selected projects in any one of the following states: Maine, New Hampshire, and Vermont. The proposed services would be used to supplement in-house design staff as may be required to meet Repair and Alterations program commitments.

Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 54.S.C. 552(b)(5), the meeting will not be open to the public.

Dated: April 14, 1975.

ALAN E. GORHAM,
Acting Regional Director.

[FR Doc.75-10685 Filed 4-23-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348-A, 50-364-A]

ALABAMA POWER CO. (JOSEPH M. FARLEY UNITS 1 & 2)

Reconstitution of Board

Carl W. Schwarz, Esq., was a member of the Atomic Safety and Licensing Board established for the above proceeding. Mr. Schwarz, because of a schedule conflict, is unable to continue his service on this Board.

By Order of the Commission, Marshall E. Miller, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, has been appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Maryland, this 17th day of April 1975.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.75-10738 Filed 4-23-75;8:45 am]

[Docket Nos. 50-458, 50-459]

GULF STATES UTILITIES CO. (RIVER BEND UNITS 1 & 2)

Further Postponement of Hearing

On March 31, 1975, this Atomic Safety and Licensing Board ("the Board") issued a notice of additional hearing session, for a hearing session to be held April 17, 1975 in Bethesda, Maryland. That session was postponed by a notice of postponement issued by this Board on April 11, 1975, which also designated the place of the hearing to be St. Francisville, Louisiana. In response to another request of the NRC Regulatory Staff, and over the objection of counsel for the Applicant, the Board has agreed to further postpone the public hearing session from May 6 to May 20, 1975. The Staff has cited the last minute unavailability of a key witness as the reason for their need for a postponement. Accordingly, the additional public hearing session is now scheduled to start at 9 a.m. local time on May 20, 1975, at the following location:

Holiday Inn, U.S. 61 & State Route 10, St. Francisville, Louisiana 70775.

As set forth in this Board's February 28 notice of hearing, the issues being considered are those environmental and site suitability issues prescribed in the Commission's regulations concerning construction permits and pre-construction permit activities (10 CFR 50.10(e)(1), (e)(2)(ii)). The radiological health and safety issues will be considered at a separate public hearing session to be scheduled later.

All interested members of the public are invited to attend.

It is so ordered.

Issued at Bethesda, Maryland, this 18th day of April, 1975.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.75-10739 Filed 4-23-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota, and currently authorized for operation at power levels up to 1670 MWt.

The amendment would change the provisions of the Technical Specifications for the facility to incorporate operating limits based on the General Electric Thermal Analysis Basis in accordance with the licensee's application for license amendment dated March 12, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's rules and regulations.

By May 27, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 910—17th Street, NW, Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated March 12, 1975, (2) the nonproprietary General Electric Report NEDO-10958, and (3) the Commission's evaluation of the General Electric Report dated September, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. The license amendmen' 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 17th day of April, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-10740 Filed 4-23-75;8:45 am]

NUCLEAR ENERGY CENTER SITE SURVEY

Public Meeting and Request for Public Comments

In the furtherance of the provisions of section 207 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) notice is hereby given that the NRC staff conducting the Nuclear Energy Center Site Survey (NECSS) will hold a 3-day public meeting commencing at 9 a.m., Monday, June 16, 1975 at the GSA Auditorium, GSA Building, first floor entrance, 18th & F Streets, NW., Washington, D.C. This public meeting is primarily for the purposes of receiving the views of interested persons. It will also include a briefing by the NRC staff on the conduct of the survey.

Section 207 of the Energy Reorganization Act of 1974 (the Act) directs the Nuclear Regulatory Commission to make a national survey to locate and identify possible nuclear energy center sites. The Act defines nuclear energy center sites as any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both, including, if appropriate, nuclear fuel reprocessing facilities, nuclear fuel fabrication plants, retrievable nuclear waste storage facilities and uranium enrichment facilities.

In addition, the survey will evaluate the environmental impact likely to result from construction and operation of such nuclear energy centers and will evaluate whether such centers will result in greater or lesser environmental impact than separate siting of the reactors and/or fuel cycle facilities. Finally, the survey will consider the use of Federally-owned property and other public use lands for energy center sites.

The Act directs the Nuclear Regulatory Commission to conduct the survey in cooperation with other interested Federal, State, and local agencies. It also requires that the views of interested persons, including electric utilities, citizens' groups, and others, shall be solicited and considered.

A report on the results of the survey will be published and transmitted to the Congress and the Council on Environmental Quality not later than October 11, 1975. The report will include the Commission's evaluation of the results of the survey and any conclusions and recommendations which the Commission may have concerning the feasibility and practicality of locating nuclear facilities on nuclear energy center sites.

As indicated previously in FEDERAL REGISTER Notice 40 FR 12717 (dated March 20, 1975), written expression of views is solicited. Comments should address matters significant to the concept of nuclear energy centers as compared to the dispersed siting of an equal number of nuclear facilities, or to the techniques for identification of possible sites. These should be sent to Mr. S. H. Smiley, Director, Office of Special Studies, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

In addition, persons who wish to present their views in person at the public meeting are encouraged to do so. A notice of intention to appear in person to present views, and a date and time preferred for the presentation of views should be submitted as soon as possible, but no later than June 9. The notice of intention should include an address and phone number. All persons desiring to present their views in person will be informed by the NRC staff of the date and time they have been scheduled to present their views. Unscheduled oral statements will also be accommodated to the extent possible during the course of the public meeting. Further information about the study or the public meeting can be obtained by calling the NECSS offices, (301) 427-6357.

The Chairman of the meeting will have the power to limit the amount of time to be allocated to each person desiring to make an oral presentation and to limit such presentation to matters pertinent to the purposes of the survey. Also, it is anticipated that the Chairman and the members of the panel may wish to ask questions of those who make presentations to clarify points not understood, in the interest of enhancing the value of the presentation to the conduct of the survey. Submittal of written statements in advance will facilitate this exchange and full understanding. Because of time limitations, the panel may not be able to respond to questions. The meeting will be transcribed, and the transcription will be placed in the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 18th day of April 1975.

For the Nuclear Regulatory Commission.

S. H. SMILEY,
Director, Office of Special Studies.

[FR Doc.75-10844 Filed 4-23-75;8:45 am]

[Docket Nos. 50-352 and 50-353]

PHILADELPHIA ELECTRIC CO. (LIMERICK UNITS 1 & 2)

Issuance of Amendments to Construction Permits and Notice of Availability of Atomic Safety and Licensing Appeal Board Decision

Notice is hereby given that pursuant to a decision issued by the Atomic Safety and Licensing Appeal Board on March 19, 1975, the Nuclear Regulatory Commission has issued Amendment No. 1 to Construction Permit No. CPPR 106 and Amendsylvania. The Decision amends the con-CPPR 107 issued to the Philadelphia Electric Company for construction of the Limerick Generating Station, Units 1 and 2, located in Montgomery County, Pennsylvania. The Decision amends the construction permits by modifying one of the conditions for protection of the environment. Any decisions or actions taken by the Atomic Safety and Licensing Appeal Board in connection with this decision may be reviewed by the Commission.

A copy of the decision dated March 19, 1975, Amendment No. 1 to Construction Permit No. CPPR-106, Amendment No. 1 to Construction Permit CPPR-107, and the Nuclear Regulatory Commission's final environmental statement are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and in the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

The above noted documents are also available at the Office of Radiological Health, Department of Environmental Resources, Harrisburg, Pennsylvania 17105.

The Nuclear Regulatory Commission has found that the provisions of these amendments comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter 1 and has concluded that the issuance of these amendments will not be inimical to the common defense and security or to the health and safety of the public.

The record developed in the public hearing in the above captioned matter modified in certain respects the contents of the final environmental statement relating to the construction of the Limerick Generating Station, Units 1 and 2, prepared by the Nuclear Regulatory Commission. Pursuant to the provisions of § 51.52(b)(3) of 10 CFR Part 51, the final environmental statement is deemed modified to the extent that the conditions relating to environmental matters contained in the decision are different from those contained in the final environmental statement issued February 1974. As required by § 51.52(b)(3) of 10 CFR Part 51, a copy of the decision which modified the final environmental statement has been transmitted to the Council on Environmental Quality and distributed to the Environmental Protection Agency and other interested agencies and persons in accordance with § 51.26(c) of 10 CFR Part 51.

Single copies of the decision, Amendment No. 1 to Construction Permit No. CPPR-106, Amendment No. 1 to Construction Permit No. CPPR-107, and the final environmental statement 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 16th day of April 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-10741 Filed 4-23-75;8:45 am]

[Docket No. 50-267]

PUBLIC SERVICE CO. OF COLORADO

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-34 issued to Public Service Company of Colorado which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment permits by-pass of the two-loop trouble scram when the reactor mode switch is in the "fuel loading" position.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 23, 1974, (2) Amendment No. 7 to License No. DPR-34, with Change No. 7 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of April, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors, Branch, Division of Reactor Licensing.

[FR Doc.75-10742 Filed 4-23-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment incorporates into the San Onofre Nuclear Generating Station, Unit 1, Technical Specifications reformatted Administrative Controls consistent with presently issued licenses. They relate to licensee staffing qualifications and management procedures involved with operating the facility. The revisions to the reporting requirements proposed by the licensee as part of the Administrative Controls have not been incorporated into the Technical Specifications since they are still under review.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated February 28, 1975, (2) Amendment No. 12 to License No. DPR-13, with Change No. 22 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this April 18, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-10743 Filed 4-23-75;8:45 am]

[Docket Nos. 50-500-A and 50-501-A]

TOLEDO EDISON CO., ET AL. (DAVIS-BESSE UNITS 2 & 3)

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the above proceeding.

This action is in reference to the "Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" published by the Commission in the above matter (40 FR 8395—February 27, 1975).

The members of the Board are:

Douglas Rigler, Esq., Chairman
Foley, Lardner, Hollabaugh & Jacobs
815 Connecticut Avenue, NW
Washington, D.C. 20006

John H. Brebbia, Esq., Member
Alston, Miller & Gaines
1776 K Street, NW
Washington, D.C. 20006

John M. Frysiak, Esq., Member
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dated at Bethesda, Maryland, this 9th day of April 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.75-10744 Filed 4-23-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1480]

AIRCRAFT ACCIDENT DATA

Notice of Availability

The National Transportation Safety Board announces the release of the following publication:

Report No. NTSB-APA-75-1, "A Preliminary Statistical Analysis of Aircraft Accident Data, U.S. Civil Aviation, 1974", released April 17, 1975. The Safety Board found that fatal accident and fatality rates of U.S. airlines rose sharply in 1974, but similar rates in nonairline flying declined significantly. Also, for the fourth consecutive year and the eighth of the past 11 years, those supplemental carriers conducting civil and military contract passenger operations had no fatal accidents.

This report is available to the general public. Single copies may be obtained without charge by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594. Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 21, 1975.

[FR Doc.75-10747 Filed 4-23-75;8:45 am]

[657]

RESPONSE TO SAFETY RECOMMENDATION

Notice of Receipt

Pursuant to section 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)), the National Transportation Safety

Board announces the receipt of the following response to a safety recommendation:

71-M-28, issued 7 October 1971, to the Department of the Interior and the Department of Transportation and contained in the Safety Board's marine casualty report concerning explosions and fire on the C & K PLATFORM and fire on the M/V CARRYBACK in the Gulf of Mexico on 28 May 1970. Response dated 26 March 1975 from the United States Coast Guard states that the formulation of a comprehensive set of regulations for mobile drilling units is still in progress. Draft regulations, completed in February 1975, are under review. Regulations relating to lifesaving appliances on unmanned platforms were amended, effective March 28, 1975, by FEDERAL REGISTER, Vol. 40, No. 39 dated February 26, 1975.

Copies of this response may be obtained by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594. A $4.00 user-service charge for each response will be made, in addition to a charge of 10¢ per page for reproduction.

MARGARET L. FISHER,
Federal Register
Liaison Officer.

APRIL 21, 1975.

[FR Doc.75-10746 Filed 4-23-75;8:45 am]

[1533, 1258B, 1444C, 1539]

SAFETY RECOMMENDATIONS

Notice of Availability

Pursuant to section 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)), the National Transportation Safety Board announces the release of the following safety recommendations:

I-75-1, issued April 13, 1975, recommends that the United States Railway Association explicitly evaluate the impact of the Final System Plan upon transportation safety, and that this safety analysis be a separate section of the Final System Plan when it is submitted to the Congress.

I-75-2, issued April 13, 1975, recommends that the Rail Services Planning Office, Interstate Commerce Commission, in carrying out its statutory mandate to evaluate the United States Railway Association's Preliminary System Plan, explicitly consider, in a separate section of its report, the impact of the suggested course of action upon transportation safety.

A-75-29, issued April 14, 1975, recommends that the Federal Aviation Administration issue an Advisory Circular for the guidance of all pilots and those persons authorized to give periodic flight reviews required by 14 CFR 61.57 and 14 CFR 61.58 to assure that pilots understand the effect of weight and balance on safe flight and are proficient in the computation of airplane weight and balance.

A-75-30 through 32, issued April 14, 1975, to the Federal Aviation Administration as a result of the Safety Board's investigation of an Air East, Inc., Beechcraft 99A crash at Johnstown-Cambria Airport, Johnstown, Pennsylvania, on January 6, 1974. Recommendations are that (1) the FAA, in conjunction with the Civil Aeronautics Board's consideration of an application for replacement service, certify the applicant's safety fitness based on an actual physical investigation of the proposed replacement operator's managerial and operational capability to provide a level of safety in the intended service equivalent to that required of the Certificate of Convenience and Necessity holder, applying safety standards similar to those in 14 CFR 121.59 and 121.61, with emphasis on § 121.59(b) (Class I); (2) when certificating or recertificating a replacement operator, apply standards equivalent to those applied in authorizing Part 121 operators to use small airplanes in scheduled service as provided by 14 CFR 121.9 (Class III); and (3) increase the effectiveness of procedures for surveillance of commuter airline operations by adopting procedures now employed in the surveillance of commuter airline operations by adopting procedures now employed in the surveillance of scheduled air carriers, including the assignment of the responsibility to the appropriate air carrier district offices (Class II).

A-75-33 and 34, also issued April 14, 1975, as a result of the Air East accident investigation, recommend that the Civil Aeronautics Board take the same actions indicated in safety recommendations A-75-30 and 31, above. (See items (1) and (2), Class I and Class III, respectively.)

A-75-41 and 42, issued April 15, 1975, to the Federal Aviation Administration. Recommendations are to (1) issue an Airworthiness Directive which will provide comprehensive design and installation specifications to assure that fixed type emergency locator transmitters will remain in their mounts (Class III), and (2) amend 14 CFR 37.200 to (a) require a battery test feature that will be easily accessible to the pilot and (b) provide for actuation of the devices under conditions approaching those encountered in actual accidents (Class III).

Single copies of these recommendations may be obtained without charge by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

MARGARET L. FISHER,
Federal Register
Liaison Officer.

APRIL 21, 1975.

[FR Doc.75-10745 Filed 4-23-75;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 21, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Certification as to Use of Federally HEA Assisted Facilities Under Title VII OF/1965, OE 1308, other (see SF-83), institutions of postsecondary education, Caywood, D. P., 395-3443.

Food and Drug Administration, Patient Drug Labeling (Patient Package Inserts), FDABD0327, single-time, patients with hypertension, Dick Eisinger, 395-4716.

Office of the Secretary, Evaluation of Family Planning Services for Teenagers, OS 13-75, single-time, local Health Departments, public and private hospitals, universities, Reese, B. F., 395-5630.

ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency Survey Questionnaire/Reclassification Study, single-time, State or territorial water pollution control agencies, Weiner, N., 395-4890.

THE RENEGOTIATION BOARD

Renegotiation Board Notice ("Flyer" To Be Mailed to all Recipients of the Board's RB Form 1 Booklet), monthly, defense and aerspace contractors, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Financial Status and Performance Report for Sec. 503 and 505, Title V-A, ESEA, OE-4439-1, annually, State education agencies, Caywood, D. P., 395-3443.

Statement of Intent To Participate in Title V, Part C, ESEA Program, OE-4533-1, annually, SEA's, Caywood, D. P., 395-3443.

Financial Status Report and Performance Report, Title V-C, Elementary and Secondary Education Act, OE-4533-2, annually, SEA's and LEA's, Caywood, D. P., 395-3443.

DEPARTMENT OF STATE

Department of State (Excl. Aid and Action), Statement of Nonreceipt of Passport, DSP-86, on occasion, passport applicants, Marsha Traynham, 396-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-10818 Filed 4-23-75;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

MEETINGS

APRIL 16, 1975.

Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held on May 8-10 and May 22-24, 1975. All meetings begin at 9 a.m., in the Old Executive Office Building, Washington, D.C.

These meetings will not be open to the public since (1) the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C.

552–(b)(2), and (2) will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.[1]

CHARLES E. GOODELL,
Chairman.

[FR Doc.75-10791 Filed 4-23-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN STOCK EXCHANGE, INC.

Non-disapproval of Amendments to American Stock Exchange, Inc. Option Plan

Notice is hereby given that on April 17, 1975, the Commission considered and did not disapprove proposed amendments to rule 980 of the American Stock Exchange, Inc. ("Amex") pursuant to rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1).

The amendment requires Amex members to accept exercise notices from customers until and, in general, prohibits members from accepting exercise notices after, 4:30 p.m. Chicago time, on the business day immediately prior to the expiration date for Amex listed options.

The Commission for good cause has found that prior notice and public procedure thereon would be unnecessary since (i) the amendment merely complements amendments to the Rules of the Options Clearing Corporation for which notice and opportunity for submission by interested persons of written data, views or arguments has been given, (ii) the Amex will solicit comments on the amendment from its members and (iii) prompt implementation of the amendment is in the public interest.

By the Commission.

Dated: April 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10732 Filed 4-23-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-disapproval of Amendments to Chicago Board Options Exchange, Inc. Option Plan

Notice is hereby given that on April 17, 1975, the Commission considered and did not disapprove proposed amendments to rule 11.1 of the Chicago Board Options Exchange, Inc. ("CBOE") pursuant to rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1).

The amendment requires CBOE exchange members to accept exercise notices from customers until and, in general, prohibits members from accepting exercise notices after, 4:30 p.m. Chicago time, on the business day immediately prior to the expiration date for CBOE listed options.

The Commission for good cause has found that prior notice and public procedure thereon would be unnecessary since (i) the amendment merely complements amendments to the Rules of the Options Clearing Corporation for which notice and opportunity for submission by interested persons of written data, views or arguments has been given, (ii) the CBOE will solicit comments on the amendment from its members and (iii) prompt implementation of the amendment is in the public interest.

By the Commission.

Dated: April 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10731 Filed 4-23-75;8:45 am]

CONTINENTAL VENDING MACHINE CORP.

[File No. 500-1]

Suspension of Trading

APRIL 18, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 20, 1975 through April 29, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10727 Filed 4-23-75;8:45 am]

EASTERN UTILITIES ASSOCIATES

[70-5660]

Proposed Issue and Sale of Common Stock and Request for Exception from Competitive Bidding

APRIL 18, 1975.

Notice is hereby given that Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7 and 12(c) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes to issue and sell up to 310,000 shares of its common stock (par value $5.00 per share) ("stock"). The time of the offering and the exact number of shares to be sold are proposed to be fixed in the light of market conditions at the time of the sale.

EUA requests that the proposed sale of its stock be excepted from the competitive bidding requirements of Rule 50 pursuant to subsection (a)(5) thereof. As reasons for the requested exception, EUA states, among other things, that the offering may be too small to attract competitive bids from underwriters; that there have been only two public offerings of EUA common shares in the past 16 years, both of those issues being sold through rights offerings; and that EUA's recent earnings history may intensify these problems in obtaining competitive bids.

Proceeds from the sale of the stock will be applied first to the prepayment of the last installment on a note held by a bank from EUA in the principal amount of $3,400,000. Any excess of such proceeds will be applied to reduce EUA's outstanding short-term borrowings.

Fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 12, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10728 Filed 4-23-75;8:45 am]

[1] Determination filed as part of the original.

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

APRIL 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 17, 1975 through April 26, 1975.

By the Commission.

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

[FR Doc.75-10758 Filed 4-23-75;8:45 am]

[70-5653]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Proposed Reimbursement by Parent to Subsidiary of Certain Costs of Subsidiary Allocable to Parent's Interest in Land

APRIL 18, 1975.

Notice is hereby given that Ohio Edison Company ("Ohio Edison") 47 North Main Street, Akron, Ohio 44308, a registered holding company and an electric utility company, and Pennsylvania Power Company ("Pennsylvania"), 1 East Washington Street, New Castle, Pennsylvania 16103, its electric utility subsidiary have filed an application-declaration and amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12 thereof and rules 43 and 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison proposes to pay Pennsylvania $266,373, plus interest on said amount at 8% from January 31, 1975 to date of payment. This amount represents Ohio Edison's portion of a total of $558,258 reimbursement sought by Pennsylvania, as of January 31, 1975, from the CAPCO Companies, a group consisting of three utility companies not subject to the Act and Ohio Edison and Pennsylvania. The reimbursement relates to land originally acquired by Pennsylvania to be used in a CAPCO Companies generating plant. $407,291 of the total reimbursement sought consists of Pennsylvania's land costs, taxes and related overheads. The balance, or $150,967, relates to interest on this amount accruing since August 28, 1969, the date on which it was decided that Pennsylvania's land would be part of the CAPCO project. The rate of interest applied is Pennsylvania's cost of funds used to finance construction, which is 8% since July 1, 1970, and 7% prior thereto. Ohio Edison's portion of the reimbursement represents its 44.97% ownership of the plant.

The fees and expenses to be paid, including legal fees, will not exceed $3,600. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 13, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as amended which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.75-10729 Filed 4-23-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

APRIL 16, 1975.

In the matter of trading in securities of Westgate California Corporation, File No. 500-1.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 17, 1975 through April 26, 1975.

By the Commission.

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

[FR Doc.75-10759 Filed 4-23-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 15; Amdt. 2]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

Delegation of Authority No. 15 (37 FR 20753), as amended (39 FR 1898) is hereby further amended to delegate audit and investigation authority to the Assistant Administrator for Administration. Actions taken by the Assistant Administrator for Administration under the provisions of Section 310 of the Small Business Investment Act of 1958, as amended, and Section 5(b)(11) of the Small Business Act, as amended, prior to the date hereof are hereby ratified.

Section E is added to Delegation of Authority No. 15 to read as follows:

E. *Investigation Authority.* To exercise in the name of the Administrator the powers conferred on the Administration by section 310 of the Small Business Investment Act of 1958, as amended, and section 5(b)(11) of the Small Business Act, as amended.

Effective date: March 15, 1975.

Dated: April 17, 1975.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75-10682 Filed 4-23-75;8:45 am]

[Delegation of Authority No. 12; Rev. 1, Amdt. 4]

ASSOCIATE ADMINISTRATOR FOR FINANCE AND INVESTMENT

Delegation of Authority

Delegation of Authority No. 12, Revision 1 (38 FR 13063), as amended (38 FR 16001, 38 FR 26509, and 40 FR 8398), is further amended to effect the transfer of audit and investigation activities from the Associate Administrator for Finance and Investment to the Assistant Administrator for Administration. Paragraph I.D. is revised by deleting references to those activities and now reads as follows:

D. *Investment Activities.* 1. To take any and all actions necessary to carry out the provisions of Titles I, II, and III (with the exception of section 310 of Title III) of the Small Business Investment Act of 1958, as amended, and of the regulations thereunder as amended from time to

time, including without limitation all necessary action in connection with the servicing, administration, collection, sale and liquidation of partially or fully disbursed loans, obligations and property (real, personal or mixed, tangible or intangible) held by or assigned to SBA and arising out of activities under said Act, and, in connection therewith, to accept or reject offers of settlement or of compromise for cash, credit, or property (real, personal, or mixed, tangible or intangible).

Effective date: March 15, 1975.

Dated: April 17, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-10681 Filed 4-23-75;8:45 am]

[Delegation of Authority No. 13-A, Amdt. 1]

CONTRACTING OFFICER, PROGRAM SUPPORT DIVISION

Delegation of Procurement Assistance

Delegation of Authority No. 13-A (37 FR 24716) is hereby amended to reflect realignment of 8(a) contracting functions within the Office of Business Development. As amended the delegation of authority reads as follows:

* * * * *

B. *Contracting Officer, Program Support Division.* 1. To enter into contracts on behalf of the Small Business Administration with the United States Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts.

2. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer.

3. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts.

* * * * *

Effective date: March 14, 1975.

HAROLD K. FLETCHER,
Associate Administrator,
Procurement Assistance.

[FR Doc.75-10680 Filed 4-23-75;8:45 am]

[Declaration of Disaster Loan Area 1129]

RHODE ISLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of Rhode Island;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the City of Westerly, Washington County, suffered damage or destruction resulting from a fire which occurred March 14, 1975.

Office: Small Business Administration
District Office
57 Eddy Street
Providence, Rhode Island 02903

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 16, 1975. EIDL applications will not be accepted subsequent to January 15, 1976.

Dated: April 15, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-10679 Filed 4-23-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26449]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmetal Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed, to publish the appended notice in a newspaper of general circulation in Tom Green, Schleicher, and Sutton Counties, Texas, on or before May 5, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 16th day of April 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

THE ATCHISON, TOPEKA AND SANTE FE RAILWAY COMPANY ABANDONMENT; TOM GREEN COUNTY, TEX.

The Interstate Commerce Commission hereby gives notice that by order dated April 16, 1975, it has been determined that the proposed abandonment of the Atchison, Topeka and Santa Fe Railway Company of its 64.8 mile line between S.N. Junction and Sonora, all in Tom Green, Schleicher, and Sutton Counties, Texas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are considered insignificant because adequate area highways exist that can handle any resulting increase in motor carrier traffic, no specific local development plans are dependent on the continued existence of the railroad, and the historic, safety, pollution, and ecological aspects of the proposed abandonment are absent or minimal.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-10781 Filed 4-23-75;8:45 am]

[Notice 749]

ASSIGNMENT OF HEARINGS

APRIL 21, 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 123407, Sub 222, Sawyer Transport, Inc., now being assigned June 5, 1975 (1 day), at Chicago, Illinois, in a hearing room to be designated later.

F.D. 27890, Duff Truck Line, Inc., and Schroder's Express, Inc.—Notes, now being assigned April 29, 1975 (4 days), in Room 235 Federal Office Bldg., 85 Marconi Blvd., Columbus, Ohio.

MC 121673, Sub 1, Western Motor Freight, Inc., now assigned May 5, 1975, at Oklahoma City, Oklahoma, is cancelled and application dismissed.

MC 115654, Sub 29, Tennessee Cartage Co., Inc., now assigned May 6, 1975, at Lexington, Ky., is cancelled and reassigned on May 6, 1975, in Conference Room, 4th Floor, State Office Building, Frankfort, Kentucky.

MC 134477, Sub 88, Schanno Transportation, Inc., application dismissed.

MC 61592, Sub 332, Jenkins Truck Line, Inc., now being assigned May 7, 1975 (3 days), at Dallas, Texas in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 129631, Sub 44, Pack Transport, Inc., now assigned June 18, 1975, at Denver, Colorado, is postponed indefinitely.

MC 139986, Frank C. Scheer, D.b.a. Allstates Coach Service, now May 6, 1975, at Washington, D.C., is postponed indefinitely.

MC 138896, Sub 6, Ajax Transfer Company, continued to June 6, 1975 (2 weeks), at St. Paul, Minn., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10778 Filed 4-23-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 18, 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 May 4, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 15821 (Sub-No. E1), (Correction), filed May 13, 1974, published in the FEDERAL REGISTER June 4, 1974. Applicant: GRAF BROS., INC., 111 State Street, Boston, Mass. 02109. Applicant's representative: Kenneth B. Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (a) beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 125 to junction U.S. Highway 202 and thence along U.S. Highway 202 to the New Hampshire-Massachusetts State line, on the one hand, and, on the other, points in Massachusetts (except those points north of a line from Swampscott over Massachusetts Highway 114 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 2, thence along Massachusetts Highway 2 to the Berkshire-Franklin County line, thence along the Berkshire-Franklin County line to the Massachusetts-Vermont State line; (b) between points in New Hampshire on, east, and south of U.S. Highway 202, on the one hand, and, on the other, points in Norfolk, Plymouth, Bristol, and Barnstable Counties, Mass. The purpose of this filing is to eliminate the gateway of Boston, Mass. The purpose of this correction is to expand the territorial description.

No. MC 29886 (Sub-No. E74), filed May 27, 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 secondary movements, in driveaway service; (1) from those points in the Lower Peninsula of Michigan (except those in Berrien, Cass, St. Joseph, Van Buren, and Kalamazoo Counties, Mich.), those in North Carolina in and east of Stokes, Forsyth, Davie, Rowan, Cabarrus, and Union Counties, and those in West Virginia in, north, and east of Jackson, Kanawha, Boone, Wyoming, and McDowell Counties, to points in Colorado (Detroit, Mich.)*; (2) from points in the Lower Peninsula of Michigan (except those in Berrien County, Mich.), to points in Utah (Detroit, Mich.)*; (3) from those points in Ohio in and north of Van Wert, Allen, Harden, Marion, Moscow, Knox, Holmes, Tuscarawas, Carroll, and Jefferson Counties to points in Arkansas (Toledo, Ohio)*; (4) from those points in Ohio in and north of Mercer, Auglaize, Shelby, Champaign, Clark, Madison, Franklin, Licking, Muskingum, Guernsey, and Belmont Counties, Ohio, to points in Nebraska (Toledo, Ohio)*; and (5) from those points in Ohio in and north of Mercer, Auglaize, Shelby, Champaign, Union, Franklin, Licking, Muskingum, Guernsey, and Belmont Counties, to points in Kansas, Oklahoma, and Texas (Toledo, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E76), filed June 4, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movements, in driveaway service, from Chillicothe, Ohio, (1) to points in Colorado, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, South Dakota, Utah, and Wisconsin (Toledo, Ohio)*; and (2) to points in Arizona, New Mexico, and California (south Bend, Ind., and those points in Texas on and west of U.S. Highway 83)*; and *new trucks*, in secondary movements, in driveaway service, from Chillicothe, Ohio to points in Idaho, Oregon, and Washington, and from Indianapolis, Ind., to points in Oregon and Washington (Toledo, Ohio and Montana)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29934 (Sub-No. E1), filed May 31, 1974. Applicant: LO BIONDO BROS. MOTOR EXPRESS, INC., Box 160, Bridgeton, N.J. 08302. Applicant's representative: Michael R. Werner, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (1) from points in Camden, Gloucester, Salem, Cumberland, and Atlantic Counties, N.J., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Salem, N.J. (2) From points in Atlantic, Gloucester, Salem, and Cumberland, Counties, N.J., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Salem, N.J. (3) From points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 665 and Long Island, N.Y., to points in Maryland. The purpose of this filing is to eliminate the gateway of Salem, N.J. (5) From points in Camden, Gloucester, Cumberland, and Atlantic Counties, N.J., to points in Maryland. The purpose of this filing is to eliminate the gateway of Millville, N.J.

Insecticides and fungicides (1) from Middleport, N.Y., to Philadelphia, Pa., and points in Camden, Gloucester, Salem, and Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of points in Cumberland County, N.J. (2) From Middleport, N.Y., to points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 665 and Long Island, N.Y. The purpose of this filing is to eliminate the gateway of points in Cumberland County, N.J. (3) From Middleport, N.Y. to Philadelphia, Pa., and points in Camden, Gloucester, Salem, Cumberland, nd Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of Hammonton, N.J. *Equipment used in the application of insecticides and fungicides* (1) from Middleport, N.Y. to points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 665 and Long Island, N.Y. The purpose of this filing is to

eliminate the gateway of points in Cumberland County, N.J. (2) From Middleport, N.Y., to points in Camden, Gloucester, Salem, and Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of points in Cumberland County, N.J. *Fertilizer*, from Baltimore, Md. to points in Camden, Gloucester, Salem, and Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of Cumberland County, N.J.

Canned, preserved or frozen foodstuffs (1) from points in Cumberland, Gloucester, and Salem Counties, N.J., to points in Virginia. The purpose of this filing is to eliminate the gateway of Camden, N.J. (2) From points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 655 and Long Island, N.Y., to points in Virginia. The purpose of this filing is to eliminate the gateway of Camden, N.J. (3) From Newark, N.J., and New York, N.Y., to points in Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (4) From Wilmington, Del., to points in Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (5) From Philadelphia, Pa. to points in Virginia. The purpose of this filing is to eliminate the gateway of points in Cumberland County, N.Y. *Frozen foods* (1) from points in Camden, Gloucester, Salem, Cumberland, and Atlantic Counties, N.J., to points in the District of Columbia, Pennsylvania, except Philadelphia, Rhode Island, Massachusetts, New York, except New York City, and Connecticut. The purpose of this filing is to eliminate the gateway of Camden, N.J. (2) From Philadelphia, Pa. to points in Pennsylvania, except Philadelphia, Rhode Island, Massachusetts, Connecticut and the District of Columbia. The purpose of this filing is to eliminate the gateway of Camden, N.J.

Canned goods (1) From Newark, N.J., to points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (2) From Philadelphia, Pa. to points in Connecticut and Columbia, Greene, Ulster, Dutchess, Sullivan, Orange, Putnam, Westchester, and Rockland Counties, N.Y. The purpose of this filing is to eliminate the gateway of points in Union County, N.J. within the Newark, N.J. Commercial Zone. (3) From points in Camden County, N.J. to Baltimore, Md. and Wilmington, Del. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (4) From points in Camden County, N.J. to Newark, N.J. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (5) From points in Camden County, N.J. to points in Connecticut and Columbia, Greene, Ulster, Dutchess, Sullivan, Orange, Putnam, Westchester, and Rockland Counties, N.Y. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. and Newark, N.J. (6) From points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 665 and those on Long Island, N.Y., to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of Salem County, N.J.

Groceries (1) from points in the New York Comercial Zone as defined by the Commission in 1 M.C.C. 665 and those on Long Island, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Salem County, N.J. (2) From Baltimore, Md., to points in Camden, Gloucester, and Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. *Metal and Metal Products* (1) betwen points in Camden and Gloucester Counties, N.J., on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Salem County, N.J. (2) Between points in Atlantic County, N.J., on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Salem County, N.J. (3) Between Atlantic, Camden, and Gloucester Counties, N.J., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of points in Salem County, N.J.

No. MC 64808 (Sub-No. E6), filed May 30, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* (a) from points in that part of Ohio on, south, and west of a line beginning at Cleveland, Ohio, and extending along Ohio Highway 14 to Deerfield, Ohio, thence along Ohio Highway 14A to junction Ohio Highway 173, thence along Ohio Highway 173 to Salem, Ohio, thence along Ohio Highway 45 to junction U.S. Highway 30, thence along U.S. Highway 30 to East Liverpool, Ohio, to points in that part of New York on and south of a line beginning at Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, and thence along New York Highway 199 to the New York-Connecticut State line (except New York, N.Y.); (b) from points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction Ohio Highway 36, thence along Ohio Highway 36 to the Ohio-Indiana State line to points in that part of New York on and east of New York Highway 14 (except New York, N.Y.); (c) from points in that part of Washington, Greene, and Fayette Counties, Pa., on and south of Interstate Highway 70, and, on and west of U.S. Highway 219, to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Hancock, N.Y., and extending along New York Highway 17 to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 12 to Clayton, N.Y. (except New York, N.Y.);

(d) From points in that part of Pennsylvania bounded by a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, and thence along the Pennsylvania State line to the point of beginning, to points in Kentucky (except Louisville); (e) from points in McKean, Elk, Jefferson, and Clearfield Counties, Pa., located on and west of U.S. Highway 219 to points in that part of Kentucky located on and south of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 19 to junction Kentucky Highway 22, thence along Kentucky Highway 22 to the Kentucky-Indiana State line (except Louisville); (f) from points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion of U.S. Highway 219), thence along unnumbered highway (formerly portion of U.S. Highway 219), via East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, to points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line at or near Louisa, Ky.

(g) From points in that part of Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 62, thence along Pennsylvania Highway 62 to the Pennsylvania-New York State line, to points in that part of Kentucky on and south of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 23 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31W, thence along U.S. Highway 31W to

junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Indiana State line at or near Henderson, Ky.; (h) from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence along U.S. Highway 6 to Kane, Pa., thence along unnumbered highway (formerly portion U.S. Highway 219), via East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, and thence along the Pennsylvania-New York State line to the point of beginning, to points in that part of Kentucky on and south of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 59 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Illinois State line;

(i) From points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence along U.S. Highway 6 to Kane, Pa., thence along unnumbered highway (formerly portion U.S. Highway 219), via East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, to points in that part of Kentucky on and west of a line beginning at the Kentucky-Illinois State line, and extending along U.S. Highway 45 to junction Kentucky Highway 97, and thence along Kentucky Highway 97 to the Kentucky-Tennessee State line; (j) from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to Lake Erie, thence along Lake Erie to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line extending along U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence along U.S. Highway 6 to Kane, Pa., thence along unnumbered highway (formerly portion U.S. Highway 219), via East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, and Pennsylvania-West Virginia State line to junction U.S. Highway 19, to points in that part of Kentucky on and south of a line beginning at the Kentucky-Missouri State line and extending along Kentucky Highway 80 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line at or near Louisa, Ky.; and (k) from points in that part of Ohio on and east of a line beginning at East Liverpool, Ohio, and extending along Ohio Highway 7 to Shadyside, Ohio, to points in Ballard, Carlisle, Groves, Hickman, McCracken, and Fulton Counties, Ky. The purpose of this filing is to eliminate the gateways of Fairmont, W. Va., and Star City, W. Va.

No. MC 64808 (Sub-No. E16), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Milwaukee, Wis., to points in Maryland. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E17), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Milwaukee, Wis., to points in Allegheny, Fayette, Greene, Indiana, and Washington Counties, Pa., points in that part of Clearfield, Cambria, and Somerset Counties, Pa., on and west of U.S. Highway 219, and points in Westmoreland County, Pa., on and east of Pennsylvania Highway 711. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E18), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Columbus, Ohio, to points in Maryland. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E19), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Columbus, Ohio, to points in Fayette County, Pa., points in that part of Westmoreland County, Pa., on and east of Pennsylvania Highway 711, and points in that part of Cambria and Somerset Counties, Pa., on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E20), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburg, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and lime products* (except commodities in bulk), from York, Pa., to Fairmont, W. Va. The purpose of this filing is to eliminate the gateway of Grafton, W. Va.

No. MC 64808 (Sub-No. E21), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburg, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and lime products* (except commodities in bulk), from York and Thomasville, Pa., to points in Ohio (except points in Ashtabula, Lake, Geauga, Cuyohoga, Lorain, Medina, Summit, Portage, Trumbull, Mahoning, Stark, Columbiana, Carroll, and Jefferson Counties, Ohio). The purpose of this filing is to eliminate the gateway of Grafton and Fairmont, W. Va.

No. MC 64808 (Sub-No. E22), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in Virginia to points in Harrison, Wetzel, and Monongalia Counties, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E23), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on, north and east of a line beginning at the West Virginia-Virginia State line, and extending along U.S. Highway 50 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction U.S. Highway 60, and thence over U.S. Highway 60 to the Atlantic Ocean, to points in Upshur

County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E24), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on, east and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 250, thence over U.S. Highway 250 to Richmond, Va., thence over U.S. Highway 1 to junction U.S. Highway 460, thence over U.S. Highway 460, thence over U.S. Highway 460 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction U.S. Highway 220, thence over U.S. Highway 220 to the Virginia-North Carolina State line, to points in Barbour County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E25), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and south of U.S. Highway 60 to points in Preston County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E26), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 211, thence over U.S. Highway 211 to junction U.S. Highway 15, thence over U.S. Highway 15 to the Maryland-Virginia State line, to points in Taylor County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E27), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 58 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction U.S. Highway 460, thence over U.S. Highway 460 to the Virginia-Kentucky State line, to points in Barbour County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E28), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 259 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 211, thence over U.S. Highway 211 to junction U.S. Highway 522, thence over U.S. Highway 522 to junction Virginia Highway 609, thence over Virginia Highway 609 to junction U.S. Highway 360, thence over U.S. Highway 360 to the Virginia-North Carolina State line, to points in Lewis County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E29), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in Bland, Carroll, Wythe, Grayson, Smyth, Washington, Russell, Tazewell, Buchanan, Dickenson, Cott, and Wise Counties, Va., to points in Allegany and Garrett Counties, Md. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E30), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in Virginia, to points in that part of Ohio on, north and east of a line beginning at the Ohio-Lake Erie border, and extending along Ohio Highway 58 to junction Ohio Highway 89, thence over Ohio Highway 89 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 250 at Wooster, Ohio, thence over U.S. Highway 250 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E31), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along Virginia Highway 91 to junction U.S. Highway 58, thence over U.S. Highway 58, thence over alternate U.S. Highway 58 to junction U.S. Highway 23, and thence over U.S. Highway 23 to the Virginia-Kentucky State line, to points in that part of Ohio on, north and west of a line beginning at the Ohio-Indiana State line and extending over U.S. Highway 30 to Delphos, Ohio, thence over U.S. Highway 30N to junction Ohio Highway 89, thence over Ohio Highway 89 to Lake Erie. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E32), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 301 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 39, thence along Virginia Highway 39 to the Virginia-West Virginia State line, to points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E33), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 220, thence along

U.S. Highway 220 to the West Virginia-Virginia State line, to points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion of U.S. Highway 219), thence along U.S. Highway 6 to Kane, Pa., thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E34), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and south of a line beginning at the Virginia-District of Columbia State line extending along U.S. Highway 211 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, to points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to Lake Erie. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E35), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from points in that part of Ohio on, south and east of a line beginning at Portsmouth, Ohio, and extending along U.S. Highway 23 to junction Ohio Highway 124, thence along Ohio Highway 124 to Jackson, Ohio, thence along Ohio Highway 93 to McArthur, Ohio, thence along U.S. Highway 50 to Athens, Ohio, and thence along Alternate U.S. Highway 50 to the Ohio-West Virginia State line, to points in New York (except New York, N.Y.). The purpose of this filing is to eliminate the gateway of Fairmont and Star City, W. Va.

No. MC 64808 (Sub-No. E36), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, as defined by the Commission*, (1) between points in Maryland, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, the lower Peninsula of Michigan and Ohio; (2) between points in Maryland, on the one hand, and, on the other, points in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction West Virginia Highway 16, and thence over West Virginia Highway 16 to the West Virginia-Virginia State line; and (3) between points in Allegany and Garrett Counties, Maryland, on the one hand, and, on the other, points in Bland, Carroll, Wythe, Grayson, Smyth, Washington, Russell, Tazewell, Buchanan, Dickenson, Scott, and Wise Counties, Va. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E38), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Barbour, Lewis, Preston, Randolph, Taylor, Upshur, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Illinois, Indiana, the lower Peninsula of Michigan, New Jersey, and New York, (2) between points in Barbour, Preston, Taylor, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Kentucky, and (3) between points in Lewis and Upshur Counties, W. Va., on the one hand, and, on the other, points in Kentucky (except points in that part of Kentucky north of a line beginning at Maysville, Ky., and extending along Kentucky Highway 11 to junction Kentucky Highway 32, and thence over Kentucky Highway 32 to Louisa, Ky.). The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E39), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Randolph County, W. Va., on the one hand, and, on the other, points in Kentucky (except points east and south of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 119 to Pikeville, Ky., thence over U.S. Highway 23 to junction Kentucky Highway 80, thence over Kentucky Highway 80 to junction Interstate Highway 75, and thence over Interstate Highway 75 to the Kentucky-Tennessee State line; (2) between points in Randolph County, W. Va., on the one hand, and, on the other, points in that part of Pennsylvania on and east of U.S. Highway 219 (except points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 70 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 83, thence over Interstate Highway 83, to the Pennsylvania-Maryland State line, and thence along the Pennsylvania-Maryland State line to the point of beginning; and (3) between points in Barbour, Lewis, Taylor, Upshur, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Pennsylvania east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Fairmont W. Va.

No. MC 64808 (Sub-No. E40), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Preston County, W. Va., on the one hand, and, on the other, points in that part of Pennsylvania on and east of U.S. Highway 219 (except points east of a line beginning at the Delaware-Pennsylvania State line and extending along Pennsylvania Highway 82 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 154, thence along Pennsylvania Highway 154 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, and thence along U.S. Highway 15 to the Pennsylvania-New York State line); (2) between points in Wetzle County, W. Va., on the one hand, and on the other, points in Virginia; and (3) between points in Taylor County, W. Va., on the one hand, and, on the other, points in Virginia (except points in that part of Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 15, and thence along U.S. Highway 15 to the Virginia-Maryland State line). The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E41), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Household goods*, as defined by the Commission; (1) between points in Lewis County, W. Va., on the one hand, and, on the other, points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 259 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction U.S. Highway 360, and thence along U.S. Highway 360 to the Virginia-North Carolina State line; (2) between points in Preston County, W. Va., on the one hand, and, on the other, points in Virginia on and south of U.S. Highway 60; and (3) between points in Barbour County, W. Va., on the one hand, and, on the other, points in Virginia on, east, and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 250, thence along U.S. Highway 250 to Richmond, Va., thence along U.S. Highway 1 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E42), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Barbour County, W. Va., on the one hand, and, on the other, points in that part of Virginia on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 58 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-Kentucky State line; and (2) between points in Upshur County, W. Va., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 50 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 60, and thence along U.S. Highway 60 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E43), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line and Pennsylvania-West Virginia State line to U.S. Highway 22, thence along U.S. Highway 22 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, and thence along the Pennsylvania-New York State line to the point of beginning, on the one hand, and, on the other, points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, and extending along Indiana Highway 46 to junction Interstate Highway 70, and thence along Interstate Highway 70 to the Indiana-Illinois State line, including points on the above-described highways; and (2) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the point of beginning, on the one hand, and, on the other, points in that part of Indiana on and south of Interstate Highway 74, including points on the above described highways. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E44), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. 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 that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, and thence along the Pennsylvania-West Virginia State line and the Pennsylvania-Maryland State line to the point of beginning, on the one hand, and, on the other, points in Indiana, including points on the above described highways. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E45), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Washington and Greene Counties, Pa., on the one hand, and, on the other, points in Anne Arundel, Baltimore, Baltimore City, Calvert, Caroline, Cecil, Charles, Dorchester, Harford, Kent, Prince Georges, Queen Annes, Somerset, St. Marys, Talbot, Wicomico, and Worcester Counties, Md.; and (2) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-West Virginia State line and extending along Pennsylvania Highway 68 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-Ohio State line, and thence along the Pennsylvania-Ohio State line and Pennsylvania-West Virginia State line to the point of beginning, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Kentucky-Illinois State line, and extending along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 100 at Alton, Ill., thence along Illinois Highway 100 to junction Illinois Highway 96, and thence along Illinois Highway 96 to Hamilton, Ill., including points on the above described highways. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E47), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. 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 that part of Pennsylvania on, south, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 119, and thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of Michigan on and north of a line beginning at the Lake Michigan-Michigan border, and extending along Michigan Highway 46 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Illinois Highway 61, thence along Illinois Highway 61 to the Michigan-Lake Huron border. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E48), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, and thence along the Pennsylvania-West Virginia State line and Pennsylvania-Maryland State line to the point of beginning, on the one hand, and, on the other, points in Michigan (Lower Peninsula); and (2) between points in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Michigan (Lower Peninsula), on and north of Michigan Highway C–66. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E49), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Pennsylvania on, south, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along Interstate Highway 70 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in New Jersey; and (2) between points in that part of Pennsylvania on and west of U.S. Highway 219 and on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to the Pennsylvania-Lake Erie border, on the one hand, and, on the other, points in that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 29 to junction Virginia Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 220, and thence along U.S. Highway 220 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E50), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 79, and thence along Interstate Highway 79 to the Pennsylvania-Lake Erie border, on the one hand, and, on the other, points in that part of Virginia on and south of a line beginning at the Virginia-District of Columbia State line and extending along U.S. Highway 211 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 33, and thence along U.S. Highway 33 to the Virginia-West Virginia State line; (2) between points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to the Pennsylvania-Lake Erie shore, on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-West Virginia State line; and

(3) Between points in Pennsylvania on and bounded by a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to the Pennsylvania-Lake Erie shore, on the one hand, and, on the other, points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 20 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 66990 (Sub-No. E1), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., Tulsa, Okla. Applicant's representative: Frances Jalet, 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 Arkansas, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E2), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., Tulsa, Okla. Applicant's representative: Frances Jalet, 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 that part of Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 40 to the Arkansas-Tennessee State line, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E5), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., Tulsa, Okla. Applicant's representative: Frances Jalet, 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 Lawrence County, Ill., on the one hand, and, on the other, points in that part of Michigan on or west of a line beginning at the Indiana-Michigan State line extending along U.S. Highway 27 to junction U.S. Highway 75, thence along U.S. Highway 75 to Lake Michigan. The purpose of this filing is to eliminate the gateway of points in the Chicago, Ill., commercial zone located in Indiana.

No. MC 66990 (Sub-No. E6), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 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 Lawrence County, Ill., on the one hand, and, on the other, points in New Jersey and New York. The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., Commercial Zone which are located in Indiana.

No. MC 66990 (Sub-No. E7), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 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 Lawrence

County, Ill., and Chicago, Ill., on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points in Missouri within 25 miles thereof, and points in Kay County, Okla., and points within 50 miles thereof.

No. MC 66990 (Sub-No. E8), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 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 Illinois, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points within 25 miles thereof, points in Tulsa County, Okla., and points within 25 miles thereof, and points in Kay County, Okla., and points within 50 miles thereof.

No. MC 66990 (Sub-No. E9), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 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 Indiana, on the one hand, and, on the other, points in Kay County, Okla., and points within 50 miles thereof. The purpose of this filing is to eliminate the gateways of Lawrence County, Ill., and Joplin, Mo., and points in Missouri within 25 miles thereof.

No. MC 66990 (Sub-No. E10), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 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 Indiana, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E12), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Chicago, Ill., on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points in Missouri within 25 miles thereof, and points in Kay County, Okla., and points within 50 miles thereof.

No. MC 66990 (Sub-No. E14), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Iowa, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E17), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Iowa, on the one hand, and, on the other, points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 60 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points in Missouri within 25 miles thereof, and points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E18), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 New York, on the one hand, and, on the other, Joplin, Mo., and points within 25 miles thereof, and points in Kay County, Okla., and points within 50 miles thereof. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E19), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Louisiana, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E21), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Michigan, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E22), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Michigan, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.; Joplin, Mo., and points in Missouri within 25 miles thereof; points in Tulsa County, and points within 25 miles thereof; and points in Kay County, Okla., and points in Oklahoma within 50 miles thereof.

No. MC 66990 (Sub-No. E23), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Michigan and Ohio, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E24), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Michigan, on the one hand, and, on the other, points in New Mexico and Oklahoma. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Joplin, Mo., and points in Missouri within 25 miles thereof, and points in Kay County, Okla., and points in Oklahoma within 50 miles thereof.

No. MC 66990 (Sub-No. E20), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N.

Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Mississippi, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E25), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Joplin, Mo., and points within 25 miles thereof, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in the Chicago, Ill., commercial zone, which are located in Illinois.

No. MC 66990 (Sub-No. E26), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Missouri, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 6 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E28), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 New Jersey, on the one hand, and, on the other, points in Kay County, Okla., and points within 50 miles thereof, and points in that part of Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., commercial zone which are located in Illinois, and points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E29), filed May 31, 1974. Applicant: MOVING CORPORTATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 New York, on the one hand, and, on the other, points in Texas on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., commercial zone which are located in Illinois, and points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E30), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 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 Pennsylvania, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., commercial zone which are located in Illinois, and points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 73165 (Sub-No. E42), filed May 20, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron and brass valves and components and cast iron fire hydrants*, except those requiring special equipment. (1) from points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 80, to points in Georgia on and northeast of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 19 to the Florida-Georgia line, (2) from points in Mississippi on and north of U.S. Highway 78, to points in Georgia except those west and north of a line beginning at the Tennessee-Georgia line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama line, (3) from points in Mississippi on and south of U.S. Highway 80, and on and north of U.S. Highway 98, to points in Georgia on and north of U.S. Highway 280 from Columbus to McRae and thence over U.S. Highway 23 to the Georgia-Florida line, (4) from points in Mississippi on and south of U.S. Highway 98, to points in Georgia on and north of a line beginning at the Alabama-Georgia line and thence over U.S. Highway 78 to Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina line, (5) from points in Mississippi on and south of U.S. Highway 80, to points in Tennessee on and east of U.S. Highway 31 and 31W, (6) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, to points in Tennessee on and east of U.S. Highway 231.

(7) From points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, to points in Tennessee on and east of U.S. Highway 127, (8) from points in Mississippi on and southeast of Interstate Highway 59, to points in Tennessee on and east of Tennessee Highway 13, (9) from points in Mississippi on and south of U.S. Highway 80, to points in Alabama on and northeast of a line beginning at the Tennessee-Alabama line and thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia line, (10) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, and on and west of U.S. Highway 45A and 45, to points in Alabama on and east of U.S. Highway 431 from the Alabama-Tennessee line to Phoenix City, Ala. (11) from points in Mississippi on and north of U.S. Highway 82, to points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Florida line, and thence over U.S. Highway 231 to Montgomery, thence U.S. Highway 31 to Birmingham, (12) from points in Mississippi on and north of U.S. Highway 80, to points in Florida east of Florida Highway 51, (13) from points in Mississippi on and north of a line beginning at the Louisiana-Mississippi line, thence over Mississippi Highway 12 to Kocsicusko, thence over Mississippi Highway 14 to Mississippi-Alabama line, to points in Florida on and east of U.S. Highway 231, (14) from points in Mississippi on and north of U.S. Highway 78, to points in Florida, (15) from points in Georgia on and south of U.S. Highway 29, to points in Tennessee on and west of a line beginning at the Alabama-Tennessee line and thence over U.S. Highway 43 to Summertown, thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee line, (16) from points in Georgia, to points in Tennessee on and west of U.S. Highway 51.

(17) From points in Georgia on and south of U.S. Highway 80 to points in Tennessee on and west of Interstate Highway 65, (18) from points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, to points in Tennessee on and west of U.S. Highway 231, (19) from points in Georgia on and south of U.S. Highway 82 and on and west of Interstate Highway 75, to points in Tennessee on and west of Tennessee Highway 56, (20) from points in Georgia, to points in Alabama on and north of a line beginning at the Alabama-Mississippi line over U.S. Highway 82 to Birmingham and on and south of a line beginning at

the Alabama-Tuscaloosa, thence U.S. Highway 11 to Mississippi line over U.S. Highway 78 to Birmingham, (21) from points in Georgia on and north of U.S. Highway 78 and U.S. Highway 378, to points in Alabama on and west of a line beginning at the Alabama-Florida line, thence over Alabama Highway 41 to Selma, thence Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 78 to Alabama-Mississippi line, (22) from points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, to points in Alabama on and north of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi line, (23) from points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence over U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Baldwin, thence U.S. Highway 123 to Georgia-South Carolina line, to points in Florida on and west of Florida Highway 87.

(24) From points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and west of 231, (25) from points in Tennessee on and east of the Hatchie River and on and west of U.S. Highway 27, to points in Alabama on and south of U.S. Highway 80, (26) from points in Tennessee on and west of Tennessee Highway 56, to points in Florida, (27) from points in Tennessee on and east of Tennessee Highway 56 and on and west of U.S. Highway 27, to points in Florida on and west of a line beginning at the Alabama-Florida line over U.S. Highway 129 to Chiefland, thence U.S. Highway 98 to Lakeland, thence U.S. Highway 92 to St. Petersburg, (28) from points in Tennessee on and east of U.S. Highway 27, to points in Florida on and west of U.S. Highway 231, (29) from points in Georgia on and northwest of U.S. Highway 411 to points in Florida on and south of a line beginning at Sarasota, thence Florida Highway 72 to Arcadia, thence Florida Highway 70 to Ft. Pierce, (30) from points in Tennessee on and west of Interstate Highway 75, to points in Florida on and south of Florida Highway 60, (31) from points in Mississippi on and north of U.S. Highway 84, to points in Florida on and south of Florida Highway 60, (32) from points in Georgia on and north of U.S. Highway 80, to points in Louisiana east of the Mississippi River, (33) from points in Tennessee on and east of Tennessee Highway 69, to points in Louisiana, east of the Mississippi River (34) from points in Georgia, to points in Texas.

(35) From points in Mississippi, to points in Virginia, (36) from points in Tennessee on and east of U.S. Highway 231, to points in Texas, (37) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in Virginia on and east of a line beginning at the Virginia-North Carolina line over U.S. Highway 220 to Martinsville, thence U.S. Highway 58 to Clarksville, thence U.S. Highway 15 to the Virginia-Maryland line, (38) from points in Mississippi on and south of a line beginning at the Mississippi-Arkansas line, thence over Mississippi Highway 6 to Tupelo, thence over U.S. Highway 78 to the Mississippi-Alabama line, to points in West Virginia, (39) from points in Mississippi, and points in Tennessee on and south of the Hatchie River, to points in West Virginia on and east of U.S. Highway 219, (40) from points in Georgia on and west of U.S. Highway 27 from Columbus, Ga. to the Georgia-Florida line, to points in West Virginia, (41) from Chattanooga, Tenn., to points in Missouri and Iowa on and west of a line at the Missouri-Arkansas line, thence over Missouri Highway 17 to Mountain View, thence U.S. Highway 60 to Springfield, Mo., thence U.S. Highway 65 to Iowa Falls, Iowa, thence U.S. Highway 20 to Waterloo, thence U.S. Highway 63 to Iowa-Minnesota line, (42) from points in Georgia on and southwest of a line beginning at Columbus, Ga., thence over U.S. Highway 280 to Americus, thence over U.S. Highway 19 to Albany, thence over Georgia 133 to the Georgia-Florida line, to points in Kentucky on and west of Interstate Highway 75, and points in Ohio.

(43) From points in Georgia on and south of U.S. Highway 278 to points in Kentucky on and west of the Tennessee River (Kentucky Lake), Illinois, Missouri, and Wisconsin, (44) from points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 278 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Michigan, (45) from points in Georgia, to points in Iowa and Kansas, (46) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Greenwood, thence U.S. Highway 49E to Yazoo City, thence U.S. Highway 49 to Jackson, thence Interstate Highway 80 to Vicksburg, to points in Ohio, (47) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line, thence over Mississippi Highway 12 to Durant, thence U.S. Highway 51 to the Mississippi-Louisiana line, to points in Wisconsin, (48) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Columbus, thence U.S. Highway 45 to Meridian, thence Interstate Highway 59 to Mississippi-Louisiana line, to points in Wisconsin, Iowa, Kansas north of Interstate Highway 70 and west of U.S. Highway 81, and points in Illinois on and north of U.S. Highway 20.

(49) From points in Mississippi on and southeast of Interstate Highway 59, to St. Louis, Mo., and points in Kentucky on and east of U.S. Highway 231, (50) from points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Indiana on and northwest of a line beginning at the Indiana-Illinois line, thence over Interstate Highway 70 to Indianapolis, thence Interstate Highway 69 to Indiana-Michigan line, (51) from points in Georgia on and south of U.S. Highway 80, to points in Indiana on and west of Indiana Highway 3, (52) from points in Mississippi on and south of a line beginning at the Mississippi-Louisiana line thence over U.S. Highway 80 to Forest, thence Mississippi 21 to Shuqualak, thence U.S. Highway 45 to Columbus, thence Mississippi Highway 12 to Mississippi-Alabama line, to points in Indiana, (53) from points in Georgia, to points in Oklahoma, (54) from points in Tennessee on and east of Interstate Highway 75, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 73165 (Sub-No. E47), filed May 20, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, except those requiring special equipment, (1) from points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 80, to points in Georgia on and northeast of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 19 to the Florida-Georgia line, (2) from points in Mississippi on and north of U.S. Highway 78, to points in Georgia except those west and north of a line beginning at the Tennessee-Georgia line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama line, (3) from points in Mississippi on and south of U.S. Highway 80 and on and north of U.S. Highway 98, to points in Georga on and north of U.S. Highway 280 from Columbus to McRea and thence over U.S. Highway 23 to the Georgia-Florida line, (4) from points in Mississippi on and south of U.S. Highway 98, to points in Georgia on and north of a line beginning at the Alabama-Georgia line and thence over U.S. Highway 78 to Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina line.

(5) From points in Mississippi on and south of U.S. Highway 80, to points in Tennessee on and east of U.S. Highway 31 and 31W, (6) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, to points in Tennessee on and east of U.S. Highway 231, (7) from points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, to points in Tennessee on and east of U.S. Highway 127, (8) from points in Mississippi on and southeast of Interstate Highway 59, to points in Tennessee on and east of Tennessee Highway 13, (9) from points in Mississippi on and south of U.S. Highway 80, to points in Alabama on and northeast of a line beginning at the Tennessee-Alabama line and thence over Interstate

Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia line, (10) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, and on and west of U.S. Highway 45A and 45, to points in Alabama on and east of U.S. Highway 431 from the Alabama-Tennessee line to Phenix City, Ala., (11) from points in Mississippi on and north of U.S. Highway 82, to points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Florida line, and thence over U.S. Highway 231 to Montgomery, thence U.S. Highway 31 to Birmingham, (12) from points in Mississippi on and north of U.S. Highway 80, to points in Florida east of Florida Highway 51.

(13) From points in Mississippi on and north of a line beginning at the Louisiana-Mississippi line, thence over Mississippi Highway 12 to Kosciusko, thence over Mississippi Highway 14 to Mississippi-Alabama line, to points in Florida on and east of U.S. Highway 231, (14) from points in Mississippi on and north of U.S. Highway 78, to points in Florida, (15) from points in Georgia on and south of U.S. Highway 29, to points in Tennessee on and west of a line beginning at the Alabama-Tennessee line and thence over U.S. Highway 43 to Summertown, thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee line, (16) from points in Georgia, to points in Tennessee on and west of U.S. Highway 51, (17) from points in Georgia on and south of U.S. Highway 80, to points in Tennessee on and west of Interstate Highway 65, (18) from points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, to points in Tennessee on and west of U.S. Highway 231, (19) from points in Georgia on and south of U.S. Highway 82 and on and west of Interstate Highway 75, to points in Tennessee on and west of Tennessee Highway 56, (20) from points in Georgia, to points in Alabama on and north of a line beginning at the Alabama-Mississippi line over U.S. Highway 82 to Tuscaloosa, thence U.S. Highway 11 to Birmingham and on and south of a line beginning at the Alabama-Mississippi line over U.S. Highway 78 to Birmingham.

(21) From points in Georgia on and north of U.S. Highway 78 and U.S. Highway 278, to points in Alabama on and west of a line beginning at the Alabama-Florida line, thence over Alabama Highway 41 to Selma, thence Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 78 to Alabama-Mississippi line, (22) from points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, to points in Alabama on and north of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi line, (23) from points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence over U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Baldwin, thence U.S. Highway 123 to Georgia-South Carolina line, to points in Florida on and west of Florida Highway 87, (24) from points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and west of 231, (25) from points in Tennessee on and east of the Hatchie River and on and west of U.S. Highway 27, to points in Alabama on and south of U.S. Highway 80, (26) from points in Tennessee on and west of Tennessee Highway 56, to points in Florida, (27) from points in Tennessee on and east of Tennessee Highway 56 and on and west of U.S. Highway 27, to points in Florida on and west of a line beginning at the Alabama-Florida line over U.S. Highway 129 to Chiefland, thence U.S. Highway 98 to Lakeland, thence U.S. Highway 92 to St. Petersburg.

(28) From points in Tennessee on and east of U.S. Highway 27, to points in Florida on and west of U.S. Highway 231, (29) from points in Georgia on and northeast of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 19 to the Florida-Georgia line, to points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 80, (30) from points in Georgia except those west and north of a line beginning at the Tennessee-Georgia line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama line, to points in Mississippi north of U.S. Highway 78, (31) from points in Georgia on and north of U.S. Highway 280 from Columbus to McRae and thence over U.S. Highway 23 to the Georgia-Florida line, to points in Mississippi on and south of U.S. Highway 80 and on and north of U.S. Highway 98, (32) from points in Georgia on and north of a line beginning at the Alabama-Georgia line and thence over U.S. Highway 78 at Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina line, to points in Mississippi on and south of U.S. Highway 98, (33) from points in Tennessee on and east of U.S. Highway 31 and 31W, to points in Mississippi on and south of U.S. Highway 80, (34) from points in Tennessee on and east of U.S. Highway 231, to points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, (35) from points in Tennessee on and east of U.S. Highway 127, to points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, (36) from points in Tennessee on and east of Tennessee Highway 13, to points in Mississippi on and southeast of Interstate Highway 59.

(37) From points in Tennessee on and west of a line beginning at the Alabama-Tennessee line, and thence over U.S. Highway 43 to Summertown, thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee line, to points in Georgia on and south of U.S. Highway 29, (38) from points in Tennessee on and west of U.S. Highway 51, to points in Georgia, (39) from points in Tennessee on and west of Interstate Highway 65, to points in Georgia on and south of U.S. Highway 80, (40) from points in Tennessee on and west of U.S. Highway 231, to points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, (41) from points in Tennessee on and west of Tennessee Highway 56, to points in Georgia on and south of U.S. Highway 82 and on and west of Interstate Highway 75, (42) from points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and south of a line beginning at Sarasota, thence Florida Highway 72 to Arcadia, thence Florida Highway 70 to Ft. Pierce, (43) from points in Tennessee on and west of Interstate Highway 75, to points in Florida on and south of Florida Highway 60, (44) from points in Mississippi on and north of U.S. Highway 84, to points in Florida on and south of Florida Highway 60, (45) from points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence U.S. Highway 82 to Waycross, thence U.S. Highway 84 to Brunswick, to points in Louisiana northwest of a line beginning at the Mississippi River, thence U.S. Highway 190 to Opelousas, thence U.S. Highway 167 to Abbeville, (46) from points in Georgia, to points in Louisiana on and northwest of a line beginning at the Louisiana-Texas line, thence U.S. Highway 90 to intersection with U.S. Highway 165, thence U.S. Highway 165 to Alexandria, thence Louisiana Highway 1 to Morganza, (47) from points in Georgia on and north of U.S. Highway 80, to points in Louisiana.

(48) From points in Tennessee on and east of U.S. Highway 31 and 31W, to points in Louisiana, (49) from points in Tennessee on and east of Tennessee Highway 69, to points in Louisiana, east of the Mississippi River, (50) from points in Georgia, to points in Texas, (51) from points in Mississippi, to points in Virginia, (52) from points in Tennessee on and east of U.S. Highway 231, to points in Texas, (53) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in Virginia on and east of a line beginning at the Virginia-North Carolina line over U.S. Highway 220 to Martinsville, thence U.S. Highway 58 to Clarksville, thence U.S. Highway 15 to the Virginia-Maryland line, (54) from points in Mississippi, to points in North Carolina and South Carolina, (55) from points in Tennessee on and south of the Hatchie River, to points in North Carolina and South Carolina, (56) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in North Carolina on and east of U.S. Highway 21, and points in South Carolina, (57) from points in Tennessee on and west of a line beginning at the Tennessee-Alabama line, thence over U.S. Highway 431 to Lewisburg, thence Tennessee Highway 50 to Centerville, thence Tennessee Highway 100 to Tennessee River, thence with Tennessee River to Tennessee-Kentucky line, to points in North Carolina and

South Carolina on and east of U.S. Highway 1, (58) from points in Mississippi on and south of a line beginning at the Mississippi-Arkansas line, thence over Mississippi Highway 6 to Tupelo, thence over U.S. Highway 78 to the Mississippi-Alabama line, to points in West Virginia.

(59) From points in Mississippi, and points in Tennessee on and south of the Hatchie River, to points in West Virginia on and east of U.S. Highway 219, (60) from points in Georgia on and west of U.S. Highway 27 from Columbus, Ga., to the Georgia-Florida line, to points in West Virginia, (61) from points in Mississippi on and south of U.S. Highway 78, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland, (62) from Mississippi, to points in Pennsylvania on and east of U.S. Highway 219, and points in Maine, New Hampshire, Vermont, Massachusetts Rhode Island, Connecticut, New York, New Jersey, Delaware, and Maryland, (63) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in the U.S. on and east of a line beginning at Philadelphia, Pa., thence over Pennsylvania Turnpike Extension to Scranton, thence U.S. Highway 11 to Maple View, N.Y., thence New York Highway 104 to Cswego, N.Y., (64) from points in Tennessee and Georgia on and west of U.S. Highway 41 to Maine, (65) from points in Georgia on and west of U.S. Highway 27, to points in U.S. on and east of Interstate Highway 87, (66) from Chattanooga, Tenn., to points in Missouri and Iowa on and west of a line at the Missouri-Arkansas line, thence over Missouri Highway 17 to Mountain View thence U.S. Highway 60 to Springfield, Mo., thence U.S. Highway 65 to Iowa Falls, Iowa, thence U.S. Highway 20 to Waterloo, thence U.S. Highway 63 to Iowa-Minnesota line.

(67) From points in Georgia on and southwest of a line beginning at Columbus, Ga., thence over U.S. Highway 280 to Americus, thence over U.S. Highway 19 to Albany, thence over Georgia Highway 133 to the Georgia-Florida line, to points in Kentucky on and west of Interstate Highway 75, and points in Ohio, (68) from points in Georgia on and south of U.S. Highway 278, to points in Kentucky on and west of the Tennessee River (Kentucky Lake), Illinois, Missouri, and Wisconsin, (69) from points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 278 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Michigan, (70) from points in Georgia to points in Iowa and Kansas, (71) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Greenwood, thence U.S. Highway 49E to Yazoo City, thence U.S. Highway 49 to Jackson, thence Interstate Highway 80 to Vicksburg, to points in Ohio, (72) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line, thence over Mississippi Highway 12 to Durant, thence U.S. Highway 51 to the Mississippi-Louisiana line, to points in Wisconsin, (73) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Columbus, thence U.S. Highway 45 to Meridian, thence Interstate Highway 59 to Mississippi-Louisiana line, to points in Wisconsin, Iowa, Kansas north of Interstate Highway 70 and west of U.S. Highway 81, and points in Illinois on and north of U.S. Highway 20, (74) from points in Mississippi on and southeast of Interstate Highway 59, to St. Louis, Mo., and points in Kentucky on and east of U.S. Highway 231.

(75) From points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Indiana on and northwest of a line beginning at the Indiana-Illinois line, thence over Interstate Highway 70 to Indianapolis, thence Interstate Highway 69 to Indiana-Michigan line, (76) from points in Georgia on and south of U.S. Highway 80, to points in Indiana on and west of Indiana Highway 3, (77) from points in Mississippi on and south of a line beginning at the Mississippi-Louisiana line thence over U.S. Highway 80 to Forest, thence Mississippi Highway 21 to Shuqualak, thence U.S. Highway 45 to Columbus, thence Mississippi Highway 12 to Mississippi-Alabama line, to points in Indiana, (78) from Chattanooga, Tenn., to points in Minnesota, (79) from points in Georgia, to points in Minnesota, (80) from points in Mississippi on and east of a line beginning at Mississippi-Louisiana line, thence Interstate Highway 55 to Ridgeland, thence Natchez Trace to intersection with U.S. Highway 82, thence U.S. Highway 82 to Mississippi-Alabama line, to points in Minnesota, (81) from points in Mississippi on and south of U.S. Highway 80, to points in Minnesota on and east of Interstate Highway 35, (82) from points in Georgia, to points in Arkansas and Oklahoma, (83) from points in Tennessee on and east of Interstate Highway 75, to points in Arkansas on and south of Interstate Highway 40, and points in Oklahoma.

(84) From points in Mississippi on and east of a line beginning at the Mississippi-Louisiana line, thence with the Pearl River to Jackson, U.S. Highway 49 and U.S. Highway 49E to Greenwood, thence Mississippi Highway 7 to Oxford, thence Mississippi Highway 30 to intersection with U.S. Highway 45, thence U.S. Highway 45 to Mississippi-Tennessee line, to points in North Dakota, (85) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence U.S. Highway 45 to Tupelo, thence U.S. Highway 78 to Mississippi-Alabama line, to South Dakota, (86) from points in Mississippi on and east of Interstate Highway 59, to points in Nebraska, (87) from points in Georgia, to all points in Nebraska, North Dakota, and South Dakota, (88) from points in Tennessee on and southeast of a line beginning at the Alabama-Tennessee line, thence U.S. Highway 11 to Knoxville, thence U.S. Highway 70 to Tennessee-North Carfolina line, to South Dakota, North Dakota, and Nebraska, (89) from points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W, to points in Nebraska on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of facilities of Planet Corp. at Birmingham, Ala.

No. MC 73165 (Sub-No. E54), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment* and *parts, attachments and accessories* of material handling equipment, restricted to shipments originating at or destined to the plant sites of the Hyster Co., at Danville, Peoria, and Kewanee, Ill., and restricted against commodities in bulk, (1) between the facilities of Hyster Co., at Danville, Ill., on the one hand, and, on the other, points in South Carolina on and south of U.S. Highway 78, and (2) between the facilities of Hyster Co., at Peoria and Kewanee, Ill., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

No. MC 73165 (Sub-No. E56), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which consist of (1) equipment, materials and supplies used in the manufacture of mobile homes; (2) material handling equipment, and equipment, materials and supplies used in the manufacture of material handling equipment, and (3) parts, attachments, and accessories, used in connection with the commodities described in (1) and (2) above. Restriction: The authority granted herein is restricted against the transportation of commodities in bulk. (1) between points in Alabama, on the one hand, and, on the other, points in New Mexico, Colorado, Nebraska, South Dakota, North Dakota, Wyoming, Montana, Idaho, Washington, Oregon, Utah, Arizona, Nevada, and California. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

No. MC 73165 (Sub-No. E57), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, and trailer chassis and semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial or secondary movements, in truckaway service, except

those requiring special equipment; (1) from points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 80, to points in Georgia on and northeast of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 19 to the Florida-Georgia line, (2) from points in Mississippi on and north of U.S. Highway 78, to points in Georgia except those west and north of a line beginning at the Tennessee-Georgia line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama line, (3) from points in Mississippi on and south of U.S. Highway 80, and on and north of U.S. Highway 98, to points in Georgia on and north of U.S. Highway 280 from Columbus to McRae and thence over U.S. Highway 23 to the Georgia-Florida line.

(4) From points in Mississippi on and south of U.S. Highway 98, to points in Georgia on and north of a line beginning at the Alabama-Georgia line and thence over U.S. Highway 78 to Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina line, (5) from points in Mississippi on and south of U.S. Highway 80, to points in Tennessee on and east of U.S. Highway 31 and 31W, (6) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, to points in Tennessee on and east of U.S. Highway 231, (7) from points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, to points in Tennessee on and east of U.S. Highway 127, (8) from points in Mississippi on and southeast of Interstate Highway 59, to points in Tennessee on and east of Tennessee Highway 13, (9) from points in Mississippi on and south of U.S. Highway 80, to points in Alabama on and northeast of a line beginning at the Tennessee-Alabama line and thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia line.

(10) From points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, and on and west of U.S. Highway 45A and 45, to points in Alabama on and east of U.S. Highway 431 from the Alabama-Tennessee line to Phoenix City, Ala., (11) from points in Mississippi on and north of U.S. Highway 82, to points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Florida line, and thence over U.S. Highway 231 to Montgomery, thence U.S. Highway 31 to Birmingham, (12) from points in Mississippi on and north of U.S. Highway 80, to points in Florida east of Florida Highway 51, (13) from points in Mississippi on and north of a line beginning at the Louisiana-Mississippi line, thence over Mississippi Highway 12 to Kocsiusko, thence over Mississippi Highway 14 to Mississippi-Alabama line, to points in Florida on and east of U.S. Highway 231, (14) from points in Mississippi on and north of U.S. Highway 78 to points in Florida, (15) from points in Georgia on and south of U.S. Highway 29, to points in Tennessee on and west of a line beginning at the Alabama-Tennessee line and thence over U.S. Highway 43 to Summertown thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee line, (16) from points in Georgia, to points in Tennessee on and west of U.S. Highway 51.

(17) From points in Georgia on and south of U.S. Highway 80, to points in Tennessee on and west of Interstate Highway 65, (18) from points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, to points in Tennessee on and west of U.S. Highway 231, (19) from points in Georgia on and south of U.S. Highway 82, and on and west of Interstate Highway 75, to points in Tennessee on and west of Tennessee Highway 56, (20) from points in Georgia, to points in Alabama on and north of a line beginning at the Alabama-Mississippi line over U.S. Highway 82 to Tuscaloosa, thence U.S. Highway 11 to Birmingham and on and south of a line beginning at the Alabama-Mississippi line over U.S. Highway 78 to Birmingham, (21) from points in Georgia on and north of U.S. Highway 78 and U.S. Highway 378, to points in Alabama on and west of a line beginning at the Alabama-Florida line, thence over Alabama Highway 41 to Selma thence Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 78 to Alabama-Mississippi line, (22) from points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, to points in Alabama on and north of a line beginning at the Alabama-Georgia line thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi line.

(23) From points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence over U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Baldwin, thence U.S. Highway 123 to Georgia-South Carolina line, to points in Florida on and west of Florida Highway 87, (24) from points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and west of 231, (25) from points in Tennessee on and east of the Hatchie River and on and west of U.S. Highway 27, to points in Alabama on and south of U.S. Highway 80, (26) from points in Tennessee on and west of Tennessee Highway 56, to points in Florida, (27) from points in Tennessee on and east of Tennessee Highway 56 and on and west of U.S. Highway 27, to points in Florida on and west of a line beginning at the Alabama-Florida line over U.S. Highway 129 to Chiefland, thence U.S. Highway 98 to Lakeland, thence U.S. Highway 92 to St. Petersburg, (28) from points in Tennessee on and east of U.S. Highway 27, to points in Florida on and west of U.S. Highway 231, (29) from points in Georgia on and northeast of U.S. Highway 411, to points in Florida on and south of a line beginning at Sarasota, thence Florida Highway 72 to Arcadia, thence Florida Highway 70 to Ft. Pierce, (30) from points in Tennessee on and west of Interstate Highway 75, to points in Florida on and south of Florida Highway 60.

(31) From points in Mississippi on and north of U.S. Highway 84, to points in Florida on and south of Florida Highway 60, (32) from points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence U.S. Highway 82 to Waycross, thence U.S. Highway 84 to Brunswick, to points in Louisiana northwest of a line beginning at the Mississippi River, thence U.S. Highway 190 to Opelousas, thence U.S. Highway 167 to Abbeville, (33) from points in Georgia, to points in Louisiana on and northwest of a line beginning at the Louisiana-Texas line, thence U.S. Highway 90 to intersection with U.S. Highway 165, thence U.S. Highway 165 to Alexandria, thence Louisiana Highway 1 to Morganza, (34) from points in Georgia on and north of U.S. Highway 80, to points in Louisiana, (35) from points in Tennessee on and east of U.S. Highway 31 and 31W, to points in Louisiana, (36) from points in Tennessee on and east of Tennessee Highway 69, to points in Louisiana, east of the Mississippi River, (37) from points in Georgia, to points in Texas, except Dallas and Garland, (38) from points in Mississippi, to points in Virginia, except Richmond, (39) from points in Tennessee on and east of U.S. Highway 231, to points in Texas.

(40) From points in Tennessee on and west of U.S. Highway 45 and 45W, to points in Virginia on and east of a line beginning at the Virginia-North Carolina line over U.S. Highway 220 to Martinsville, thence U.S. Highway 58 to Clarksville, thence U.S. Highway 15 to the Virginia-Maryland line, (41) from points in Mississippi, to points in North Carolina and South Carolina, (42) from points in Tennessee on and south of the Hatchie River, to points in North Carolina and South Carolina, (43) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in North Carolina on and east of U.S. Highway 21, and points in South Carolina, (44) from points in Tennessee on and west of a line beginning at the Tennessee-Alabama line, thence over U.S. Highway 431 to Lewisburg, thence Tennessee Highway 50 to Centerville, thence Tennessee Highway 100 to Tennessee River, thence with Tennessee River to Tennessee-Kentucky line, to points in North Carolina and South Carolina on and east of U.S. Highway 1, (45) from points in Mississippi on and south of a line beginning at the Mississippi-Arkansas line, thence over Mississippi Highway 6 to Tupelo, thence over U.S. Highway 78 to the Mississippi-Alabama line, to points in West Virginia.

(46) From points in Mississippi, and points in Tennessee on and south of the Hatchie River, to points in West Virginia on and east of U.S. Highway 219; (47) from points in Georgia on and west of U.S. Highway 27 from Columbus, Ga., to the Georgia-Florida line, to points in West Virginia; (48) from points in Mississippi on and south of U.S. Highway 78,

to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, and Delaware; (49) from Mississippi, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and Delaware; (50) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in the U.S. on and east of a line beginning at Philadelphia, Pa., thence over Pennsylvania Turnpike Extension to Scranton, thence U.S. Highway 11 to Maple View, N.Y., thence New York Highway 104 to Oswago, N.Y., except points in Pennsylvania, New York and New Jersey; (51) from points in Tennessee and Georgia on and west of U.S. Highway 41 to Maine; (52) from points in Georgia on and west of U.S. Highway 27, to points in U.S. on and east of Interstate Highway 87, except points in New York; (53) from Chattanooga, Tenn., to points in Missouri on and west of a line at the Missouri-Arkansas line, thence over Missouri Highway 17 to Mountain View, thence U.S. Highway 60 to Springfield, Mo., thence U.S. Highway 65 to Iowa-Missouri line.

(54) From points in Georgia on and southwest of a line beginning at Columbus, Ga., thence over U.S. Highway 280 to Americus, thence over U.S. Highway 19 to Albany, thence over Georgia Highway 133 to the Georgia-Florida line, to points in Kentucky on and west of Interstate Highway 75; (55) from points in Georgia on and south of U.S. Highway 278, to points in Kentucky on and west of the Tennessee River (Kentucky Lake), and Missouri; (56) from points in Georgia, to points in Kansas; (57) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Columbus, thence U.S. Highway 45 to Meridian, thence Interstate Highway 59 to Mississippi-Louisiana line, to points in Kansas north of Interstate Highway 70 and west of U.S. Highway 81; (58) from points in Mississippi on and southeast of Interstate Highway 59 to St. Louis, Mo., and points in Kentucky on and east of U.S. Highway 231; (59) from Chattanooga, Tenn., to points in Minnesota; (60) from points in Georgia, to points in Minnesota; (61) from points in Mississippi on and east of a line beginning at Mississippi-Louisiana line, thence Interstate Highway 55 to Ridgeland, thence Natchez Trace to intersection with U.S. Highway 82, thence U.S. Highway 82 to Mississippi-Alabama line, to points in Minnesota; (62) from points in Mississippi on and south of U.S. Highway 80, to points in Minnesota on and east of Interstate Highway 35.

(63) From points in Georgia, to points in Arkansas and Oklahoma; (64) from points in Tennessee on and east of Interstate Highway 75, to points in Arkansas on and south of Interstate Highway 40, and points in Oklahoma; (65) from points in Mississippi, to Washington and Oregon; (66) from points in Mississippi on and east of a line beginning at the Mississippi-Louisiana line, thence with the Pearl River to Jackson, U.S. Highway 49 and U.S. Highway 49E to Greenwood, thence Mississippi Highway 7 to Oxford, thence Mississippi Highway 30 to intersection with U.S. Highway 45, thence U.S. Highway 45 to Mississippi-Tennessee line, to points in North Dakota, Wyoming, Montana, Idaho, and California; (67) from points in Mississippi on and north of a line beginning at Mississippi-Arkansas line, thence U.S. Highway 49 to Gulf of Mexico, to points in California; (68 from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence U.S. Highway 45 to Tupelo, thence U.S. Highway 78 to Mississippi-Alabama line, to Arizona, Utah, Nevada, New Mexico, Colorado, and South Dakota; (69) from points in Mississippi on and southeast of the line beginning at Tennessee-Mississippi line, thence U.S. Highway 45 to Tupelo, thence U.S. Highway 78 to Alabama-Mississippi line, to points in Arizona, Utah, and Nevada; (70) from points in Mississippi on and east of Interstate Highway 59, to points in Nebraska.

(71) From points in Georgia to all points in Nebraska, New Mexico, Arizona, Colorado, Utah, Nevada, South Dakota, North Dakota, Wyoming, Montana, Idaho, Washington, Oregon, and California; (72) from points in Tennessee, to points in Washington, Oregon, and California; (73) from points in Tennessee on and east of a line beginning at Tennessee-Alabama line, thence U.S. Highway 45 to Milan, thence U.S. Highway 79 to Tennessee-Kentucky line, to points in Arizona, Nevada, and Idaho; (74) from points in Tennessee on and east of U.S. Highway 31 and U.S. Highway 31W, to points in New Mexico, Utah, Wyoming, and Montana; (75) from points in Tennessee on and southeast of a line beginning at the Alabama-Tennessee line, thence U.S. Highway 11 to Knoxville, thence U.S. Highway 70 to Tennessee-North Carolina line, to Colorado, South Dakota, North Dakota, and Nebraska; (76) from points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W, to points in Nebraska on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 73165 (Sub-No. E58), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, except those requiring special equipment, and restricted against the transportation of commodities used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (1) from points in Georgia on and north of a line beginning at the Georgia-Florida State line, thence along Interstate Highway 75 to Cordele, thence along U.S. Highway 280 to Columbus, to points in Arkansas, (2) from points in Tennessee on and east of Interstate Highway 75, to points in Arkansas and Oklahoma, and (3) from points in Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 29 to Jasper, thence along Florida Highway 51 to the Gulf of Mexico, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 73165 (Sub-No. E59), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from points in South Carolina, to Kansas and Missouri, (2) from points in North Carolina, to points in Kansas, (3) from points in North Carolina, to points in Missouri on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 71 to Kansas City, thence along Interstate Highway 35 to the Missouri-Iowa State line, and (4) from points in North Carolina on and east of a line beginning at the North Carolina and South Carolina line, thence along U.S. Highway 1 to Raleigh, thence along U.S. Highway 64 to Atlantic Ocean, to points in Missouri. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 73165 (Sub-No. E65), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* (except in bulk used in air, water, and sewage systems and installations, which consists of material handling equipment, and equipment, materials, and supplies used in the manufacture of material handling equipment, and parts, attachments, and accessories, used in connection with material handling equipment) (1) between Memphis, Tenn., on the one hand, and, on the other, points in North Carolina; (2) between points in Tennessee on and west of U.S. Highway 45 and U.S. Highway 45E, on the one hand, and, on the other, points in South Carolina; (3) between points in Tennessee on and southwest of a line beginning at the Tennessee-Alabama line, thence Interstate Highway 65 to intersection with Tennessee Highway 99, thence Tennessee Highway 99 to Hohenwald, thence Tennessee Highway 20 to the Tennessee-Missouri line, on the one hand, and, on the other, points in Florida; (4) between points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W, on the one hand, and, on the other, points in Louisiana, Texas, Oklahoma, Kansas, Colorado, Utah, New Mexico, Arizona, California, Nevada, Wyoming, Montana, Idaho, Oregon, Washington, and points in Arkansas on and south of U.S. Highway 64.

(5) Between points in Tennessee on and east of Interstate Highway 65, on the

one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80, and points in Louisiana east of the Mississippi River; (6) between points in Tennessee on and west of U.S. Highway 45 and U.S. Highway 45E, on the one hand, and, on the other, points in Georgia on and south of a line beginning at Georgia-Alabama line, thence U.S. Highway 29 to Atlanta, thence U.S. Highway 278 to the Georgia-South Carolina line; (7) between points in Mississippi on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 78 to Atlanta, thence U.S. Highway 278 to the Georgia-South Carolina line; (8) between points in Mississippi on and north of a line beginning at the Alabama-Mississippi line, thence U.S. Highway 78 to Tupelo, thence Mississippi Highway 6 to Clarksdale, thence Mississippi Highway 322 to Sherard and directly west to the Mississippi River, on the one hand, and, on the other, points in Florida; (9) between points in Mississippi on and south of U.S. Highway 82, and points in Louisiana east of the Mississippi River on the one hand, and, on the other, points in North Carolina and South Carolina; (10) between points in Mississippi on and south of U.S. Highway 80, on the one hand, and, on the other, points in Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, lower Michigan, and points in Kentucky on and east of Interstate Highway 75.

(11) Between points in Georgia on and north of a line beginning at the Alabama-Georgia line, thence U.S. Highway 78 to Atlanta, thence U.S. Highway 278 to the Georgia-South Carolina line, on the one hand, and, on the other, points in Louisiana, and Texas; (12) between points in Georgia, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 63; (13) between points in Georgia, on the one hand, and, on the other, points in Arkansas, New Mexico, Arizona, California, Oklahoma, Kansas, Colorado, Utah, Iowa, Minnesota, Nevada, Nebraska, Wyoming, South Dakota, North Dakota, Montana, Idaho, Oregon, and Washington; (14) between points in Florida, on the one hand, and, on the other, points in Texas on and north of U.S. Highway 80, and all points in Arkansas, Oklahoma, and New Mexico; (15) between points in Florida, on the one hand, and, on the other, points in Missouri, Kansas, Colorado, Utah, Iowa, Nevada, Wyoming, Minnesota, Arizona, Nevada, California, South Dakota, North Dakota, Montana, Idaho, Oregon, Washington, Illinois, Wisconsin, Indiana, Michigan, and points in Kentucky on and east of Interstate Highway 65; (16) between points in South Carolina, on the one hand, and, on the other, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, Colorado, Kansas, Utah, Nevada, Nebraska, Wyoming, Montana, Idaho, Oregon, Washington, Missouri, South Dakota, and North Dakota.

(17) Between points in North Carolina, on the one hand, and, on the other, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, Kansas, Colorado, Utah, Nevada, Nebraska, Wyoming, Montana, Idaho, Oregon, and Washington; (18) between points in Virginia, on the one hand, and, on the other, Arkansas, Oklahoma, Texas, New Mexico, Arizona, Colorado, Utah, and Nevada; (19) between points in West Virginia, on the one hand, and, on the other, Texas, New Mexico, Arizona, Colorado, Utah, Nevada, and points in Arkansas and Oklahoma on and south of Interstate Highway 40; (20) between points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, on the one hand, and, on the other, Texas, New Mexico, Arizona, California, and points in Arkansas on and south of Interstate Highway 40; (21) between points in Ohio on and east of Interstate Highway 71 and points in Kentucky on and east of Interstate Highway 75, on the one hand, and, on the other, points in Texas, New Mexico, Arizona, Colorado, and points in Arkansas on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

No. MC 73165 (Sub-No. E96), filed October 8, 1974 Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham Ala. 35202. Applicant's representative: Carl Hurst (same as above). 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 pipelines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas, on the one hand, and, on the other, points in Texas and Louisiana. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 73165 (Sub-No. E97), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). 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 pipelines, including the stringing and picking up thereof (except in connection with main or trunk pipelines); (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, (b) between points in Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Mont., thence along Montana Highway 22 through Hillside, Mont., to Jordan, Mont. Thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 242 to the United States-Canada Boundary line, on the one hand, and, on the other, points in Kansas in and south of the Kansas Counties of Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Reno, Harvey, Butler, Greenwood, Coffey, Anderson, and Linn, (c) between points in North Dakota on and west of a line beginning at the United States-Canada Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway at Lehr, N. Dak., and thence along unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota on and west of the Missouri River and on and north of U.S. Highway 14, on the one hand, and, on the other, points in Kansas in and south of the Kansas Counties of Stanton, Grant, Haskell, Meade, Clark, Kiowa, Barber, Kingman, Sedgwick, Butler, Elk, Wilson, Neosho, and Crawford. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 73165 (Sub-No. E116), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment and parts, attachments and accessories*, used in connection therewith (except those of unusual value, household goods, commodities in bulk, and those requiring special equipment); and (2) *contractors' outfits and equipment*, which consists of material handling equipment and parts, attachments and accessories, used in connection therewith,

(a) from points in Georgia to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Oklahoma, Nebraska, South Dakota, North Dakota, that part of Minnesota on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 169 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, that part of Iowa on and north of a line extending from the Minnesota-Iowa State line along U.S. Highway 169 to Ft. Dodge, Iowa, and thence along U.S. Highway 20 to the Iowa-Nebraska State line, that part of Kansas on and west of U.S. Highway 75, that part of Arkansas on and south of a line extending from the Missouri-Arkansas State line along U.S. Highway 65 to Conway, Ark., and thence along U.S. Highway 64 to the Arkansas-Tennessee State line, and that part of Texas on and west of U.S. Highway 59, (b) from points in Georgia on and south of a line extending from the Alabama-Georgia State line along Georgia Highway 20 to Cartersville, Ga., thence along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 78 to the Georgia-South Carolina State line to points in Kansas, Minnesota, Iowa, Missouri, Arkansas, and Wisconsin.

(c) From points in Georgia on and east of a line extending from the Georgia-Florida State line along U.S. Highway 41 to Henderson, Ga., and thence along Georgia Highway 26 to Columbus, Ga., to points in Texas east of U.S. Highway 59, (d) from points in Georgia on and south of a line extending from the Alabama-Georgia State line along U.S. Highway 278 to Atlanta, Ga., thence along U.S. Highway 23 to Macon, Ga., and thence along U.S. Highway 80 to Savannah, Ga., to points in Michigan, (e) from points in Georgia on and west of a line extending from Columbus, Ga., along U.S. Highway 27 to the Georgia-Florida State line to points in West Virginia, Vermont, New Hampshire and Maine, (f) from points in Mississippi to points in Vermont, New Hampshire, Maine, and that part of West Virginia on and east of U.S. Highway 219, (g) from points in Mississippi on and south of a line extending from the Mississippi-Arkansas State line along Mississippi Highway 6 to Tupelo, Miss., and thence along U.S. Highway 78 to the Mississippi-Alabama State line to points in West Virginia, (h) from points in Mississippi on and east of U.S. Highway 51 to points in Washington, Oregon, and that part of California on and north of Interstate Highway 80, (i) from points in Mississippi on and southeast of a line extending from the Mississippi-Alabama State line along Mississippi Highway 12 to Durant, Miss., and thence along U.S. Highway 51 to the Mississippi-Louisiana State line to points in Wisconsin and Michigan, (j) from points in Mississippi on and east of a line extending from the Mississippi-Alabama State line along U.S. Highway 82 to Columbus, Miss., thence along U.S. Highway 45 to Meridian, Miss., and thence along U.S. Highway 11 to the Mississippi-Louisiana State line to points in Iowa and that part of Kansas north of Interstate Highway 70 and west of U.S. Highway 81, and points in Minnesota, (k) from points in Mississippi on and east of U.S. Highway 11 to points in Nebraska, South Dakota, North Dakota, Wyoming, Montana, Idaho, Nevada, and California.

(l) From points in Tennessee on and west of U.S. Highway 45 and 45E, to points in Vermont, New Hampshire and Maine, (m) from Chattanooga, Tenn., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Oklahoma, Nebraska, South Dakota, North Dakota, Texas, that part of Minnesota on and west of a line extending along U.S. Highway 169 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, that part of Iowa on and north of a line extending from the Minnesota-Iowa State line along U.S. Highway 160 to Ft. Dodge, Iowa, and thence along U.S. Highway 20 to the Iowa-Nebraska State line, that part of Kansas on and west of U.S. Highway 75, and that part of Arkansas on and south of a line extending from the Missouri-Arkansas State line along U.S. Highway 65 to Conway, Ark., and thence along U.S. Highway 64 to the Arkansas-Tennessee State line, (n) from points in Tennessee on and east of Interstate Highway 65 to points in Washington, Oregon, Idaho, Utah, Nevada, California, Arizona, New Mexico, and Texas, (o) from points in Tennessee on and east of Interstate Highway 75 to Oklahoma and points in Arkansas on and south of Interstate Highway 40, and (p) from points in Tennessee on and southeast of a line extending from the Alabama-Tennessee State line along U.S. Highway 11 to Knoxville, Tenn., and thence along U.S. Highway 70 to the Tennessee-North Carolina State line to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Colorado. The purpose of this filing is to eliminate the gateways of those parts of Alabama within the Commercial Zone of Pelham within 10 miles of Birmingham, Ala.

No. MC 73165 (Sub-No. E117), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' outfits and equipment*, which consists of material handling equipment and parts, attachments and accessories, used in connection therewith, (a) from points in Florida on and north of a line beginning at St. Petersburg, Fla., and thence across Gandy Bridge to Tampa, Fla., thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along unnumbered highway to the Atlantic Seaboard to points in New Mexico, Arizona, Nevada, California, Utah, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, that part of Texas on and north of a line extending from the Texas-Oklahoma State line along U.S. Highway 281 to Wichita Falls, Tex., and thence along U.S. Highway 82 to the Texas-New Mexico State line, and that part of Oklahoma on and north of a line extending from the Oklahoma-Texas State line along U.S. Highway 277 to Oklahoma City, Okla., and thence along Interstate Highway 44 to the Oklahoma-Missouri State line, (b) from points in Florida in and east of Leon and Wakulla Counties, Fla., and on and north of the line described in (a) above to points in Texas, Oklahoma, and Arkansas, (c) from points in Florida in and west of Leon and Wakulla Counties, Fla., to points in West Virginia, Vermont, New Hampshire, and Maine, and (d) from points in Louisiana east of the Mississippi River to points in West Virginia, Vermont, New Hampshire, Maine, Michigan, Wisconsin, Minnesota, North Dakota, Montana, Washington, Oregon, and that part of Idaho on and north of U.S. Highway 12. The purpose of this filing is to eliminate the gateway of Pelham, Ala.

No. MC 73165 (Sub-No. E118), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, consisting of road building machinery and contractors' equipment, which because of size or weight require the use of special equipment or which are self-propelled articles each weighing 15,000 pounds or more, from Detroit, Mich., and Marion, Ohio, to points in Texas on and south of U.S. Highway 80, that part of New Mexico on and south of U.S. Highway 80, that part of Arizona on and south of Interstate Highway 10, and that part of California on and south of U.S. Highway 66 including all points in Los Angeles, Ventura, and Santa Barbara Counties, Calif. The purpose of this filing is to eliminate the gateway of Pelham, Ala.

No. MC 73165 (Sub-No. E119), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, (a) from Brownwood and Pampa, Tex., to points in West Virginia, Vermont, New Hampshire, and Maine, (b) from Brownwood, Tex., to points in Michigan on and south of U.S. Highway 10, including points in Huron, Sanilac, Tuscola, Bay, Saginaw, Lapeer, St. Clair, Genesee, Macomb, and Oakland Counties, Mich., (c) from Philadelphia, Exeter, and Lansdale, Penn., to points in Texas, New Mexico, Arizona, Nevada, California, that part of Utah in and

south of Jaub, Utah, Carbon, and Grand Counties, Utah, and that part of Oklahoma on and south of Interstate Highway 40, (d) from Salem, Va., to points in Texas, Oklahoma, New Mexico, Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, Colorado, that part of Kansas on and west of U.S. Highway 81, and that part of Arkansas on and south of U.S. Highway 64, (e) from Gardena and Pomona, Calif., to points in West Virginia, Vermont, New Hampshire, Maine, and that part of Michigan on and south of U.S. Highway 10, including points in Huron, Sanilac, Tuscola, Bay, Saginaw, Lapeer, St. Clair, Genesee, Macomb, and Oakland Counties, Mich., (f) from Delaware, Canton, and Akron, Ohio and Detroit and Wayne, Mich., to points in Texas and New Mexico, on and south of U.S. Highway 80, that part of Arizona on and south of Interstate Highway 10, and that part of California on and south of U.S. Highway 66, including all points in Los Angeles, Ventura, and Santa Barbara Counties, Calif.

(g) From Atlanta, Ga., to points in the United States (except Alaska and Hawaii) in and west of Texas, Arkansas, Missouri, Iowa, Wisconsin, and Minnesota, and points in Michigan on and west of Interstate Highway 75 and U.S. Highway 27, (h) from Nashville, Tenn., to points in Oregon, Washington, Idaho, Utah, Nevada, California, Arizona, New Mexico, and Texas, (i) from Hialeah, Fla., to points in the United States (except Alaska and Hawaii) in and west of Texas, Arkansas, Missouri, Iowa, and Minnesota, and points in Michigan, Wisconsin, and West Virginia, and (j) from Dubuque, Iowa, to points in Georgia on and south of a line extending from the Alabama-Georgia State line along Georgia Highway 20 to Cartersville, Ga., thence along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 78 to the Georgia-South Carolina State line, all points in Florida, that part of Alabama extending from the Alabama-Mississippi State line along U.S. Highway 78 to Hamilton, Ala., and thence along U.S. Highway 278 to the Alabama-Georgia State line, and that part of Mississippi on and east of a line extending from the Alabama-Mississippi State line along U.S. Highway 82 to Columbus, Miss., and thence along U.S. Highway 45 to Meridian, Miss., and thence along U.S. Highway 11 to the Mississippi-Louisiana State line, and that part of Louisiana east of the Mississippi River, including the Commercial Zones of Baton Rouge and New Orleans, La. The purpose of this filing is to eliminate the gateways of Pelham, Ala., and the Commercial Zone of Pelham, Ala., within Jefferson County, Ala.

No. MC 73165 (Sub-No. E120), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, consisting of iron and steel articles, from points in North Carolina and South Carolina to points in New Mexico, Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, and Colorado. The purpose of this filing is to eliminate the gateway of Pelham, Ala.

No. MC 73165 (Sub-No. E121), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, consisting of iron and steel articles, except commodities which, because of size or weight, require the use of special equipment, from points in Florida to points in the United States (except Alaska and Hawaii) in and west of New Mexico, Colorado, Wyoming, and Montana. The purpose of this filing is to eliminate the gateways of Pelham, Ala., and points on the Tennessee River in Alabama.

No. MC 73165 (Sub-No. E122), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, consisting of iron and steel articles, from points in Alabama to points in the United States (except Alaska and Hawaii) in and west of New Mexico, Colorado, Wyoming, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateway of Pelham, Ala.

No. MC 73165 (Sub-No. E123), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, which consists of trailers, semi-trailers, and trailer chassis and semi-trailer chassis (except those designed to be drawn by passenger automobiles), in secondary movements, in truckaway service, (a) from points in North Carolina and South Carolina to points in the United States (except Alaska and Hawaii) in and west of Texas, Oklahoma, Colorado, Utah, and Idaho, (b) from points in Florida to points in the United States (except Alaska and Hawaii) in and west of New Mexico, Colorado, Kansas, Missouri, Iowa, Wisconsin, and Michigan, (c) from points in Florida in and east of Leon and Wakulla Counties, Fla., to points in Texas, Arkansas, and Oklahoma, (d) from points in Florida in and west of Leon and Wakulla Counties, Fla., to points in West Virginia, Vermont, New Hampshire, and Maine, (e) from points in Alabama to points in the United States (except Alaska and Hawaii) in and west of New Mexico, Colorado, Wyoming, South Dakota, and North Dakota, (f) from points in Louisiana east of the Mississippi River, including the cities of New Orleans and Baton Rouge, La., and all points in their respective commercial zones to points in West Virginia, Vermont, New Hampshire, Maine, Michigan, Wisconsin, Minnesota, North Dakota, Montana, Washington, Oregon, and that part of Idaho on and north of U.S. Highway 12. The purpose of this filing is to eliminate the gateway of points in the Commercial Zone of Pelham, Ala., within 10 miles of Birmingham, Ala.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-10776 Filed 4-23-75;8:45 am]

[Docket No. AB 43 (Sub-No. 3)]

ILLINOIS CENTRAL GULF RAILROAD

Abandonment of Dyersburg Branch, Tenn.

the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Madison, Crockett, and Dyer Counties, Tennessee, on or before May 5, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in

Dated at Washington, D.C., this 16th day of April 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT DYERSBURG BRANCH BETWEEN ROBERTS AND DYERSBURG, IN MADISON, CROCKETT, AND DYER COUNTIES, TENNESSEE

The Interstate Commerce Commission hereby gives notice that by order dated April 16, 1974, it has been determined that the proposed abandonment of the 36.38 mile line of the Illinois Central Gulf Railroad Company between Roberts and Dyersburg, all in Madison, Crockett, and Dyer Counties, Tenn.,

if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because there are no specific land use plans which would be dependent on the continued existence of the subject line and the historic, safety, ecological, and other associated environmental impacts are either absent or minor. Abandonment would eliminate the need to replace the bridge over the North Fork Forked Deer River as an incident to the proposed Corps of Engineers flood control project.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-10782 Filed 4-23-75;8:45 am]

[Notice 271]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 24, 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 May 14, 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-75607. By order of March 17, 1975, the Motor Carrier Board approved the transfer to Wayne F. Barger and Maxine Kleine, a partnership, doing business as Barger Trucking Company, Hoffman, Ill., of the operating rights in Certificates No. MC 66724 and MC 66724 (Sub-No. 2), issued January 30, 1951, to Don Barger and Wayne F. Barger, a partnership, doing business as Barger Trucking Co., Hoffman, Ill., authorizing the transportation of general commodities, with exceptions, between Shattuc, Ill., and St. Louis, Mo., and between Carlyle, Ill., and Centralia, Ill., serving specified intermediate and off route points. Delmar O. Koebel, 109 West St. Louis St., Lebanon, Ill. 62254, attorney for applicants.

No. MC-FC-75687. By order entered March 21, 1975, the Motor Carrier Board approved the transfer to Joel A. Smith and Cecil H. Lane, doing business as Kings River Moving and Storage, Hanford, Calif., of that portion of the operating rights set forth in Certificate No. MC 126912, issued October 9, 1969, to Red Line Carriers, Inc., San Jose, Calif., authorizing the transportation of used household goods, between points in Fresno, Kings, and Tulare Counties, Calif., subject to certain specified restrictions. Leigh B. Morris, 21st Floor, 100 Bush St., San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75709. By order entered March 18, 1975, the Motor Carrier Board approved the transfer to Hoke Bus Lines, Inc., Troy, Ohio, of the operating rights set forth in Certificates Nos. MC 2072 (Sub-No. 5), and MC 2072 (Sub-No. 7), issued by the Commission September 29, 1966, and August 2, 1971, respectively, to Lake Shore System, Inc., Columbus, Ohio, authorizing the transportation of passengers and their baggage, and newspapers and express in the same vehicle with passengers, over specified routes, between specified points in Ohio; and passengers and their baggage, in charter and special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Allen, Athens, Auglaize, Belmont, Coshocton, Franklin, Fairfield, Guernsey, Harrison, Hocking, Jefferson, Licking, Logan, Meigs, Morgan, Muskingum, Perry, Pickaway, Ross, Union, and Washington Counties, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii). Lewis S. Witherspoon, 88 East Broad St., Suite 1330, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-75731. By order of March 27, 1975, the Motor Carrier Board approved the transfer to Ruth R. Holderried, Joseph E. Holderried, and Leo Donald Holderried, Jr., a partnership, doing business as Paul's Express, 198 Mill St., Westwood, Mass., of the operating rights in Certificate No. MC 17806 issued April 30, 1963 to Leo Donald Holderried, doing business as Paul's Express, 198 Mill St., Westwood, Mass., authorizing the transportation of general commodities, with exceptions, between points in Massachusetts within ten miles of Boston, including Boston.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-10779 Filed 4-23-75;8:45 am]

[Notice No. 32]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 18, 1975.

IMPORTANT NOTICE: The following applications are governed by Special Rule 1100.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive*

amendments will not be entertained following publication in the FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 107295 (Sub-No. 713) (Amendment), filed April 25, 1974, published in the FEDERAL REGISTER issue of November 1, 1974, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials, and related materials, supplies and accessories* incidental thereto and the manufacture thereof, including *lumber and wood products*, from points in Idaho, Oregon, and Washington, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsites and warehouse facilities of Boise Cascade Corporation.

NOTE.—The purpose of this republication is to add in the commodity description "lumber and wood products" and to amend the territorial description.

HEARING: July 16, 1975 (3 days) at 9:30 a.m. Local Time, at Chicago, Ill., in a hearing room to be later designated.

No. MC 200 (Sub-No. 273), filed April 2, 1975. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Bldg., 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C to Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of MBPXL Corporation, at Wichita, Kans., to points in Michigan, Ohio, Connecticut, Indiana, Illinois, Kentucky, Virginia, West Virginia, Maryland, Pennsylvania, Iowa, Nebraska, Maine, New Hampshire, Vermont, Rhode Island, New York, and New Jersey, restricted to traffic originating at the above named origin, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 2202 (Sub-No. 481), filed March 27, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Houston, Tex., and Jacksonville, Fla.: From Houston over Interstate Highway 10 (and also over U.S. Highway 90) to Lafayette, La., thence over U.S. Highway 167 to Opelousas, La., thence over U.S. Highway 190 to Baton Rouge, La., thence over U.S. Highway 61 to New Orleans, La., thence over U.S. Highway 90 (and also Interstate Highway 10) to Jacksonville, and return over the same route, serving all intermediate points, and serving the off route points of Gonzales, Fla.; Port Arthur and Port Neches, Tex.; Lemoyne and Calvert, Ala.; and the plant site of Dow Badische Company at or near Calvert, Ala.; (2) between the junction of Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., and the junction of Interstate Highway 12 and Interstate Highway 10 at or near Baton Rouge, La.: From the junction of Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., over Interstate Highway 12 to junction Interstate Highway 10 at or near Baton Rouge, La., and return over the same route, serving all intermediate points; (3) between the junction of U.S. Highway 190 and U.S. Highway 90 near Slidell, La., and Baton Rouge, La.: From the junction of U.S. Highway 190 and U.S. Highway 90 near Slidell, La., over U.S. Highway 190 to Baton Rouge, La., and return over the same route, serving all intermediate points; (4) between New Orleans, La., and Lafayette, La.: From New Orleans, La., over Interstate Highway 10 to Lafayette, La., and return over the same route, serving all intermediate points; (5) between Macon, Ga. and Tallahassee, Fla.: From Macon over Interstate Highway 75 to junction U.S. Highway 319 at or near Tifton, Ga., thence over U.S. Highway 319 to Tallahassee, and return over the same route, serving no intermediate points; and (6) between Tifton, Ga., and the junction of U.S. Highway 90 and Interstate Highway 75 at or near Lake City, Fla.: From Tifton over Interstate Highway 75 to junction U.S. Highway 90, and return over the same route, serving all intermediate points, and serving Tifton, Ga., for joinder purposes only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held on consolidated record with the similar application filed by Overnite Transportation Company in MC 109533 (Sub-No. 67) at Jacksonville, Fla.; New Orleans, La.; and Houston, Tex.

No. MC 8958 (Sub-No. 29), filed March 26, 1975. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Springs*, from the plantsite of Rockwell International, in Columbus, Ohio, to Kenosha, Wis.; Detroit, Mich.; and Metuchen, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 17812 (Sub-No. 3), filed March 3, 1975, published in the FEDERAL REGISTER issue of April 3, 1975, and republished as corrected this issue. Applicant: M. BURNS TRUCKING CO., a corporation, 1860 Fall River Ave., Seekonk, Mass. 02771. Applicant's representative: Robert J. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying, duplicating, and reproducing machines, parts, accessories and supplies* used in reproducing systems, between Reading, Lexington, and Seekonk, Mass., on the one hand, and, on the other, points in Washington and Newport Counties, R.I.

NOTE.—Applicant states the requested authority can be tacked with its existing authority in its lead certificate at Reading, Lexington, and Seekonk, Mass., to provide service between Washington and Newport Counties, R.I. and points in Massachusetts within 25 miles of Boston. The purpose of this correction is to indicate the correct counties in Rhode Island to be served by tacking. If a hearing is deemed necessary, applicant requests it be held at either Providence, R.I.; Boston, Mass.; or New Haven, Conn.

No. MC 19227 (Sub-No. 211), filed March 31, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and riding lawn mowers*, from the plantsite and facilities of Moridge Mfg. Inc., at or near

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Moundridge, Kans., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does specify location.

No. MC 22229 (Sub-No. 99), filed March 31, 1975. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, S.E., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of Driltech, Inc., at or near Alachua, Fla., as an off-route point in connection with carrier's otherwise authorized operation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 38227 (Sub-No. 9), filed February 19, 1975. Applicant: CRUTCHER TRANSFER LINE, INC., 600 Marrett Avenue, Louisville, Ky. 40208. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plantsite of the USM Corporation, Parker-Kalon Division, plantsite of Union Underwear Company, Inc., and the plantsite of Ingersoll-Rand Company, at or near Campbellsville, and Louisville, Ky.: From Campbellsville, Ky., over U.S. Highway 68 to Greensburg, Ky., thence over Kentucky Highway 61 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, Ky., and return, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville or Frankfort, Ky.

No. MC 44735 (Sub-No. 21), filed March 31, 1975. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, from the plantsite and warehouse facilities of Mid-Con, Inc., at or near Plattsmouth, Nebr., to points in Iowa, Illinois, Wyoming, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 46267 (Sub-No. 11), filed March 27, 1975. Applicant: SCOTT FREIGHT SERVICE CORP., 4740 Industrial Road, Fort Wayne, Ind. 46825. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. 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 commodities requiring special equipment): serving the plant and warehouse facility of Essex International, Inc., at or near Topeka, Ind., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 51312 (Sub-No. 14), filed March 28, 1975. Applicant: BOWLING GREEN TRANSFER INC., 530 South Maple Street, Bowling Green, Ohio 43402. Applicant's representative: Michael Spurlock, 9th Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods, as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between the plantsites and facilities of Young-Ottawa, Division of Gulf Western Manufacturing Company, at Bowling Green, Ohio, and at Ottawa and Topeka, Kans., on the one hand, and, on the other, points in Indiana, Illinois, Wisconsin, Kentucky, West Virginia, Michigan, Pennsylvania, New Jersey, New York, Ohio, Colorado, Florida, Georgia, Iowa, Kansas, Nebraska, North Carolina, Tennessee, Virginia, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 61396 (Sub-No. 282), filed March 21, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between the plantsite of the Southern California Chemical Company, located at or near Union, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, New York, New Jersey, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 61396 (Sub-No. 283), filed March 27, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lecompton, Conway, Hutchinson and Clay Center, Kans., to points in Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 73165 (Sub-No. 360) (Correction), filed January 21, 1975, published in the FEDERAL REGISTER issue of February 13, 1975, and republished as corrected this issue. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33d St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk motor vehicles, bodies, engines, and parts; compacted or crushed motor vehicles, bodies, engines and parts; and recycled nonferrous or ferrous articles and materials, metal articles, and materials and supplies* used in the production of recycled metal articles and recycled materials, (except in bulk, in tank or dump vehicles), between points in the United States in and east of Iowa, Wisconsin, Missouri, Oklahoma, and Texas, on the one hand, and, on the other, Huntsville, Ala.; Knoxville and Chattanooga, Tenn.; and Atlanta, Ga.; restricted against the transportation of shipments originating at or destined to the facilities of Shredded Steel Products Company.

NOTE.—The purpose of this republication is to correct the restriction in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 75816 (Sub-No. 7), filed March 31, 1975. Applicant: STONY'S TRUCKING CO., P.O. Box 277, 11550 Youngstown-Akron Rd., North Jackson, Ohio 44451. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge St., Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestressed concrete products*, from points in Belmont County, Ohio, to points in Pennsylvania and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wheeling, W. Va.; or Columbus, Ohio; or Washington, D.C.

No. MC 87103 (Sub-No. 14) (Amendment), filed November 4, 1974, published in the FEDERAL REGISTER issue of November 27, 1974, and republished as amended this issue. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, P.O. Box 6077, Akron, Ohio 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tires* which because of size and weight require special equipment, from the plantsites of The General Tire and Rubber Company located at Akron and Bryan, Ohio;

to points in the United States, including Alaska but excluding Hawaii; and (2) *used tires* which because of size and weight require special equipment, between points in the United States, including Alaska but excluding Hawaii.

NOTE.—The purpose of this republication is to indicate the broadened request for authority in (1) and (2) above, and the deletion of the now duplicating request in Part (3) as previously published. Applicant holds contract authority in MC 119302 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio; or Washington, D.C.

No. MC 93980 (Sub-No. 60), filed March 20, 1975. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, P.O. Box 1119 (Raleigh Road), Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 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: *Aluminum articles in mixed loads with iron and steel, and iron and steel articles*, from Philadelphia, Pa., and its commercial zone, to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 95540 (Sub-No. 928), filed March 27, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, and Tennessee; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named origin, and destined to named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 95876 (Sub-No. 172), filed April 2, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Valves and cocks and related parts and accessories therefore*, from LaGrange, Ga., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies*, used in the manufacture and installation of valves and cocks, from points in the United States (except Alaska and Hawaii), to LaGrange, Ga.; Sartell, Minn.; and McMinnville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 100449 (Sub-No. 57), filed March 24, 1975. Applicant: MALLINGER TRUCK LINES, INC., Rural Route 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, restricted to traffic originating at the above named origin and destined to the above-named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted to traffic originating at the above-named states and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 100666 (Sub-No. 295), filed March 31, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products and roofing material* (except in bulk), from Wynnewood, Okla., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 107403 (Sub-No. 936), filed March 28, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, from Lima, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107818 (Sub-No. 78), filed March 31, 1975. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Florida, Georgia, Kentucky, and Tennessee; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from Alabama, Florida, Georgia, Kentucky, and Tennessee, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named origin, and destined to named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 110098 (Sub-No. 151), filed March 27, 1975. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren, P.O. Box 20380, San Antonio, Tex. 78220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products dealt in by wholesale and retail grocers*, from the facilities of Hunt-Wesson Foods at or near Fullerton, Hayward, Davis and Oakdale, Calif., to points in Oregon, Washington, and Idaho, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, or San Francisco, Calif.

No. MC 110098 (Sub-No. 152), filed March 26, 1975. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products, and articles*

distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with commodities described in (a) above, from the plantsite and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Indiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to traffic originating at the above-named origin and destined to the above-named destinations; and (2) *commodities* as described in (1) (a) and (b) above and *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Michigan and Wisconsin, restricted to traffic originating at or destined to the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Omaha, Nebr.

No. MC 110098 (Sub-No. 153), filed March 27, 1975. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses and dairy products* as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from Sioux Falls, S. Dak., to points in Oklahoma, restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 111401 (Sub-No. 445), filed March 27, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid waste materials*, from points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Texas, to points in Creek County, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Tulsa, Okla.

No. MC 111545 (Sub-No. 211), filed February 24, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in, or used by agricultural equipment, industrial equipment, and lawn and leisure product dealers (except commodities in bulk), (a) From the facilities of Deere & Company in Black Hawk, Polk, and Wapello Counties, Iowa, to points in Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the named facilities of Deere & Company and traffic destined to points named; and (b) From the facilities of Deere & Company in Rock Island County, Ill., and Dubuque and Scott Counties, Iowa, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, and South Carolina, restricted to traffic originating at the facilities of Deere & Company and traffic destined to the points named (except traffic named moving in foreign commerce); and (c) From the facilities of Deere & Company in Dubuque and Scott Counties, Iowa, to points in Tennessee, restricted to traffic originating at the named facilities of Deere & Company and traffic destined to points named; and (2) *returned shipments* of the above named in (1), from destination points in (1) (a) through (c), to the facilities of Deere & Company named in (1) (a) through (c).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 111729 (Sub-No. 530), filed March 31, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds;* (2) *tapes; magnetic and paper;* (3) *microfilm, and microfilm containers and spools;* and (4) *parts and supplies relating to the microfilm industry*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds, from one consignor to one consignee on any one day, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Jackson, Miss.

No. MC 112520 (Sub-No. 304), filed March 27, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propellants explosives* (solids), *Class B explosives smokeless powder* for small arms water wet, in bulk, in tank vehicles, from points in Wakulla County, Fla., to points in Alabama and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tallahassee, Fla.; Atlanta, Ga.; or Washington, D.C.

No. MC 113267 (Sub-No. 319), filed March 24, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with commodities described in (a) above, from the plantsite and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the above-named origin and destined to the above-named destinations; and (2) *commodities* as described in (1) (a) and (b) above and *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plantsite and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., on the one hand, and, on the other, points in Illinois, Iowa, Michigan, and Wisconsin, restricted to traffic originating at or destined to the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 286), filed March 27, 1975. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½—8th Ave. N.E., Austin, Minn. 55912. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Arkansas, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New

Hampshire, New York, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, West Virginia, Wisconsin, and Virginia, restricted to traffic originating at the above-named origin and destined to the above-named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Arkansas, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New Hampshire, New York, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, West Virginia, Wisconsin, and Virginia, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted to traffic originating at the above-named states and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn., or Des Moines, Iowa.

No. MC 113651 (Sub-No. 183), filed March 26, 1975. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Section A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs*, when moving with commodities described in (a) above, from the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the above origin and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 418), filed March 31, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with commodities described in (a) above from the plant site and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., to points in Alabama, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia and; (2) *commodities* as described in 1 (a) and (b) above and *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plant site and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., and points in Illinois, Iowa, Kansas, Michigan, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Dallas, Tex.

No. MC 114284 (Sub-No. 67), filed March 31, 1975. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., P.O. Box 82307, Stockyards Station, Oklahoma City, Okla. 73108. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with commodities described in (a) above from the plant site and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., to points in Arizona, Arkansas, California, Colorado, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Washington, and points in Texas on and west of U.S. Highway 277 and; (2) commodities as described in 1 (a) and (b) above and *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plant site and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., and points in Iowa and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests hearing on a consolidated record with other similarly filed applications.

No. MC 114457 (Sub-No. 229), filed March 24, 1975. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and products* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Millville (Cumberland County), N.J., to points in Iowa, Missouri, Nebraska, Minnesota, Wisconsin, North Dakota, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 230), filed March 24, 1975. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of glass containers, and *glass containers* (except commodities in bulk), from points in Colorado, Nebraska, Kansas, Iowa, Missouri, Wisconsin, Illinois, Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, New York, Maryland, Michigan, Delaware, New Jersey, Tennessee, Georgia, and Florida, to the plantsite of Midland Glass Company located at or near Shakopee, Minn., restricted to traffic originating at and destined to the named origins and destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 114965 (Sub-No. 57), filed March 27, 1975. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, P.O. Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from Lecompton, Conway, Hutchinson and Clay Center, Kans., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 114965 (Sub-No. 58), filed March 21, 1975. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from the Ringer Pipeline Terminal at or near Paola, Kans., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 116014 (Sub-No. 73), filed March 28, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are usually transported in dump vehicles, from points in Kentucky to points in Illinois, Indiana, Ohio, Kentucky, Tennessee, West Virginia and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 116763 (Sub-No. 312), filed March 28, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Olivia and Owatonna, Minn., to 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, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 117119 (Sub-No. 532), filed March 27, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials, supplies and equipment*, in vehicles equipped with mechanical refrigeration, between Teterboro, N.J., on the one hand, and, on the other, Salt Lake City, Utah; Glendale and Brisbane, Calif.; Denver, Colo.; Chicago, Ill.; Atlanta, Ga.; Milwaukee, Wis.; and Dallas, Tex.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 117119 (Sub-No. 531), filed March 27, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (2) *foodstuffs*, when moving with commodities described in (1) above, from the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the above origin and destined to above named destinations.

NOTE.—Common control, and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 117686 (Sub-No. 155), filed March 31, 1975. Applicant: HIRSCHBACH MOTOR LINES, INC., 500 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Fairmont, Minn., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Missouri, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.

No. MC 117815 (Sub-No. 241), filed March 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *foodstuffs*, (except hides and commodities in bulk), (1) from the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa to points in Illinois, Indiana, Michigan, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) from the destination states in part (1) above to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted in (1) and (2) above to traffic originating at the named origins, and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 117815 (Sub-No. 244), filed March 31, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Hudson, Iowa, to points in Illinois, Indiana, Wisconsin, Minnesota, and Michigan, restricted to traffic originating at the plantsites or facilities of and used by Land O'Lakes, Inc., and destined to points in the destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117883 (Sub-No. 201), filed March 27, 1975. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except commodities in bulk), from the plantsite and storage facilities of or utilized by Roman Meal Company, located at or near Decatur, Ind., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the above named origin point, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 158), filed March 28, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to the transportation of traffic for the account of Land O' Lakes, Inc., originating at plantsites and facilities of and used by Land O' Lakes, Inc., and destined to the above named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117940 (Sub-No. 159), filed March 31, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Iowa, to points in Minnesota and Wisconsin, restricted to the transportation of traffic for the account of Land O' Lakes, Inc., originating at the plantsites and facilities of and used by Land O' Lakes, Inc., and destined to the above named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119118 (Sub-No. 39), filed March 27, 1975. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from South Volney, N.Y., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia; and (2) *materials, supplies and equipment* (except commodities in bulk), used in the manufacture, sale and distribution of malt beverages, and *returned empty malt beverage containers*, from points in the destination states named in (1) above, to South Volney, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 116564 and Sub No. 22, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119531 (Sub-No. 155), filed March 28, 1975. Applicant: SUN EXPRESS, INC., 1835 West Main Street, Zanesville, Ohio 43701. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers and container ends*, from Whitehouse, Ohio to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies* used in the manufacture of metal containers and container ends, from points in the United States (except Alaska and Hawaii), to Whitehouse, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119641 (Sub-No. 129), filed March 31, 1975. Applicant: RINGLE EXPRESS, INC., 450 East 9th Street, Fowler, Ind. 47944. Applicant's representative: Robert E. Smith, P.O. Box 2278, Colee Station, Fort Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor attachments, agricultural machinery, agricultural implements, grain storage bins, and parts therefor* when incidental to and moving in the same vehicle with said commodities, from Davenport, Iowa to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, Wisconsin, Tifton, Ga., Billings, Mont., Tarboro, N.C., and Dallas, Tex., restricted to shipments originating at the plant site and warehouse facilities of Long Mfg. Co., Inc., located at or near Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 119767 (Sub-No. 326), filed March 31, 1975. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa to points in Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, and St. Louis, Mo., restricted to the transportation of shipments originating at the plantsites and warehouse facilities of Land O'Lakes, Inc., located at or near Hudson, Iowa, and destined to points in the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119974 (Sub-No. 49), filed March 31, 1975. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance Street, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *foodstuffs* (except hides and commodities in bulk), from the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Ohio, Missouri, Nebraska, and Wisconsin; and (2) from the destination states in (1) above to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted in (1) and (2) above to traffic originating at the named origins, and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Washington, D.C.

No. MC 119988 (Sub-No. 79), filed March 24, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, bicycle parts, bicycle accessories and materials and supplies* used in the manufacturing and/or assembly of bicycles, bicycle parts and bicycle accessories, between Enid, Okla., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Oklahoma).

NOTE.—Applicant holds contract carrier authority in MC 140271 pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 123048 (Sub-No. 321), filed March 24, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson, P.O. Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements;* (2) *attachments and accessories* for (1) above; (3) *parts* for (1) and (2) above; (4) *materials, equipment and supplies* used in the manufacture, sale and/or distribution of the commodities described in (1), (2) and (3) above, between Forrest City, Ark., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.; Chicago, Ill.; or Washington, D.C.

No. MC 123872 (Sub-No. 44), filed March 31, 1975. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman, P.O. Box 2607, Hickory, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Virgina, and West Virginia; and (2) *meats, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hickory, or Charlotte, N.C., or St. Paul, Minn.

No. MC 124078 (Sub-No. 640), filed March 19, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, (a) from Memphis, Tenn., to points in Michigan and Pennsylvania; and (b) from Butler, Pa., to Memphis, Tenn.; and (2) *fuel oil*, in bulk, from Savannah, Ga., to Washington, Pa.; Morristown, Tenn.; and Richmond, Va.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub No. 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Atlanta, Ga.

No. MC 124170 (Sub-No. 52), filed March 31, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities*, from Port Newark, N.J., and points in the New York, N.Y. commercial zone, to points in Illinois, Wisconsin, Michigan, Indiana, Kentucky, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124417 (Sub-No. 12), filed March 28, 1975. Applicant: ALPHONSE AND VINCENT HINDERMAN, a partnership doing business as HINDERMAN BROTHERS, Box 327, Dickeyville, Wis. 53808. Applicant's representative: John Duncan Varda, 121 S. Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, (1) from the facilities of the Burlington and Northern Railroad, at or near Potosi, Wis., to Dickeyville, Wis.; and (2) from Dickeyville, Wis., to points in Minnesota, Iowa, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 124796 (Sub-No. 145), filed March 31, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, not frozen, (a) from Atlanta, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Mississippi, Louisiana, and Tennessee; (b) from Boston, Mass., to points in Maine, New Hampshire, Rhode Island, Vermont, and Connecticut; (c) from Charlotte, N.C., to points in Georgia, South Carolina, Tennessee, Virginia, West Virginia, and Kentucky; (d) from Chicago, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, and Ohio; (e) from Cleveland, Ohio, to points in Michigan, New York, Pennsylvania, and West Virginia; (f) from Frederick, Md., to points in Delaware, District of Columbia, Pennsylvania, Virginia, and West Virginia; (g) from Houston, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico and Oklahoma; (h) from Jersey City, N.J., to points in Connecticut, New York, Pennsylvania and Massachusetts; (i) from Kansas City, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, South Dakota, and Wyoming; (j) from Los Angeles, Calif., to points in Arizona, Nevada, New Mexico, Utah, Oregon, Washington, and Idaho; (k) from Oakland, Calif., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (l) from Tampa, Fla., to points in Georgia; and (2) *returned shipments*, of *foodstuffs*, not frozen, from the above described destinations to the above described origins, under a continuing contract or contract with The Clorox Company and its division and affiliates.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 126537 (Sub-No. 33), filed March 20, 1975. Applicant: KENT I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, a partnership, doing business as, TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between the plantsite of American Greetings Corporation, Laurel County, Ky., and Brigham City, Utah: From the plantsite of American Greetings Corporation (Laurel County), Ky., over American Greetings Road to junction with U.S. 25–E By-Pass, thence over U.S. 25–E By-Pass to junction with I–75, thence over I–75 to junction with I–64, thence over I–64 to Louisville, Ky., thence over I–65 to Indianapolis, Ind., thence over I–74 to junction with I–80, thence over I–80 to junction with U.S. 30, thence over U.S. Highway 30 to junction I–80, thence over I–80 to junction with U.S. Highway 189, thence over U.S. Highway 189 to junction with I–80, thence over I–80 to junction I–80 N, thence over I–80 N to junction with U.S. Highway 89, thence over U.S. Highway 89 to Brigham City, Utah, and return over the same route, serving no intermediate points and serving the junction of I–75 and U.S. Highway 150, the junction of I–25 and I–80 and Louisville, Ky., for purposes of joinder only; (2) between the plantsite of American Greetings Corporation near Danville, Ky., and Louisville, Ky.: From the plantsite of American Greetings Corporation near Danville, Ky., over U.S. Highway 150 to junction with U.S. Highway 127, thence over U.S. 127 to junction with Kentucky Highway 151, thence over Kentucky Highway 151 to junction with I–64, thence over I–64 to Louisville, Ky., and return over the same route, serving no intermediate points and serving Louisville, Ky., for purposes of joinder only; (3) between the junction of I–75 and U.S. Highway 150 and the plantsite of American Greetings Corporation near Danville, Ky.: From the junction of I–75 and U.S. 150 over U.S. Highway 150 to the plantsite of American Greetings Corporation near Danville, Ky., and return over the same route, serving no intermediate points and serving the junction of I–75 and U.S. Highway 150 for purposes of joinder only; and (4) between Louisville, Ky., and the junction of I–25 and I–80: From Louisville, Ky., over I–64 to its junction with Indiana Highway 135, thence over Indiana Highway 135 to its junction with U.S. Highway 460, thence over U.S. 460 to junction with U.S. 231, thence over U.S. 231 to junction with I–64, thence over I–64 to junction with Illinois Highway 1, thence over Illinois Highway 1 to junction with U.S. 460, thence over U.S. 460 to junction with U.S. Highway 45, thence over U.S. 45 to junction with I–64, thence over I–64 to junction with U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, Mo., thence over I–70 to junction with U.S. Highway 24, thence over U.S. Highway 24 to junction with I–70, thence over I–70 to Denver, Colo., thence over I–25 to junction with I–80, and return over the same route, serving no intermediate points and serving Louisville, Ky., and the junction of I–25 and I–80 for purposes of joinder only.

NOTE.—Applicant holds contract carrier authority in MC 129652, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Cleveland, Ohio.

No. MC 128663 (Sub-No. 1), filed March 28, 1975. Applicant: METALS TRANSPORT, INC., P.O. Box 350, New Brunswick, N.J. 08903. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, aluminum and non-ferrous metals, and iron, steel aluminum and non-ferrous articles;* and (2) *materials, supplies, and equipment* (except commodities in bulk) used in the distribution and sale of the commodities in (1) above, between New Brunswick, N.J., on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Wisconsin, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, and Kentucky, under a continuing contract or contracts with Morrison Steel Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 128862 (Sub-No. 21), filed March 27, 1975. Applicant: B. J. CECIL TRUCKING, INC., Box C, Claypool, Ariz. 85532. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper cathodes, copper cement, and coal*, between points in Arizona, restricted to traffic having a prior or subsequent movement by rail; (2) *shredded tin*, in

bulk, from points in Maricopa County, Ariz., to points in Grand County and San Juan County, Utah; and (3) *copper cement*, from points in Grand County and San Juan County, Utah, to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Phoenix, or Tuscon, Ariz.

No. MC 133095 (Sub-No. 76), filed March 27, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rock Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in vehicles equipped with mechanical refrigeration, from the plant site of Cadbury Corporation, Humbolt Industrial Park, and Hazeltownship, Pa., to points in Detroit, Mich., Dallas, Tex., Denver, Colo., Salt Lake City, Utah, Kansas City, Kans., Kansas City, Mo., Chicago, Ill., Seattle, Wash., and Los Angeles, Emeryville, and Hayward, Calif.

NOTE.—Applicant holds contract carrier authority in MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133095 (Sub-No. 76), filed March 27, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rock Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in vehicles equipped with mechanical refrigeration, from the plant site of Cadbury Corporation, Humboldt Industrial Park, and Hazeltownship, Pa., to points in Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; and Los Angeles, Emeryville, and Hayward, Calif.

NOTE.—Applicant holds contract carrier authority in MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133146 (Sub-No. 12), filed March 25, 1975. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, Suite 1-M, Atlanta, Ga. 30341. Applicant's representative: Richard D. Cooper (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine* other than in bulk and in tank vehicles, from Atlanta, Ga., to points in Arkansas, Oklahoma, Kansas, Nebraska, and Iowa, under a continuing contract with Monarch Wine Company of Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 134538 (Sub-No. 4), filed March 24, 1975. Applicant: JOHN L. CLARK, Rural Free Delivery No. 3, Montpelier, Ohio 43543. Applicant's representative: Michael Marshall Briley, 1200 Edison Plaza, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, contained in piggy-back trailers loaded or empty, having an immediately prior or subsequent movement by rail, (1) between Montpelier, Ohio, on the one hand, and, on the other, points in Wood, Lucas, Erie, Ottawa, Henry, Sandusky, Paulding and Van Wert Counties, Ohio; (2) between Montpelier, Ohio, on the one hand, and, on the other, points in Lagrange, Steuben, Noble, De Kalb, Allen, and Whitley Counties, Ind.; and (3) between Montpelier, Ohio, on the one hand, and, on the other, points in Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, Monroe, Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, Allegan, Ionia, Kent, Ottawa, and Muskegon Counties, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 134922 (Sub-No. 117), filed March 24, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or rubber articles* (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in Massachusetts, Ohio, New York, New Jersey, and Chicago, Ill., to points in Arizona, Nevada, Oregon, Washington and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Little Rock, Ark.

No. MC 134922 (Sub-No. 118), filed March 31, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane, polyurethane foam and compounds* (except in bulk), from Cairo, Ill., to points in California, Arizona, Utah, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Little Rock, Ark.

No. MC 135032 (Sub-No. 14), filed March 27, 1975. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 Fourth St., Winona, Wis. 53105. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Iowa, to points in Minnesota and Wisconsin, restricted to traffic originated by and at the plantsites and facilities of Land O'Lakes, Inc., in Iowa, and to traffic destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135032 (Sub-No. 15), filed March 27, 1975. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from Hudson, Iowa, to points in Illinois, Missouri, Kansas, Nebraska, and Iowa, restricted to traffic originated by and at the plantsites and facilities of Land O'Lakes, Inc., in Iowa, and to traffic destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135032 (Sub-No. 16), filed March 27, 1975. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to traffic originated by and at the plantsites and facilities of Land O'Lakes, Inc., in Iowa, and restricted to traffic destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135032 (Sub-No. 17), filed March 27, 1975. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin, to points in Illinois, Missouri, Kansas, Nebraska, and Iowa, restricted to traffic originated by and at the plant sites and facilities of Land O'Lakes, Inc. in Iowa and destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135744 (Sub-No. 5), filed March 28, 1975. Applicant: BARKO

TRANSPORT, INC., P.O. Box 15751, Salt Lake City, Utah 84115. Applicant's representative: H. E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, in bulk, between points in Utah, Idaho, and Nevada, on the one hand, and, on the other, points in Texas, Arizona, Nevada, Utah, Idaho, Montana, California, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 135911 (Sub-No. 1), filed March 25, 1975. Applicant: CYCLES, INC., doing business as TWIN CITY HONDA, 1437 University Avenue, St. Paul, Minn. 55104. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *fertilizer*, in bags, *animal and poultry feed, and dried milk powder*, when moving in mixed loads with commodities subject to economic regulations under the Interstate Commerce Act, from Minneapolis, Minn., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; (2) *frozen poultry*, when moving in mixed loads with commodities subject to economic regulation under the Interstate Commerce Act, from Albert Lea, Minn., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; (3) *eggs*, when moving in mixed loads with commodities subject to economic regulations under the Interstate Commerce Act, from New Richland and Lakefield, Minn., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; (4) *dried milk powder*, when moving in mixed loads with commodities subject to economic regulation under the Interstate Commerce Act, from Pine Island, Minn., and Whitehall, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; (5) *butter*, from Mondovi, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; and (6) *cheese*, from Faribault, Minn., Plymouth, Kiel, Manitowoc, Monroe, Marshfield, Spencer, Woycena, and Greenwood, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif., restricted against commodities in bulk and limited to a transportation service to be performed under a continuing contract or contracts with Land O' Lakes, Inc., of Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139495 (Sub-No. 50), filed March 24, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture of irrigation systems (except in bulk and except those which because of size and weight require special equipment), from Quincy, Ill.; Beloit, Wis.; Mena, Ark.; and Columbus, Nebr., to points in Washington.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 51), filed March 26, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recycled non-ferrous metal scrap, slabs or ingots, aluminum dross, aluminum slag, silicone, metallic silicate, non-ferrous metal ingots or slabs* (except those which because of size and weight require the use of special equipment), from Chicago, Ill.; Cleveland, Ohio; and Long Beach, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 52), filed March 28, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture and furniture parts*, in cartons, (1) from Aurora, Ill., to points in California, Texas, Pennsylvania, New Jersey, Connecticut, and Maryland; and (2) from Hazelton, Pa., to points in California, Texas; and Aurora, Ill.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139763 (Sub-No. 2), filed March 24, 1975. Applicant: OAK HARBOR FREIGHT LINES, INC., 6314—7th Avenue, Seattle, Wash. 98108. Applicant's representative: Henry Vander Pol (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in King, Snohomish, Skagit, Island, and Whatcom Counties, Wash., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 140023 (Sub-No. 4), filed March 24, 1975. Applicant: COLUMBIA TRANSIT CORPORATION, 404 Walnut Street, Waldo, Ark. 71770. Applicant's representative: W. H. Boswell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, between points in Ouchita County, Ark.; and Webster Parish, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Little Rock or El Dorado, Ark.

No. MC 140134 (Sub-No. 1), filed March 24, 1975. Applicant: CALDARULO TRADING CO., 2840 South Ashland Street, Chicago, Ill. 60608. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shampoo, toilet preparations, buffing and polishing compounds, drugs, deodorants, advertising displays, sweetening compounds, sugar substitutes, vegetables, canned, dried, or evaporated, table sauces, soups, dessert preparations, beverages, flour, jellies, meat, cooked, and salad dressing preparations*, (1) from Chicago, Ill.; and its commercial zone, to Sparks, Nev.; and (2) from Sparks, Nev., to points in California, under a continuing contract or contracts with Alberto-Culver Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140535 (Sub-No. 2), filed April 1, 1975. Applicant: RAYMOND ADAMSON, P.O. Box 42, Gainesville, Mo. 65655. Applicant's representative: Turner White, 910 Plaza Towers, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic saw shavings, plastic grindings, and scrap plastic material*, from points in Texas, New Mexico, Colorado, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Kansas, Oklahoma, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Kentucky, Georgia, Indiana, Ohio, Pennsylvania, and Maryland, to Gainesville, Mo.; and (2) *recycled plastic material*, from Gainesville, Mo., to points in Texas, New Mexico, Colorado, Nebraska, South Dakota, North

Dakota, Minnesota, Iowa, Kansas, Oklahoma, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Kentucky, Georgia, Indiana, Ohio, Pennsylvania, and Maryland, under a contract with Bryant Plastics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City or St. Louis, Mo.

No. MC 140593 (Sub-No. 2), filed March 26, 1975. Applicant: DONALD L. ELLIS, doing business as PACIFIC OWL EXPRESS, 20022 S. Mountain Road, Santa Paula, Calif. 93060. Applicant's representative: Donald Murchinson, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, including meat;* and (2) *restaurant supplies and equipment*, between Oxnard, Vernon or Northridge, Calif., or Sioux City, Iowa, on the one hand, and, on the other, Fairbanks, Alaska, under contract with Oxnard Produce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or Oxnard, Calif.

No. MC 140608 (Sub-No. 1), filed March 3, 1975. Applicant: BENTLEY W. WARREN, doing business as BENTLEY WARREN TRUCKING, Fernald Street, West Gloucester, Mass. 01930. Applicant's representative: Ignatius C. Goode, 22 N. Shetland Road, Danvers, Mass. 01923. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, in hydraulic dump trailers, (1) from Tewksbury, Mass., to Madbury and Portsmouth, N.H. and points in Connecticut, Massachusetts, New Jersey, Pennsylvania and Rhode Island; (2) from Madbury, N.H. to points in Connecticut, Massachusetts, N.J., Pennsylvania and Rhode Island; (3) from points in Maine and Vermont, to Boston, Everett and Tewksbury, Mass. and Madbury, N.H.; (4) from points in New Hampshire, to Boston, Everett and Tewksbury, Mass.; and (5) from points in Massachusetts, to Madbury, N.H.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 140709 (Sub-No. 2), filed March 28, 1975. Applicant: FANKHAUSER BROTHERS, INC., 139 Hillside, El Dorado, Kans. 67042. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, from the plantsite and/or storage facilities of Farmland Industries, Inc., located at or near Muncie, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140743 (Sub-No. 3), filed March 17, 1975. Applicant: GORSKI BULK TRANSPORT, INC., 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, to the plantsite of Joseph E. Seagram & Son, Inc., at Lawrenceburg, Ind., restricted to traffic originating at Waterloo, Ontario, Canada.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., Washington, D.C., or Detroit, Mich.

No. MC 140793 (Sub-No. 1), filed March 31, 1975. Applicant: JAMES J. OBROCHTA, an individual, 9 Concord Lane, Oakland, N.J. 07670. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and frozen desserts*, (1) from Lancaster, Pa., to points in New Jersey, New York, Connecticut, Rhode Island, and Massachusetts; and (2) from Chesapeake, Va., to points in the District of Columbia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, under a continuing contract or contracts with Schrafft's Ice Cream Company, Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140799, filed March 24, 1975. Applicant: TAILOR TRANSPORTATION COMPANY, INC., 2237 State Street, Bettendorf, Iowa 52722. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and feed processing equipment and machinery; air pollution control equipment and machinery; pneumatic conveying systems, and parts* of the above commodity, from Bettendorf, Iowa, to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Tailor and Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140800, filed March 20, 1975. Applicant: COLONIAL TRANSPORTATION, INC., East Arrowhead Drive, McMinnville, Tenn. 37110. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, brake drums, disk brakes and parts thereto, and parts, materials, equipment and supplies*, used in the manufacture of the above commodities, between Lexington, McMinnville, Memphis, and Humboldt, Tenn., on the one hand, and, on the other, Corinth, Miss., and St. Louis, Mo., under a continuing contract or contracts with Gould, Inc., Century Electric Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 140801, filed March 21, 1975. Applicant: KLEIN'S TOWING SERVICE, INC., 6 Noel Circle, Harrison, N.Y. 10528. Applicant's representative: John L. Alfano and Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and dollies* (except house trailers designed to be drawn by passenger automobiles) by the use of Wrecker equipment only, (1) Between points in Connecticut, New Jersey and New York; and (2) Between points in (1) above, on the one hand, and, on the other, points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140820, filed March 28, 1975. Applicant: A & R TRANSPORT, INC., P.O. Box 413, Streator, Ill. 61364. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric and phosphoric acid*, in bulk, from Depue, Ill., to Peru, and Hennepin, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140821, filed March 28, 1975. Applicant: H. D. WALLS, doing business as, H. D. WALLS TRUCKING, P.O. Box 399, Ridgely, Md. 21660. Applicant's representative: J. Michael May, Suite 20, 1459 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, (1) from Queen Anne, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia; and (2) from Greenwood, Delaware, to Queen Anne, Md., under a continuing contract with Fox Foods, Inc., Division of Kane-Miller Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baltimore, Md., or Washington, D.C.

PASSENGER APPLICATIONS

No. MC 61799 (Sub-No. 3), filed March 27, 1975. Applicant: CONESTOGA TRANSPORTATION COMPANY, a corporation, 825 East Chestnut Street,

Lancaster, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Lancaster County, including the city of Lancaster, Pa., and extending to points in Florida, Tennessee, South Carolina, Vermont, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lancaster, Pa.

No. MC 102538 (Sub-No. 19), filed March 31, 1975. Applicant: YELLOW COACH LINES, INCORPORATED, P.O. Box 287, Bristol, Va. 24201. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, from points in Sullivan, Carter and Washington Counties, Tenn., and the City of Bristol, Va., and Washington County, Va., to points in the United States, including Alaska, in special operations in round-trip and sightseeing tours, and special operations in all-expense round-trip and sightseeing tours.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bristol, Va.

No. MC 112108 (Sub-No. 3), filed March 26, 1975. Applicant: LEPRECHAUN LINES, INC., Route 32, P.O. Box 2628, Newburgh, N.Y. 12550. Applicant's representative: J. G. Dall, Jr., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in one-way and round trip charter operations, beginning and ending at points in Dutchess County, N.Y. (except Beacon, Beekman, Dover, East Fishkill, Fishkill, La Grange, Pawling, Union Vale, and Wappinger, N.Y.); points in Columbia County, N.Y., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Poughkeepsie, N.Y.

No. MC 117324 (Sub-No. 4), filed March 24, 1975. Applicant: FORT DODGE TRANSPORTATION COMPANY, a corporation, P.O. Box 901, East Highway 20, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in round-trip charter and special operations, beginning and ending at Fort Dodge, Iowa, and points within 50 miles of Fort Dodge, and extending to points in the United States, including Alaska, but excluding Hawaii, Minnesota, Wisconsin, Illinois, Nebraska, Missouri, Arkansas, Colorado, California, New York, Louisiana, South Dakota, and the District of Columbia; (2) *Passengers and their baggage*, in round-trip special operations, (a) beginning and ending at Fort Dodge, Iowa, and points within 50 miles of Fort Dodge, which applicant is presently authorized to serve in round-trip charter operations in Certificate No. MC 117324, and extending to points in Alaska, Minnesota, Wisconsin, Illinois, Nebraska, Missouri, Arkansas, Colorado, California, New York, Louisiana, South Dakota, and the District of Columbia; (b) beginning and ending at all authorized service points on applicant's regular route located between Fort Dodge and Spirit Lake, Iowa, which applicant is presently authorized to serve in round-trip charter operations in Certificate No. MC 117324 Sub 2, and extending to points in the United States, including Alaska, but excluding Hawaii; (3) *Passengers and their baggage*, in round-trip charter and special operations, beginning and ending at all authorized service points on applicant's regular route located between Spirit Lake, Iowa, and Worthington, Minn., as authorized in Certificate No. MC 117324 Sub 3, and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 140341 (Sub-No. 2), filed March 26, 1975. Applicant: WESTERN BUS LINES OF B. C. LTD., 944—8th Street, Kamloops, British Columbia, Canada. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round-trip charter operations, from points in Yale County, B. C. (Kamloops), beginning and ending at Sumas and Oroville, Wash., at or near the International Boundary line between the United States and Canada and extending to points in Washington, Oregon, Idaho, Nevada and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 140797, filed March 26, 1975. Applicant: BLUE & GREY TRANSIT, INC., State Highway 35, South Amboy, N.J. 08879. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express*, in the same vehicle with passengers, Between New York, N.Y., and Green Haven, N.Y.: From New York over city streets to Interstate Highway 87, thence over Interstate Highway 87 to junction Interstate 287, thence over Interstate Highway 287 to junction Interstate Highway 684, thence over Interstate Highway 684 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction New York Highway 52, thence over New York Highway 52 to junction New York Highway 216, thence over New York Highway 216 to Green Haven, N.Y., and return over the same route serving the intermediate points of Yonkers, White Plains and Stormville, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-10608 Filed 4-23-75;8:45 am]

[Notice 45]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 21, 1975.

The following are notices of filing of application, 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, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Sub-No. 55TA), filed April 4, 1975. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Ave., Terre Haute, Ind. 47807. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of Central Illinois Public Service Co., Power Plant at or

near Newton, Ill., as an off-route point in connection with regular route operations, between Terre Haute, Ind., and St. Louis, Mo., for 180 days. Supporting shipper: Central Illinois Public Service Co., 607 East Adams, Springfield, Ill. 60701. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 41849 (Sub-No. 31TA), filed April 14, 1975. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. 63110. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fired clay aggregate*, from the plantsites of Arkansas Lightweight Aggregate Corporation, located at or near West Memphis and England, Ark., to points in Cape Girardeau, Sikeston, St. Louis and Poplar Bluff, Mo., and points in Jefferson, St. Louis, and St. Charles, Mo., for 180 days. Supporting shipper: Arkansas Lightweight Aggregate Corporation, P.O. Box 323, West Memphis, Tenn. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 111201 (Sub-No. 22TA), filed April 14, 1975. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, P.O. Box 90818, East Point, Ga. 30044. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, other than alcoholic, from the plant and warehouse facilities of Shasta Beverages in Jefferson Parish, La., to points in Louisiana, Mississippi, Alabama, Florida, Tennessee, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Shasta Beverages, Kenner Jefferson Parish, La. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 114896 (Sub-No. 27TA), filed April 11, 1975. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mockingbird Lane, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dangerous drugs*, from points in New York, N.Y., Somerville, N.J., to points in St. Louis, Mo., for 180 days. Supporting shipper: Mallinckrodt, Inc., P.O. Box 5439, St. Louis, Mo. 63147. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 115268 (Sub-No. 11TA), filed April 14, 1975. Applicant: DAYTON TRANSPORT CORPORATION, P.O. Box 338, Dayton, Va. 22821. Applicant's representative: Francis J. Ortman, 1100 Seventeenth St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, except petrochemicals, in bulk, from Montvale terminal, Montvale, Roanoke County, Va., and Richmond, Va., to points in Virginia west of U.S. Highway 21 traversing West Virginia for operating convenience only, for 180 days. Supporting shipper: None. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave. SW., Roanoke, Va. 24011.

No. MC 115311 (Sub-No. 175TA), filed April 10, 1975. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fibreboard, and pulpboard, and materials, accessories and supplies utilized in the installation thereof*, from the plantsite and storage facilities of Donn Products, Inc., at Norcross (Peachtree Corners), Ga., to points in Alabama, North Carolina, South Carolina, Virginia, and Tennessee, for 180 days. Supporting shipper: Donn Products, Inc., 3015 Jones Ferry Road, Peachtree Corners Industrial Park, Norcross, Ga. 30071. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga.

No. MC 123048 (Sub-No. 322TA), filed April 10, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tents and tent pavilions;* and (2) *materials, equipment and supplies to be used on conjunction therewith*, between points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at and destined to facilities utilized by HDO Productions, Inc., for 180 days. Supporting shipper: HDO Productions, Inc., 1520 Berkeley Road, Highland Park, Ill. 60035. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 644TA), filed April 15, 1975. Applicant: SHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Erie, Pa., to points in New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Huron Cement, 17515 West Nine Mile Road, Southfield, Mich. 48075. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124328 (Sub-No. 80TA), filed April 11, 1975. Applicant: BRINK'S INCORPORATED, 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: Chandler L. van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, between points in New York, N.Y., Newark, N.J., Chicago, Ill., and Kellogg, Idaho, for 180 days. Supporting shipper: First National City Bank, Precious Metals Storage Dept., 399 Park Ave., New York, N.Y. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128375 (Sub-No. 132TA), filed April 14, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and personal care products and related items, and materials and supplies used in the manufacture and distribution thereof*, between Ada, Mich., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, South Dakota, Nebraska, points in Iowa on and west of U.S. Highway 65, Georgia, Kansas, Colorado, Utah, Nevada, California, Arizona, New Mexico, Texas, Oklahoma, and Missouri (except St. Louis and its commercial zone), under continuing contract with Amway Corporation, for 180 days. Supporting shipper: Frank W. Quinn, Manager of Transportation, Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Bldg. & Court House, Lincoln, Nebr. 68508.

No. MC 138607 (Sub-No. 4T4), filed April 14, 1975. Applicant: P&N TRUCK SERVICE, INC., 2821 Orindale Road, Klamath Falls, Oreg. 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Vancouver, Wash., to points in Oregon, for 180 days. Supporting shippers: Kremers Distributing Co., Bend, Oreg., Rougue Valley Beverage Co., Medford, Oreg., Falstaff Brewing Corporation, San Francisco, Calif., Cascade Distributing Co., Albany, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140834TA, filed April 9, 1975. Applicant: TURNER TRANSPORTATION, INC., Route 2, South 2nd St.,

Mitchell, Ind. 47446. Applicant's representative: Alki E. Socpelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in driveaway service, between the Carpenter Body Works, Inc., at Mitchell, Ind., on the one hand, and, on the other, points in Illinois, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Vermont, Wisconsin, and the District of Columbia, for 180 days. Supporting: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Frances Sterling, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 140843TA, filed April 14, 1975. Applicant: CARLSON TRANSPORT, INC., P.O. Box 20214, Billings, Mont. 59102. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt, liquid natural asphalt, liquid road oil, petroleum asphalt cement—liquid, bulk roofing asphalt, dust control spray oil, residual fuel oils and distributor service for spreading the above products*, in bulk, in tank vehicles, from refineries located at or near Billings, Cut Bank, Great Falls, Kevin and Laurel, Mont., to points in Idaho, Washington, and Wyoming; and from the refinery located at or near Cody, Wyoming, to points in Colorado, Idaho, Montana, Utah, and Washington, for 180 days. Supporting shipper: Husky Oil Company, 600 South Cherry St., Denver, Colo. 80222. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10777 Filed 4-23-75;8:45 am]

[NOTICE #41]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Exhibitors Service Co., MC-647 Sub-9	MC-647 Sub-10	Feb. 13, 1975
Kroblin Refrigerated Xpress, Inc., MC-30844 Sub-370	MC-30844 Sub-374	May 29, 1974
Tri-Borough Transportation Corp., MC-49849 Sub-1	MC-49849 Sub-2	May 28, 1974
Schneider Transport, Inc., MC-51146 Sub-313	MC-51146 Sub-335	May 24, 1974
Main Express & Storage Co., MC-54444 Sub-3	MC-54444 Sub-4	Oct. 1, 1974
D.b.a., Hudson Bus Lines, MC-96007 Sub-28	MC-96007 Sub-37	Feb. 24, 1975
D.b.a., John B. Barbour Trucking Co., MC-106984 Sub-11	MC-106984 Sub-12	May 31, 1974
Pro-Fab Transit Co., MC-107295 Sub-641	MC-107295 Sub-640	May 24, 1974
Matlack, Inc., MC-107403 Sub-829	MC-107403 Sub-835	June 26, 1974
Ruan Transport Corp., MC-107496 Sub-802	MC-107496 Sub-874	May 24, 1974
Coldway Express, Inc., MC-107983 Sub-16	MC-107983 Sub-17	May 28, 1974
Kansas-Arizona Motor Express, Inc., MC-109307 Sub-16	MC-109307 Sub-15	June 26, 1974
W. S. Hatch, MC-109689 Sub-249, 250, 252	MC-109689 Sub-248	Jan. 17, 1975
J. E. Lammert Transfer, Inc., MC-110589 Sub-21	MC-110589 Sub-27	Nov. 1, 1974
Bankers Dispatch Corp., MC-114533 Sub-269	MC-114533 Sub-277	May 24, 1974
Nationwide Carriers, Inc., MC-114789 Sub-34	MC-114789 Sub-35	Feb. 7, 1975
Paulson Truck Lines, Inc., MC-115130 Sub-4	MC-115130 Sub-5	Jan. 10, 1975
Mark Trucking, Inc., MC-115814 Sub-10	MC-115814 Sub-11	Oct. 24, 1974
Commercial Furniture Distributors, Inc., MC-116935 Sub-14	MC-116935 Sub-11	May 28, 1974
Bulk Transport, Inc., MC-117439 Sub-43	MC-117439 Sub-45	May 24, 1974
Hirschbach Motor Lines, Inc., MC-117686 Sub-150	MC-117686 Sub-49	Mar. 3, 1975
Container Transit, Inc., MC-118989 Sub-81	MC-118989 Sub-83	May 28, 1974
Container Transit, Inc., MC-118989 Sub-96	MC-118989 Sub-88	Do.
Caravan Refrigerated Cargo, Inc., MC-119789 Sub-142	MC-119789 Sub-135	Do.
Kenan Transport Co., Inc., MC-124306 Sub-14	MC-124306 Sub-15	Dec. 9, 1974
Roy S. Sargeant, Inc., MC-124073 Sub-6	MC-124073 Sub-7	June 28, 1974
Grim Bros. Trucking Co., MC-124854 Sub-11	MC-124854 Sub-12	May 24, 1974
Claremont Motor Lines, Inc., 123613 Sub-8	MC-123613 Sub-9	May 23, 1974
L. Woods & Sons Transport Ltd., MC-125497 Sub-18	MC-125497 Sub-19	May 19, 1974
Hofer, Inc., MC-128007 Sub-60	MC-128007 Sub-61	Feb. 20, 1975
Skyline Transport, Inc., MC-128642 Sub-9	MC-128642 Sub-11	May 29, 1974
D.b.a. Schremp Bros., MC-133115 Sub-3	MC-133115 Sub-4	Oct. 17, 1974
George Appel, MC-133796 Sub-10	MC-133796 Sub-17	May 24, 1974
William A. Long, MC-134129 Sub-5	MC-134129 Sub-6	Do.
Lanter Refrigerated Distributing Co., MC-134551 Sub-2	MC-134551 Sub-3	Dec. 9, 1974
D.b.a. H & H Trucking Co., MC-134592 Sub-3	MC-134592 Sub-4	May 24, 1974
D.b.a. Bennett & White, MC-134959 Sub-2	MC-134959 Sub-3	Do.
Dubose Trucking Co., Inc., MC-135065 Sub-6	MC-135065 Sub-7	June 28, 1974
Fred W. Moholland, MC-135609 Sub-3	MC-135609 Sub-4	Do.
LTL Perishables, Inc., MC-135874 Sub-21	MC-135874 Sub-18	Feb. 18, 1975
Kirk A. Jefferis, MC-136309	MC-136309 Sub-1	May 31, 1975
Milton Transportation, Inc., MC-136343 Sub-17	MC-136343 Sub-13	Jan. 16, 1975
Del-Val Coach, Inc., MC-136729	MC-136729 Sub-1	June 24, 1974
P & M Transport, Inc., MC-138229 Sub-19	MC-138229 Sub-2	May 29, 1974
Charles Branham Trucking, MC-138733 Sub-1	MC-138733 Sub-2	Feb. 6, 1975
Boyd Trucking Co., Inc., MC-138770	MC-138770 Sub-1	May 24, 1974

Temporary authority application	Final action or certificate or permit	Date of action
Eastern Washington Distributing Co., Inc., MC–136753 Sub-1	MC–136753 Sub-2	Feb. 6, 1975
D.b.a. AAA United Limousine Service, MC–138141 Sub-1	MC–138141 Sub-2	Aug. 20, 1974
D.b.a. Merchandise Pickup & Delivery, Inc., MC–138436	MC–138436 Sub-1	Feb. 28, 1975
Lakeview Economy Farm Service, Inc., MC–138599 Sub-1	MC–138599 Sub-2	Oct. 21, 1974
Carolina Western Express, Inc., MC–138635 Sub-1	MC–138635 Sub-3	Jan. 23, 1975
Hiram E. Blue, Jr., MC–139053 Sub-1	MC–139053 Sub-2	Apr. 7, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–10617 Filed 4–23–75;8:45 am]

[Notice 42]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Barnet's Express, Inc., MC–17051 Sub-10	MC–17051 Sub-11	May 13, 1974
D.b.a. The Waggoners, MC–26396 Sub-119	MC–26396 Sub-124	Mar. 21, 1975
The Mason & Dixon Tank Lines, Inc., MC–61403 Sub-227	MC–61403 Sub-229	Do.
Hunt Transportation, Inc., MC–82841 Sub-114	MC–82841 Sub-120	June 17, 1974
Hunt Transportation, Inc., MC–82841 Sub-128	MC–82841 Sub-131	Dec. 27, 1974
E. B. Law & Son, Inc., MC–106278 Sub-34	MC–106278 Sub-36	Aug. 20, 1974
Refrigerated Transportation Co., Inc., MC–107515 Sub-843	MC–107515 Sub-845	July 16, 1974
Home Transportation Co., MC–111545 Sub-200	MC–111545 Sub-203	Mar. 20, 1975
Erickson Transport Corp., MC–113908 Sub-280, 281	MC–113908 Sub-287	Feb. 25, 1975
Maybelle Transport Co., MC–114106 Sub-98	MC–114106 Sub-99	June 20, 1974
Barrett Mobile Home Transport, Inc., MC–116073 Sub-271	MC–116073 Sub-282	Feb. 14, 1975
Hahn Truck Line, Inc., MC–117765 Sub-172	MC–117765 Sub-174	Feb. 20, 1975
Easley Hauling Service, Inc., MC–118038 Sub-5	MC–118038 Sub-6	Sept. 25, 1974
Baker Hi-Way Express, Inc., MC–119411 Sub-36	MC–119411 Sub-37	July 18, 1974
Jack Jordan, Inc., MC–124251 Sub-31	MC–124251 Sub-30	Dec. 13, 1974
Petroleum Carrier Corporation of Florida, MC–126736 Sub-70	MC–126736 Sub-69	Sept. 3, 1974
Ray L. Krall, MC–128645 Sub-5, 6	MC–128645 Sub-7	May 2, 1974
Arthur Shelley, MC–129171 Sub-9	MC–129171 Sub-12	Feb. 25, 1975
Reeves Transportation Co., MC–129537 Sub-9	MC–129537 Sub-8	Mar. 13, 1973
Frederick L. Bultman, Inc., MC–129863 Sub-8	MC–129863 Sub-9	Mar. 7, 1975
Peter P. Burkel, Jr., MC–134299 Sub-1	MC–134299 Sub-2	
Direct Service, Inc., MC–134783 Sub-2	MC–134783 Sub-3	May 23, 1974
D.b.a. Hilton Head Island Transportation Center, MC–135754 Sub-2	MC–135754 Sub-1	May 3, 1974
J. B. Hunt Transport, Inc., MC–135797 Sub-5	MC–135797 Sub-11	June 5, 1974
Coyote Truck Line, Inc., MC–136318 Sub-15	MC–136318 Sub-17	July 23, 1974
Milton Transport, Inc., MC–136343 Sub-9	MC–136343 Sub-10	Dec. 2, 1974
Foley Warehousing, Inc., MC–136483	MC–136483 Sub-1	June 28, 1974
D.b.a. CMC Furniture Transport, Co., MC–136498	MC–136498 Sub-3	July 1, 1974
Moore Transportation Co., Inc., MC–138104 Sub-13	MC–138104 Sub-16	Mar. 25, 1975
Frank D. Corbin, MC–138115 Sub-3	MC–138115 Sub-4	Apr. 9, 1975
T/T Trucking, Inc., MC–138376 Sub-1	MC–138376 Sub-2	June 7, 1974
D.b.a. D & M Transport, MC–138404 Sub-3	MC–138404 Sub-4	Dec. 27, 1974
Forest Transport Corp., MC–138602 Sub-1	MC–138602 Sub-2	Apr. 8, 1974
Paradise Transfer & Storage Co., Inc., MC–138984 Sub-1	MC–138984 Sub-2	Aug. 22, 1974
Pete King Corp., MC–139119	MC–139119 Sub-1	May 2, 1974
D.b.a. Apache Truck Line, MC–139453 Sub-4	MC–139453 Sub-3	Mar. 5, 1975
Raymond Boyce Honeycutt, MC–139597 Sub-1	MC–139597 Sub-2	Jan. 15, 1975
Eskelson Trucking, Inc., MC–139804 Sub-1	MC–139804 Sub-2	Mar. 21, 1975
D.b.a. Klutts Construction, MC–139972	MC–139972 Sub-1	Feb. 20, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–10783 Filed 4–23–75;8:45 am]

[Notice 272]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 24, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75721. By application filed April 18, 1975, GENERAL MOVERS, INC., P.O. Box 392, E. St. Louis, IL 62202, seeks temporary authority to lease the operating rights of FASGO MOTOR EXPRESS, INC., P.O. Box 432, E. St. Louis, IL 62202, and MODERN TRUCK LINES, INC., P.O. Box 49, E. St. Louis, IL 62202, under section 210a(b). The transfer to GENERAL MOVERS, INC., of the operating rights of FASGO MOTOR EXPRESS, INC., and MODERN TRUCK LINES, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–10780 Filed 4–23–75;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

ELECTROPLATING POINT SOURCE CATEGORY

Interim Effluent Limitations and Guidelines, and Proposed Performance and Pretreatment Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[PRL 361-3]

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Interim Regulations

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On March 28, 1974, EPA promulgated a regulation adding Part 413 to Chapter 40 of the Code of Federal Regulations (39 FR 11510). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the electroplating manufacturing point source category. The regulation set forth below will amend 40 CFR Part 413—electroplating manufacturing point source category—by revising §§ 413.10, 413.11, and 413.12 of Subpart A to change the name, expand the applicability thereof to include cadmium, tin, lead, aluminum, and iron in addition to the original coverage of copper, nickel, chromium, and zinc, and revise the definitions; and by adding effluent limitations and guidelines for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available for existing sources for the electroplating of precious metals subcategory (Subpart B), electroplating of specialty metals subcategory (Subpart C), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical milling and etching subcategory (Subpart F), pursuant to sections 301 and 304(b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, and 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form amendments to Subpart A and limitations for existing sources and standards of performance for new point sources and pretreatment standards for existing sources and new sources for Subparts B, D, E, and F.

(a) Legal Authority. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practical control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304 (b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304 (b) of the Act, for the electroplating of common metals (Subpart A), electroplating of precious metals subcategory (Subpart B), electroplating of specialty metals subcategory (Subpart C), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The reports or "Development Documents" referred to below provide, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) Summary and Basis of Interim Final Effluent Limitations and Guidelines for Existing Sources and Proposed Standards of Performance and Pretreatment Standards for New Sources.

(1) General methodology. The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the electroplating of common metals subcategory (Subpart A), electroplating of precious metals subcategory (Subpart B), electroplating of specialty metals subcategory (Subpart C), anodiz-

ing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

(i) Categorization. Process differences, type of basis material, product design, raw materials used, size and age of facility, number of employees, geographic location, quantity of work processed, waste characteristics, water use, and treatment technologies were the factors considered as a basis for categorization. The wastes produced by processing common basis materials are similar. A single facility can process almost all basis materials without significant change in the raw materials consumed or the waste treatment technique adapted for control of any surface dissolution appearing at end-of-pipe discharge. Furthermore, the basis materials selected for most consumer products are frequently interchanged. Thus, type of basis material does not form a basis for subcategorization.

Raw materials consumed do not provide a basis for subcategorization because practical waste treatment technology identified in Section VII of the "Development Documents" is applicable to all of the usual procedures and solutions used in electroplating.

Geographic location is not a basis for subcategorization. Natural and climatic conditions such as rainfall do not affect electroplating or metal finishing processes.

Predominant among waste water constitutents are the metal cations or complexes thereof and ions that occur in cleaning, pickling, or processing baths such as phosphates, and chlorides and metal complexing agents. These constituents are common to the electroplating and finishing of all the considered metals and do not constitute reason for subcategorization.

Water use constitutes one basis of subcategorization. Waste water from electroplating processes is derived from the rinses following preplating, plating and post plating operations. The factors with the greatest influence on the volume of water used are the kinds of rinsing techniques (i.e., spray, single stage, series, and countercurrent), and shape and complexity of the part. The quantity of water required in these rinsing steps of each of the processes (the median value) has been estimated to be 80 l/sq m-operation (2.0 gal/sq ft-operation) for the electroplating of precious and common metals subcategory, 60 l/sq m-operation (1.5 gal/sq ft-operation) for the anodizing subcategory, 12 l/sq m-operation (.3 gal/sq ft-operation) for the coatings subcategory, and 90 l/sq m-operation (2.5 gal/sq ft-operation) for the etching and milling subcategory. Since it is not known from the existing data base the extent to which the above mentioned factors influence the water use, they have been expanded to the 65th percentile, 160 l/sq m-operation (4.0 gal/sq ft-operation) for the common and precious metals subcategories, 90 l/sq m-operation (2.5 gal/sq ft-operation) for the anodizing subcategory, 80 l/sq m-operation (2.0 gal/sq ft-operation) for the coatings subcategory, and 120 l/sq m-operation (3.0 gal/sq ft-operation) for the etching and milling subcategory. Section IV of the Development Documents explains in detail how these values were derived. The Agency believes that the water use factors are generous and take into account the larger volumes of water which may be required for rinsing complex parts. However, the Agency solicits additional data on the water requirement for rinsing and how this requirement is related to the shape of the part and rinsing technique.

Basic process differences constitute a second basis for subcategorization. Electroplating was separated from metal finishing processes because electroplating always requires the action of an electrical current to deposit a metallic coating on the basis material acting as an electrode. Metal finishing processes may or may not require a current and may or may not deposit a metallic coat on the basis material. The processes of anodizing, coatings, chemical etching and milling are significantly different as to warrant separate subcategories. Anodizing, usually performed on aluminum, converts the surface of the object to the metal oxide. The object serves as the anode. Coatings refer principally to chromating, phosphating, and immersion plating. Each of these processes applies a thin protective coat on the treated object. An electrical current may or may not be applied. Chemical etching and milling involve the dissolution of the basis material.

Treatment technologies constitute the third basis for subcategorization. Due to the greater dollar values of the precious metals, great strides have been taken by the industry to recover and reuse these metals. Such recovery methods as evaporation, ion exchange, and reverse osmosis are capable of reducing the concentrations of the metals in the treated stream to below detectable limits. Thus, the electroplating point source category has been subcategorized by differences in processes, water use, and treatment technologies.

Size and age of facility, and number of employees engaged in electroplating do not directly constitute a basis for subcategorization for purposes of waste water treatment. The nature, basic principles and waste characteristics of electroplating are the same in all facilities regardless of size and age. Only the quantity of waste per unit time will differ.

The number of employees engaged in electroplating does not offer a basis for subcategorization, because the amount of work that can be processed depends upon the degree of automation. However, since the number of employees appears to be highly correlated to sales, it does relate to a variance in the requirements for best practicable control technology currently available for small installations.

Based upon data contained in the Economic Analysis of Proposed Guidelines and a report prepared by Booz-Allen and Hamilton, Inc., three alternative non-automated establishment size groups were considered in developing the general variance for small platers, a 1–4 man shop, a 5–9 man shop, and a 10–19 man shop. It was concluded that few independent shops with less than 10 employees could afford to install physical-chemical treatment. While it was also apparent that a significant number of shops in the 10 to 20 employee size group would face adverse impacts due to 1977 requirements, the pollution potential created by granting a variance to this size group was felt to be larger than the benefits of alleviating the adverse economic impact. This flow could be expected to contain 2.0 kg/day (4.4 lbs/day) of each metal plated and total cyanide. A total flow of 400,000 l/day (100,000 gal/day) could be discharged from a shop in this size category. Hence, after extensive deliberation, the variance was established at the 10 employee size level. However, it should be realized that this variance is not guaranteed to small platers. State and local authorities have the option of imposing stricter standards on any electroplating or metal finishing facility.

(ii) Waste characteristics. Waste water comes from the pretreatment steps of acid pickling, alkaline cleaning, sensitizing, activation, etc., the electroplating and metal finishing steps, and the post-treatment steps of coloring and protective coating, and includes constituents from the basis material being finished as well as from the components in the processing solution. Predominant among the waste water constituents are the metal ions that occur in cleaning, pickling, or processing baths such as phosphates and chlorides, and various organic compounds. These constituents are common to the processes in these subcategories.

(iii) Origin of waste water pollutants. Waste water results from rinsing to remove films of processing solution from the surface of work pieces at the site of each operation, rinsing away spills, washing the air that passes through ventilation ducts so as to remove spray from the air before it is exhausted, dumps of spent solutions, washing of equipment, and cooling water used in heat exchangers to cool solutions in metal finishing processes. Approximately 90 percent of the water consumed is in rinsing. That used as cooling water is usually recycled for rinsing. Operating solutions to be dumped are slowly trickled into the rinse waters prior to treatment.

(iv) Treatment and control technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Best practicable control technology currently available is based upon the average of the best water use and concentrations achieved by the application of the recommended treatment technology.

The 1977 standard emphasizes treatment facilities at the end of a manufacturing process but include control technologies within the process itself. More specifically, the standard emphasizes the use of chemical methods at end-of-line combined with the best practicable within process control technology to conserve rinse water and reduce the amount of treated waste water discharged.

Chemical treatment methods include destruction of cyanide by oxidation, reduction of hexavalent chromium to the trivalent form, neutralization and coprecipitation of metals as hydroxides or hydrated oxides with settling and clarification to remove suspended solids prior to discharge. By optimum choice of pH and efficient clarification, it is possible to achieve a significant reduction in the pollutional load. The above technology has been widely practiced by many plants for over 25 years.

Having identified the technology for end-of-process treatment and recognizing the technical and practical limitations on removal of metals by this technology, further reduction in the quantity of pollutants discharged must be achieved by reduction in the volume of waste water which results principally from rinsing. Some of these controls, designed to minimize dragout of concentrated solutions or to reclaim as much dragout as possible are normal practice within the industry.

According to good practice, reclaim tanks and/or still rinses are being used and all evaporation losses are made up of the reclaimed solutions. Dragout reclaimed does not contribute to the raw waste load normally discharged from remaining rinses. Further reduction in rinse water can be achieved by use of a stagnant rinse for bath recovery or by multiple-tank countercurrent rinsing. Also, the use of advanced recovery techniques, such as evaporation, concentrate rinse water sufficiently to allow reclaim of the electroplating solution. These advanced recovery techniques are in common use for recovering the precious metals.

The best available technology economically achievable is the use of inprocess and end-of-process control and treatment to achieve no discharge of pollutants. By the use of inprocess controls to reduce the volume of waste water, it becomes economical to use end-of-process treatment designed to recover water and reuse the water within the plant. Solid wastes are disposed of by scavengers or to landfill. Some plants have been able to eliminate liquid effluent on one or more lines, using evaporation and feeding the brine back to the plating bath. One plant is using a system to eliminate liquid effluent by subjecting it to reverse osmosis after clarification. The concentrate from the reverse osmosis unit is evaporated to dryness.

In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of that part of section 301(b) requiring achievement by not later than July 1, 1983 of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable.

The appropriateness of these regulations which require no discharge of process wastewater pollutants as the 1983 standard has been questioned. The Agency desires to receive new data and information on how recovery and reuse techniques can be applied to achieve the no discharge limitation. The Agency is considering promulgating a regulation which takes into account the position of the small plater and desires to receive information concerning the economic impact of a no discharge standard on the small, independent electroplater.

The best available demonstrated control technology for this industry, like the best practicable control technology currently available, emphasizes the use of chemical treatment at end-of-pipe combined with best inprocess controls to conserve rinse water. However, due to the ability of an electroplater to optimize operating conditions in a new facility, the water usage can be substantially reduced. Some new installations of the industry are already achieving this. Data indicate that the exclusive use of countercurrent rinsing can reduce water to 10 to 20 l/sq m-operation. This is well below that required for new source performance standards.

Solid waste control must be considered. Clarifier underflow or sludge contains typically 1 to 2 percent solids and can be pumped to a lagoon. Metal ions in the liquid associated with the sludge can percolate through porous soil and become a potential source of groundwater contamination. Impervious lagoons require evaporation into the atmosphere. However, where precipitation exceeds evaporation, other methods of disposing of sludge must be employed.

Lagooning can be avoided by dewatering the sludge to a semi-dry or dry condition. Several devices are available for dewatering sludge. Rotary vacuum filters will concentrate sludge containing 4 to 8 percent solids to 20 to 25 percent solids. Centrifuges can attain similar reductions and have the advantage of occupying less space. Pressure filters will produce a filtrate with less than 3 mg/l of suspended solids so that return to a clarifier is not needed. The filter cake contains 20 to 25 percent solids. Plate and frame presses and automated tank type pressure filters are also feasible. The latter can achieve a cake with a solids concentration as high as 60 percent. Filter cakes are easily collected and hauled to landfills.

Some firms offer a proprietary service for solidifying sludge by addition of chemical fixing agents. The fixing process appears to insolubilize the heavy metal ions so that in leaching tests only a fraction of a mg/l is found in solution. A fill is produced that is similar to dried clay.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or nonhazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous, where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials, where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) Cost estimates for control of waste water pollutants. The capital costs for a treatment facility involving reduction of hexavalent chromium to trivalent chromium, destruction of cyanides and coprecipitation of metal hydroxides are estimated at $70,000 per 1,000 sq ft per hour of production and are linear for the 100 to 10,000 sq ft per hour range. The operating costs (including capital costs and depreciation) have been estimated at $11 per 1,000 sq ft processed. The minimum complete treatment plant, which includes cyanide destruction, chromium reduction, coprecipitation, and clarification, costs from $23,000 to $34,000. A minimum installation of cyanide destruction specified for small platers costs about $9,100. It is expected that a 5-man shop will pay between $36,000 and $65,000, a 10-man shop between $52,000 and $87,000, a 20-man shop between $70,000 and $100,000 and a 45-man shop between $150,000 and $190,000 for a waste treatment system.

(vi) Energy requirements and nonwater quality environmental impacts. Energy requirements for best practicable control technology currently available are low. The main expense is electricity for pumps, mixers, and control instruments—approximately 5 percent of the total expense. In looking at 18 different facilities employing chemical treatment,

the total electric cost was $75,330. The electrical energy required for treating 2.27 x 10⁴ l/hr by a reverse osmosis unit for 4,000 hours per year is $6,400. The volume/year processed by the 18 plants is 3.96 x 10⁹ liters. The total electrical cost for processing this water by reverse osmosis is $279,200. For best available technology economically achievable, energy costs would be the sum of chemical treatment and reverse osmosis costs, $354,530. The ratio of $354,530/$75,330 is 4.70. On this basis, one would expect a system of no discharge will increase the use and cost of energy five-fold.

(vii) Economic impact analysis. This analysis does not apply to electroplating operations covered by Phase I regulations published March 28, 1974 (i.e., platers of copper, nickel, chromium and zinc). A summary of economic impact for these operations was provided with the electroplating Phase I effluent guidelines. However, the economic relief clause for small platers provided under these interim final regulations is being extended to the aforementioned Phase I operations and supersedes a similar provision in the regulations published March 28, 1974. This modification should result in a larger number of small shops qualifying for the less stringent treatment requirements permitted under the economic relief clause. Hence, it is expected that adverse economic impacts will be reduced from those levels reported in the economic impact summary accompanying the effluent limitations guidelines published March 28, 1974.

A precise analysis of economic impact on captive installations covered by these regulations is not possible due to data limitations. Estimates of the total number of establishments vary widely and in most cases parent firms do not maintain separate financial records for captive plating shops. It is believed that there are between 2,000 and 22,000 captive plating operations covered by these regulations.

Analysis indicates that plating costs comprise a small portion of value of shipments. One contractor states:

> In terms of estimated value of plating as a percentage of total value of shipments, the heating equipment industry (SIC 3433) had the highest proportion, 6.8 percent.
>
> For most industries, the estimated value of plating as a percent of value of shipments was less than one percent.

The last point would indicate that for most industries (at the 4-digit SIC level) the value of electroplating in the final product is of minor importance.

However, it does not necessarily follow that pollution control impacts would also be minor." (Appendix A (page 5) Draft Final Report—"Review of Economic Analysis of the Electroplating Industry," Booz-Allen and Hamilton, Inc., January 16, 1975.)

For example, metal fasteners may be a product where pollution control requirements may have significant impacts. The value of this product is small and the cost of plating is a large percentage of the cost of producing the finished goods.

Nevertheless, based upon the limited information available to the Agency, it is anticipated that adverse impacts on captive establishments will not be substantial and are likely to be lower than on job shops. The Agency solicits information relating to economic impacts of these regulations on captive operations.

The economic analysis is based on the conservative assumption that few plants in the metal finishing industry have installed best practicable control technology currently available. In many cases, existing equipment can be upgraded at a fraction of the cost of a totally new facility. However, in all cases, full costs have been presumed to be necessary to meet 1977 guidelines. To the extent this is incorrect, total industry costs have been overstated.

A significant percentage of the establishments which are direct discharging are expected to close by 1977. The majority of these impacts occur in shops with less than 20 employees, primarily due to the fact that many plants in the size group do not have sufficient funds to support the cost of waste treatment. However, a large number of firms with less than 10 employees will be subject to less stringent limitations than those applicable to larger plants. This will greatly reduce their capital and annual cost requirements. Currently, such modified limitations for small plants are available only under the 1977 standards, but the Agency is reviewing the implications of including similar provisions in the 1983 standards.

Between 15 and 30 plants, or 2 to 3 percent of all plants in the industry (7 to 12 percent of direct dischargers) may close as the result of 1977 requirements. In addition, it is estimated that another 110 to 115 shops will not be able to meet 1983 treatment costs. Rather than make the substantial investment necessary for 1983 guidelines, these firms probably would close in 1977. Thus, in total, approximately 120 to 140 platers or 13 to 15 percent of all plants in the industry (57 to 65 percent of all firms which direct discharge) may shut down in 1977. The affected firms represent approximately 2,200 to 2,800 employees and about 11 to 14 percent of total industry sales.

However, if less stringent limitations for 1983 are established for small platers with less than 10 employees, spillover impacts would be ameliorated. (Spillover closures are closures occurring in 1977 and resulting from 1983 requirements.) Under these circumstances, a total of 70 to 80 shops are expected to close in 1977 (including 1977 and 1983 impacts) or 7 to 9 percent of all firms in the industry. A total of 1,750 to 1,790 jobs would be eliminated.

Most of the establishments which do not close in 1977 will either join a municipal system (if possible), or perhaps expand to a size where it is economic to install in-plant waste treatment. Assuming that pretreatment costs in 1983 do not rise above 1977 levels, it will not be economic for a small direct discharger to install 1983 treatment if the firm is competing against a municipal discharger. If 1983 pretreatment standards require treatment levels similar to best available treatment, then this analysis will require revision.

The large, low cost producers should be able to pass on their 1977 pollution control costs through price increases ranging from 12 to 16 percent. However, some small firms with less than 20 employees may face high production costs and high treatment costs in relation to sales and will be unable to recover full treatment expenditures at the market price.

No additional adverse impacts are anticipated in 1983. Although investment and annual costs are significant for 1983, industry prices are not expected to rise. This is due to the fact that most firms will be on municipal systems by 1983 and it is assumed that pretreatment costs will not increase between 1977 and 1983. The few plants that remain as direct dischargers will probably be located in isolated markets or other specialized services. In such instances, it is expected that price increases comparable to 1977 increases could be obtained to recover the incremental costs for 1983 requirements.

In spite of the potential closures and price increases required for 1977 limitations, industry volume is expected to grow by 10 percent over the period from 1973 to 1977. This growth is expected to come from new plants as well as expansion of existing plants. 1977 and 1983 requirements should have a negligible effect on regional or local economies, or on the balance of trade.

The reports entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the Precious and Other Metals Segment of the Electroplating Manufacturing Point Source Category" and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Metal Finishing Segment of the Electroplating Manufacturing Point Source Category" detail the analyses undertaken in support of the interim final regulation set forth herein and are available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the electroplating manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Department of Interior; (4) Department of Commerce; (5) Department of Defense; (6) Department of the Treasury; (7) Water Resources Council; (8) Atomic Energy Commission; (9) Office of Management and Budget; (10) National Association of Metal Finishers; (11) Metal Finishers Suppliers Association; (12) American Electroplating Society; (13) Institute of Printed Circuits; (14) Alberts Plating Works, Inc.; (15) American Hot Dip Galvanizers; (16) American Society of Mechanical Engineers; (17) Hudson River Sloop Restoration, Inc.; (18) The Conservation Foundation; (19) Environmental Defense Fund, Inc.; (20) Natural Resources Defense Council; (21) The American Society of Civil Engineers; (22) Water Pollution Control Federation; (23) National Wildlife Federation; (24) American Institute of Chemical Engineers; (25) New England Interstate Water Pollution Control Commission.

The following responded with comments: States of Kentucky, Nebraska, Wisconsin, Connecticut, California, Virginia, North Carolina, Illinois, Texas and Indiana; Jacob Hay Company; The Harshaw Chemical Company; Mac Dermid, Inc.; Aircraft Radio and Control; Western Electric; Lancy Laboratories; BASF Wyandotte Corporation; Frederick Gumm Chemical Company, Inc.; Aldoa Company; Lea-Ronal, Inc.; Automation Plating Corporation; American Electroplaters' Society; U.S. Water Resources Council; National Association of Metal Finishers; Metal Finishers Suppliers' Association; American Institute of Chemical Engineers; Department of Defense; and Department of Interior.

The primary issues raised in the development of the interim final effluent limitations guidelines and the treatment of these issues herein are as follows:

(1) A common criticism was that area plated does not present a workable basis for the guidelines. It is very difficult, if not impossible, for an electroplater to determine the area plated.

While it is true that many installations do not presently maintain area plated records, many have stated that such a method of record keeping would be viable. Some are currently maintaining records on this basis. In a recent survey of 100 electroplating plants in New England requesting area plated data, 25 plants maintained and supplied records of area plated, 25 supplied necessary amperage and plating time data for calculating the area plated, and 15 stated that the information could be obtained with some research and would be supplied shortly. Also, suppliers of plating equipment design their lines in terms of area plated. When an electroplater purchases a line, the capacity is given in area plated. Section 308 of the Act authorizes the Administrator to require the owner or operator of any point source to establish and maintain records to determine compliance with effluent limitations. Paragraphs (b) of §§ 413.12 and 413.15 have been added to this regulation to provide the plater various means for determining the area plated.

(2) A common criticism was that the definitions of "sq m" and "sq ft" were not clear. These definitions have been revised and should be construed to mean the unmasked area exposed to the processing solution. This may include areas not specifically intended for reception of the coating. For example, the metallic portions of racks and barrels and the inside of tubular parts such as handlebars if unmasked and unplugged will also qualify as "sq m" or "sq ft" to be used in computing allowable effluent discharges. Facilities which immerse large amounts of masked area may warrant special consideration.

(3) A common criticism was that the fluoride and cadmium limits cannot be reached using the proposed technology. The contractor's draft document put forth standards based on concentrations of 5 mg/l for fluoride and 0.1 mg/l for cadmium and a flow of 80 l/sq m-operation. The fluoride standard is now based on a concentration of 29 mg/l and the cadmium standard is based on 0.3 mg/l and higher flows for each subcategory as identified in 2(i). It is believed that these limitations are generous and can be practicably achieved by all dischargers.

(4) A common criticism was that none of the plants surveyed is able to achieve all the limitations simultaneously. The guidelines are a product of the concentration of each parameter expressed in mg/l and the water use expressed in l/sq m-operation. Although many plants are meeting the concentration standards and many are meeting the water use standard, no plant was able to meet the product of the two on all parameters. The contractor's draft development document postulated guidelines which had a water use factor of 80 l/sq m. The water use factor (as previously described) and some of the concentration factors (i.e. cadmium, fluoride, aluminum and phosphate) have been revised to allow greater discharges. It is felt that this more closely represents best practicable control technology currently available.

(5) A common criticism was that a large segment of the industry wet tumbles the basis material, but no mention of this was made in the draft document. Several metal finishing processes, including wet tumbling, were not covered in the draft document, and are not subject to these regulations. Regulations for these segments will be developed at a later date when a more extensive data base has been established.

(6) A common criticism was that water use for pre and post treatment steps was not considered. The methodology used in the formulation of the regulations involved the development of a water use which intrinsically took into account the volume contributed by two to four cleaning and pickling steps. Questions have been raised about the appropriateness of not including a separate allowance for pretreatment steps. The Agency solicits additional data on the contributions made by the pretreatment steps to the volume of the waste stream, to take into account an additional water use which might be associated with an unusually large number of pretreatment steps.

The definition of operation for the calculation of effluent discharges has been expanded to include other steps in the electroplating process which are significant contributors of water. In Subparts A and B, the electroless plating on nonmetallic materials for the purpose of providing a conductive surface on the basis material, post plating steps of chromating, phosphating, and coloring, which form an integral step of the electroplating line and stripping where conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts may be included under the term "operation" for the purpose of calculating effluent discharges.

(7) A common criticism was that the effluent limitations as proposed would impose a severe economic hardship on the small plater. If small shops employ chemical treatment with good water use, they can meet the guidelines as proposed. Hence, an exemption or relaxation of the standards based on size is warranted only from an economic or administrative standpoint and not on the basis of technical feasibility of waste treatment. After an analysis of additional data supplied by the industry and a re-evaluation of the economic impact of the guidelines, it was determined that the minimum cost for effective physical-chemical waste treatment may create an economic burden on the very small plater. On the basis of this further analysis, the best practicable control technology currently available for electroplating of common metals subcategory (Subpart A), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical etching and milling subcategory (Subpart F), for installations with a total employment of less than 11 persons, with a discharge of waste water generated from the electroplating or metal finishing process of less

than 7800 liters per hour (2061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee) was determined to be destruction of any cyanide present in the discharge equalization and pH adjustment. This exemption does not include precious metal platers.

8) A common criticism was that from theoretical solubility curves of metal hydroxides, the concentration basis of the effluent regulations cannot be simultaneously achieved during coprecipitation.

The concentration levels of the regulations were not derived from solubility curves of the individual hydroxides. They were developed from actual plant performance. From the data available, it appears that the presence of other metal ions in solution have synergistic effects which decreases the solubility of metal hydroxides. If a plant can document that the presence of other metal ions has an opposite effect, i.e., increased solubility of metal hydroxides, a variance may be warranted.

(9) A common criticism was that a daily maximum twice the thirty day average is insufficient to allow for the variation in treatment plant efficiency. The recommended treatment technology for the electroplating industry is a physical-chemical one. It is not dependent upon the vagaries of a biological process. For the latter, a one day variation of 1.5 from the thirty day maximum has been consistently achievable. Thus, a factor of 2 for the physical-chemical system is quite generous. See Section IX of the Development Documents for a detailed explanation of this. Moreover, a waste water treatment system is an integral part of an industrial plant. Its maintenance must be considered as equal in importance to the maintenance of any step requisite to the production of an item. Thus, should it cease proper functioning, the shutdown of a particular process as a method of checking an erratic discharge shall be required.

(10) A common criticism was that it was unclear which parameter should be monitored. There are many parameters listed under each subcategory. However, an electroplater should not be required to monitor for a parameter if it is not present in the waste stream. If any processing changes are made, a reevaluation of the pollutants present should be made.

(11) A common criticism was that it was unclear as to how the guidelines should be applied. Several examples showing plant situations have been added to the end of Section IX in the Development Documents to clarify application of the guidelines.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train* et. al. (Civ. No. 1609–73 (which requires the promulgation of regulations for this industry category no later than December 26, 1974. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitation on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before May 27, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 413 is hereby amended as set forth below.

Dated: April 9, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart A—Electroplating of Common Metals Subcategory

Sec.
413.10 Applicability: description of the electroplating of common metals subcategory.
413.11 Specialized definitions.
413.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart B—Electroplating of Precious Metals Subcategory

413.20 Applicability: description of the electroplating of precious metals subcategory.
413.21 Specialized definitions.
413.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart C—Electroplating of Specialty Metals Subcategory [Reserved]

413.30 [Reserved]
413.31 [Reserved]
413.32 [Reserved]

Subpart D—Anodizing Subcategory

413.40 Applicability: description of the anodizing subcategory.
413.41 Specialized definitions.
413.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Coatings Subcategory

413.50 Applicability; description of the coatings subcategory.
413.51 Specialized definitions.
413.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Chemical Etching and Milling Subcategory

Section
413.60 Applicability; description of the chemical etching and milling subcategory.
413.61 Specialized definitions.
413.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—Electroplating of Common Metals Subcategory

The name of Subpart A is revised to read as follows: Electroplating of Common Metals Subcategory.

Section 413.10 is revised to read as follows:

§ 413.10 Applicability; description of the electroplating of common metals subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the process in which a ferrous or nonferrous basis material is electroplated with copper, nickel, chromium, zinc, tin, lead, cadmium, iron, aluminum or any combination thereof.

Section 413.11 is revised to read as follows:

§ 413.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area plated expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the electroplating process which is followed by a rinse and in which a metal is electrodeposited on a basis material.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036-72, Method B, page 553.

Section 413.12 is revised to read as follows:

§ 413.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can effect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	160	80
Nickel	160	80
Cr, Total	160	80
CrVI	16	8
Zinc	160	80
CN, Total	160	80
CN, A	16	8
Fluoride	6400	3200
Cadmium	96	48
Lead	160	80
Iron	320	160
Tin	320	160
Phosphorus	320	160
TSS	6400	3200
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	32.7	16.4
Nickel	32.7	16.4
Cr, Total	32.7	16.4
CrVI	3.3	1.6
Zinc	32.7	16.4
CN, Total	32.7	16.4
CN, A	3.3	1.6
Fluoride	1308	654
Cadmium	19.2	9.6
Lead	32.7	16.4
Iron	65.4	32.7
Tin	65.4	32.7
Phosphorus	65.4	32.7
TSS	1308	654
pH	Within the range 6.0 to 9.5.	

(b) The post plating steps of chromating, phosphating and coloring, if followed by a rinse, may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
CN, A	16	8
CN, Total	160	80
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	
(English units) pounds per million square feet per operation		
CN, A	3.3	1.6
CN, Total	32.7	16.4
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	

(f) Pursuant to section 308 of the Act, a point sources subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

5. Part 413 is further amended by adding the Electroplating of Precious Metals Subcategory (Subpart B), the Anodizing Subcategory (Subpart D), the Coatings Subcategory (Subpart E) and the Chemical Milling and Etching Subcategory (Subpart F) to read as follows:

Subpart B—Electroplating of Precious Metals Subcategory

§ 413.20 Applicability; description of the electroplating of precious metals on ferrous and nonferrous materials subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which a ferrous or nonferrous basis material is plated with gold, silver, iridium, palladium, platinum, rhodium, ruthenium or combination thereof.

§ 413.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area plated expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the electroplating process which is followed by a rinse and in which a metal is electrodeposited on a basis material.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

§ 413.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Documents. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Silver	16	8
Gold	16	8
CN, A	16	8
CN, Total	160	80
Cr, Total	160	80
CrVI	16	8
Iridium	16	8
Osmium	16	8
Palladium	16	8
Platinum	16	8
Rhodium	16	8
Ruthenium	16	8
Phosphorus	320	160
TSS	6400	3200
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Silver	3.3	1.6
Gold	3.3	1.6
CN, A	3.3	1.6
CN, Total	32.7	16.4
Cr, Total	32.7	16.4
CrVI	3.3	1.6
Iridium	3.3	1.6
Osmium	3.3	1.6
Palladium	3.3	1.6
Platinum	3.3	1.6
Rhodium	3.3	1.6
Ruthenium	3.3	1.6
Phosphorus	65.4	32.7
TSS	1308	654
pH	Within the range 6.0 to 9.5.	

(b) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(c) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step and forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Pursuant to section 308 of the Act, point sources subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Subpart C—Electroplating of Specialty Metals Subcategory [Reserved]

Subpart D—Anodizing Subcategory

§ 413.40 Applicability; description of the anodizing subcategory.

The provisions of this subpart are applicable to discharges resulting from the anodizing of ferrous or nonferrous materials.

§ 413.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area acted upon by the anodizing process expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the anodizing process which is followed by a rinse and in which a protective film is deposited on the object which acts as an anode.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

§ 413.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of

this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	90	45
Nickel	90	45
Cr, Total	90	45
CrVI	9	4.5
Zinc	90	45
CN, Total	90	45
CN, A	9	4.5
Fluoride	3600	1800
Cadmium	54	27
Iron	180	90
Tin	180	90
Phosphorus	180	90
TSS	3600	1800
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	18.4	9.2
Nickel	18.4	9.2
Cr, Total	18.4	9.2
CrVI	1.8	.92
Zinc	18.4	9.2
CN, Total	18.4	9.2
CN, A	1.8	.92
Fluoride	738	369
Cadmium	8.8	4.4
Iron	36.8	18.4
Tin	36.8	18.4
Phosphorus	36.8	18.4
TSS	738	369
pH	Within the range 6.0 to 9.5.	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
CN, A	9	4.5
CN, Total	90	45
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	
(English units) pounds per million square feet per operation		
CN, A	1.8	.92
CN, Total	18.4	9.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Subpart E—Coatings Subcategory

§ 413.50 Applicability; description of the coatings subcategory.

The provisions of this subpart are applicable to discharges resulting from the chromating, phosphating or immersion plating on ferrous or nonferrous materials.

§ 413.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area acted upon by the coating process expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the coating process which is followed by a rinse and in which a protective film is deposited on the basis material.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

§ 413.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	80	40
Nickel	80	40
Cr, Total	80	40
CrVI	8	4
Zinc	80	40
CN, Total	80	40
CN, A	8	4
Fluoride	3600	1800
Cadmium	48	24
Iron	160	80
Tin	160	80
Phosphorus	160	80
TSS	3600	1800
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	16.4	8.2
Nickel	16.4	8.2
Cr, Total	16.4	8.2
CrVI	1.6	.82
Zinc	16.4	8.2
CN, Total	16.4	8.2
CN, A	1.6	.82
Fluoride	646	323
Cadmium	9.8	4.9
Iron	32.8	16.4
Tin	32.8	16.4
Phosphorus	32.8	16.4
TSS	646	323
pH	Within the range 6.0 to 9.5.	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
CN, A	8	4
CN, Total	80	40
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	
(English units) pounds per million square feet per operation		
CN, A	1.6	.82
CN, Total	16.4	8.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Subpart F—Chemical Etching and Milling Subcategory

§ 413.60 Applicability; description of the chemical etching and milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the chemical milling or etching of ferrous or nonferrous materials.

§ 413.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area acted upon by the etching or milling process expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the chemical etching or milling process which is followed by a rinse and in which some portion of the basis material is removed.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

§ 413.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	120	60
Nickel	120	60
Cr, Total	120	60
CrVI	12	6
Zinc	120	60
CN, Total	120	60
CN, A	18	9
Fluoride	4800	2400
Cadmium	72	36
Iron	240	120
Tin	240	120
Phosphorus	240	120
TSS	4800	2400
pH	Within the range 6.0 to 9.5.	

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(English units) pounds per million square feet per operation		
Copper	24.6	12.3
Nickel	24.6	12.3
Cr, Total	24.6	12.3
CrVI	2.4	1.2
Zinc	24.6	12.3
CN, Total	24.6	12.3
CN, A	3.8	1.9
Fluoride	984	492
Cadmium	14.8	7.4
Iron	49.2	24.6
Tin	49.2	24.6
Phosphorus	49.2	24.6
TSS	984	492
pH	Within the range 6.0 to 9.5.	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meter per operation		
CN, A	9	4.5
CN, Total	90	45
Flow	Equalize	
ph	Within the range 6.0 to 9.0.	
(English units) pounds per million square feet per operation		
CN, A	1.8	.92
CN, Total	18.4	9.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 413]

[FRL 361-4]

ELECTROPLATING MANUFACTURING POINT SOURCE CATEGORY

Standards of Performance for New Sources and Pretreatment Standards for Existing and New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources, standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On March 28, 1974, EPA promulgated a regulation adding Part 413 to Chapter 40 of the Code of Federal Regulations (39 FR 11510). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the electroplating manufacturing point source category. The regulation proposed below will amend 40 CFR Part 413—electroplating manufacturing point source category by deleting § 413.13(b) and revising §§ 413.14, 413.15, and 413.16 of electroplating of common metals subcategory (Subpart A) and adding §§ 413.23, 413.24, 413.25, and 413.26 to the electroplating of precious metals subcategory (Subpart B), §§ 413.43, 413.44, 413.45, and 413.46 to the anodizing subcategory (Subpart D), §§ 413.53, 413.54, 413.55, and 413.56 to the coating subcategory (Subpart E) and §§413.63, 413.64, 413.65, and 413.66 to the chemical etching and milling subcategory (Subpart F), pursuant to sections 301, 304 (b) and (c), 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available for the above listed subparts.

(a) Legal Authority. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the electroplating of common metals (Subpart A), electroplating of precious metals subcategory (Subpart B), electroplating of specialty metals subcategory (Subpart C), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The reports or "Development Documents" referred to below provide, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the electroplating manufacturing category. The regulation proposed herein amends the standards of performance applicable to new sources for the electroplating of common metals subcategory (Subpart A), and sets forth the standards of performance applicable to new sources for the electroplating of precious metals subcategory (Subpart B), the anodizing subcategory (Subpart D), the coatings subcategory (Subpart E) and the chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 413.16 proposed below amends the pretreatment standard for new sources within the electroplating of common metals subcategory (Subpart A) and §§ 413.26, 413.46, 413.56, and 413.66, proposed below, provide pretreatment standards for new sources within the precious metals plating subcategory (Subpart B), the anodizing subcategory (Subpart D), the coatings subcategory (Subpart E) and the chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Section 413.14 proposed below amends the proposed pretreatment standards for the electroplating of common metals subcategory (Subpart A) and §§ 413.24, 413.44, 413.54, and 413.64 proposed below provide pretreatment standards for existing sources within the electroplating of precious metals subcategory (Subpart B), the anodizing subcategory (Subpart D), and the coatings subcategory (Subpart E) and the chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

(b) Summary and Basis of Proposed Effluent Limitations for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the electroplating of common metals subcategory (Subpart A), the electroplating of precious metals subcategory (Subpart B), the anodizing subcategory (Subpart D), the coatings subcategory (Subpart E) and the chemical etching and milling subcategory (Subpart F), which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR

30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 413.14, 413.24, 413.44, 413.54, and 413.64 of the regulation proposed below are intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The reports entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the Metal Finishing Segment of the Electroplating Manufacturing Point Source Category" and the "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the Precious and Other Metals Segment of the Electroplating Manufacturing Point Source Category" detail the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation. A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the electroplating of common metals, electroplating of precious metals, anodizing, coatings and chemical etching and milling subcategories being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before May 27, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: April 9, 1975.

JOHN QUARLES,
Acting Administrator.

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Subpart A—Electroplating of Common Metals Subcategory

Sec.
413.13 Effluent limitations guidelines represetnting the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.14 Pretreatment standards for existing sources.
413.15 Standards of performance for new sources.
413.16 Pretreatment standards for new sources.

Subpart B—Electroplating of Precious Metals Subcategory

413.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.24 Pretreatment standards for existing sources.
413.25 Standards of performance for new sources.
413.26 Pretreatment standards for new sources.

Subpart C—Electroplating of Specialty Metals Subcategory [Reserved]

Subpart D—Anodizing Subcategory

413.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.44 Pretrentment standards for existing sources.
413.45 Standards of performance for new sources.
413.46 Pretreatment standards for new sources.

Subpart E—Coatings Subcategory

413.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.54 Pretreatment standards for existing sources.
413.55 Standards of performance for new sources.
413.56 Pretreatment standards for new sources.

Subpart F—Chemical Etching and Milling Subcategory

413.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.64 Pretreatment standards for existing sources.
413.65 Standards of performance for new sources.
413.66 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307 (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317 (c)), 86 Stat. 816 et seq.; Pub. L. 92–500.

Subpart A—Electroplating of Common Metals Subcategory

Part 413 is proposed to be amended as follows:

Subpart A is amended by revising §§ 413.13, 413.14, 413.15, and 413.16 as follows:

§ 413.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology econmically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 413.14 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the common metals plating subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
	(Metric units) milligrams per square meters per operation	
Copper	160	80
Nickel	160	80
Cr, Total	160	80
CrVI	16	8
Zinc	160	80
CN, Total	160	80
CN, A	16	8
Fluoride	6400	3200
Cadmium	96	48
Lead	160	80
Iron	320	160
Tin	320	160
Phosphorus	320	160
TSS	6400	3200
pH	Within the range 6.0 to 9.5.	
	(English units) pounds per million square feet per operation	
Copper	32.7	16.4
Nickel	32.7	16.4
Cr, Total	32.7	16.4
CrVI	3.3	1.6
Zinc	32.7	16.4
CN, Total	32.7	16.4
CN, A	3.3	1.6
Fluoride	1308	654
Cadmium	19.2	9.6
Lead	32.7	16.4
Iron	65.4	32.7
Tin	65.4	32.7
Phosphorus	65.4	32.7
TSS	1308	654
pH	Within the range 6.0 to 9.5.	

(b) The post plating steps of chromating, if followed by a rinse, phosphating and coloring may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the electroplating process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent Characteristic	Effluent Limitations: Maximum for any one day	Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed—
	(Metric units) milligrams per square meters per operation	
CN, A	16	8
CN, Total	160	80
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	
	(English units) pounds per million square feet per operation	
CN, A	3.3	1.6
CN, Total	32.7	16.4
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	

(f) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.14(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.15 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
	(Metric units) milligrams per square meters per operation	
Copper	80	40
Nickel	80	40
Cr, Total	80	40
CrVI	8	4
Zinc	80	40
CN, Total	80	40
CN, A	8	4
Fluoride	3200	1600
Cadmium	48	24
Lead	80	40
Iron	160	80
Tin	160	80
Phosphorus	160	80
TSS	3200	1600
pH	Within the range 6.0 to 9.5.	
	(English units) pounds per million square feet per operation	
Copper	16.4	8.2
Nickel	16.4	8.2
Cr, Total	16.4	8.2
CrVI	1.6	0.8
Zinc	16.4	8.2
CN, Total	16.4	8.2
CN, A	1.6	0.8
Fluoride	654	327
Cadmium	9.8	4.8
Lead	16.4	8.2
Iron	32.7	16.4
Tin	32.7	16.4
Phosphorus	32.7	16.4
TSS	654	327
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.15(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.16 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source

within the common metals plating subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	80	40
Nickel	80	40
Cr, Total	80	40
CrVI	8	4
Zinc	80	40
CN, Total	80	40
CN, A	8	4
Fluoride	3,200	1,600
Cadmium	48	24
Lead	80	40
Iron	160	80
Tin	160	80
Phosphorus	160	80
TSS	3,200	1,600
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	16.4	8.2
Nickel	16.4	8.2
Cr, Total	16.4	8.2
CrVI	1.6	0.8
Zinc	16.4	8.2
CN, Total	16.4	8.2
CN, A	1.6	0.8
Fluoride	654	327
Cadmium	9.6	4.8
Lead	16.4	8.2
Iron	32.7	16.4
Tin	32.7	16.4
Phosphorus	32.7	16.4
TSS	654	327
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.16(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Subpart B—Electroplating of Precious Metals Subcategory

Subpart B is amended by adding §§ 413.23, 413.24, 413.25 and 413.26 as follows:

§ 413.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 413.24 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the precious metals plating subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Silver	16	8
Gold	16	8
CN, A	16	8
CN, Total	160	80
Cr, Total	160	80
CrVI	16	8
Iridium	16	8
Osmium	16	8
Palladium	16	8
Platinum	16	8
Rhodium	16	8
Ruthenium	16	8
Phosphorus	320	160
TSS	6,400	3200
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Silver	3.3	1.6
Gold	3.3	1.6
CN, A	3.3	1.6
CN, Total	32.7	16.4
Cr, Total	32.7	16.4
CrVI	3.3	1.6
Iridium	3.3	1.6
Osmium	3.3	1.6
Palladium	3.3	1.6
Platinum	3.3	1.6
Rhodium	3.3	1.6
Ruthenium	3.3	1.6
Phosphorus	65.4	32.7
TSS	1308	654
pH	Within the range 6.0 to 9.5.	

(b) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(c) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.24(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.25 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Silver	8	4
Gold	8	4
CN, A	8	4
CN, Total	80	40
Cr, Total	80	40
CrVI	8	4
Iridium	8	4
Osmium	8	4
Palladium	8	4
Platinum	8	4
Rhodium	8	4
Ruthenium	8	4
Phosphorus	160	80
TSS	3200	1600
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Silver	1.6	0.8
Gold	1.6	0.8
CN, A	1.6	0.8
CN, Total	16.4	8.2
Cr, Total	16.4	8.2
CrVI	1.6	0.8
Iridium	1.6	0.8
Osmium	1.6	0.8
Palladium	1.6	0.8
Platinum	1.6	0.8
Rhodium	1.6	0.8
Ruthenium	1.6	0.8
Phosphorus	32.7	16.4
TSS	654	327
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.25(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.26 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the precious metals plating subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Silver	8	4
Gold	8	4
CN, A	8	4
CN, Total	80	40
Cr, Total	80	40
CrVI	8	4
Iridium	8	4
Osmium	8	4
Palladium	8	4
Platinum	8	4
Rhodium	8	4
Ruthenium	8	4
Phosphorus	160	80
TSS	3200	1600
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Silver	1.6	0.8
Gold	1.6	0.8
CN, A	1.6	0.8
CN, Total	16.4	8.2
Cr, Total	16.4	8.2
CrVI	1.6	0.8
Iridium	1.6	0.8
Osmium	1.6	0.8
Palladium	1.6	0.8
Platinum	1.6	0.8
Rhodium	1.6	0.8
Ruthenium	1.6	0.8
Phosphorus	32.7	16.4
TSS	654	327
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.26(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Subpart D—Anodizing Subcategory

Subpart D is amended by adding §§ 413.43, 413.44, 413.45 and 413.46 as follows:

§ 413.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 413.44 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the anodizing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	90	45
Nickel	90	45
Cr, Total	90	45
CrVI	9	4.5
Zinc	90	45
CN, Total	90	45
CN, A	9	4.5
Fluoride	3600	1800
Cadmium	54	27
Iron	180	90
Tin	180	90
Phosphorus	180	90
TSS	3600	1800
pH	Within the range 6.0 to 9.5.	
(English units) lb/1000 lb of product		
Copper	18.4	9.2
Nickel	18.4	9.2
Cr, Total	18.4	9.2
CrVI	1.8	.92
Zinc	18.4	9.2
CN, Total	8.4	9.2
CN, A	1.8	.92
Fluoride	738	369
Cadmium	8.8	4.4
Iron	36.8	18.4
Tin	36.8	18.4
Phosphorus	36.8	18.4
TSS	738	369
pH	Within the range 6.0 to 9.5.	

(b) The post plating steps of chromating, phosphating and coloring, if followed by a rinse, may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
CN, A	9	4.5
CN, Total	90	45
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	
(English units) pounds per million square feet per operation		
CN, A	1.8	.92
CN, Total	18.4	9.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	

(f) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.44(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.45 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	45	23
Nickel	45	23
Cr, Total	45	23
CrVI	4.5	2.3
Zinc	45	23
CN, Total	45	23
CN, A	4.5	2.3
Fluoride	1800	900
Cadmium	27	14
Iron	90	45
Tin	90	45
Phosphorus	90	45
TSS	1800	900
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	9.2	4.6
Nickel	9.2	4.6
Cr, Total	9.2	4.6
CrVI	.92	.46
Zinc	9.2	4.6
CN, Total	9.2	4.6
CN, A	.92	.46
Fluoride	369	185
Cadmium	4.4	2.2
Iron	18.4	9.2
Tin	18.4	9.2
Phosphorus	18.4	9.2
TSS	369	185
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.45(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.46 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the anodizing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	45	23
Nickel	45	23
Cr, Total	45	23
CrVI	4.5	2.3
Zinc	45	23
CN, Total	45	23
CN, A	4.5	2.3
Fluoride	1800	900
Cadmium	27	14
Iron	90	45
Tin	90	45
Phosphorus	90	45
TSS	1800	900
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	9.2	4.6
Nickel	9.2	4.6
Cr, Total	9.2	4.6
CrVI	.92	.46
Zinc	9.2	4.6
CN, Total	9.2	4.6
CN, A	.92	.46
Fluoride	369	185
Cadmium	4.4	2.2
Iron	18.4	9.2
Tin	18.4	9.2
Phosphorus	18.4	9.2
TSS	369	185
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.46(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Subpart E—Coatings Subcategory

Subpart E is amended by adding §§ 413.53, 413.54, 413.55, and 413.56 as follows:

§ 413.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 413.54 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the coatings subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	80	40
Nickel	80	40
Cr, Total	80	40
CrVI	8	4
Zinc	80	40
CN, Total	80	40
CN, A	8	4
Fluoride	3600	1800
Cadmium	48	24
Iron	160	80
Tin	160	80
Phosphorus	160	80
TSS	3600	1800
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	16.4	8.2
Nickel	16.4	8.2
Cr, Total	16.4	8.2
CrVI	.82	.41
Zinc	16.4	8.2
CN, Total	16.4	8.2
CN, A	1.6	.82
Fluoride	646	323
Cadmium	9.8	4.9
Iron	32.8	16.4
Tin	32.8	16.4
Phosphorus	32.8	16.4
TSS	646	323
pH	Within the range 6.0 to 9.5.	

(b) The post plating steps of chromating, phosphating and coloring, if followed by a rinse, may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvag-

ing improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
CN, A	8	4
CN, Total	80	40
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	
(English units) pounds per million square feet per operation		
CN, A	1.6	.82
CN, Total	16.4	8.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	

(f) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.54(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.55 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	40	20
Nickel	40	20
Cr, Total	40	20
CrVI	4	2
Zinc	40	20
CN, Total	40	20
CN, A	4	2
Fluoride	1800	900
Cadmium	24	12
Iron	80	40
Tin	80	40
Phosphorus	80	40
TSS	1800	900
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	8.2	4.1
Nickel	8.2	4.1
Cr, Total	8.2	4.1
CrVI	.82	.41
Zinc	8.2	4.1
CN, Total	8.2	4.1
CN, A	.82	.41
Fluoride	323	161
Cadmium	4.9	2.5
Iron	16.4	8.2
Tin	16.4	8.2
Phosphorous	16.4	8.2
TSS	323	161
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.55(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.56 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the coatings subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	40	20
Nickel	40	20
Cr, Total	40	20
CrVI	4	2
Zinc	40	20
CN, Total	40	20
CN, A	4	2
Fluoride	1800	900
Cadmium	24	12
Iron	80	40
Tin	80	40
Phosphorus	80	40
TSS	1800	900
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	8.2	4.1
Nickel	8.2	4.1
Cr, Total	8.2	4.1
CrVI	.82	.41
Zinc	8.2	4.1
CN, Total	8.2	4.1
CN, A	.82	.41
Fluoride	323	161
Cadmium	4.9	2.5
Iron	16.4	8.2
Tin	16.4	8.2
Phosphorus	16.4	8.2
TSS	323	161
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.56(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Subpart F—Chemical Etching and Milling Subcategory

Subpart F is amended by adding §§ 413.63, 413.64, 413.65, and 413.66 as follows:

§ 413.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 413.64 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the chemical etching and milling subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	120	60
Nickel	120	60
Cr, Total	120	60
CrVI	12	6
Zinc	120	60
CN, Total	120	60
CN, A	18	9
Fluoride	4800	2400
Cadmium	72	36
Iron	240	120
Tin	240	120
Phosphorus	240	120
TSS	4800	2400
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	24.6	12.3
Nickel	24.6	12.3
Cr, Total	24.6	12.3
CrVI	2.4	1.2
Zinc	24.6	12.3
CN, Total	24.6	12.3
CN, A	3.8	1.9
Fluoride	984	492
Cadmium	14.8	7.4
Iron	49.2	24.6
Tin	49.2	24.6
Phosphorus	49.2	24.6
TSS	984	492
pH	Within the range 6.0 to 9.5.	

(b) The post plating steps of chromating, phosphating and coloring, if followed by a rinse, may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electrolysis plating on nonmetallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
CN, A	9	4.5
CN, Total	90	45
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	
(English units) pounds per million square feet per operation		
CN, A	1.8	.92
CN, Total	18.4	9.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0.	

(f) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.64(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.65 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	60	30
Nickel	60	30
Cr, Total	60	30
CrVI	6	3
Zinc	60	30
CN, Total	60	30
CN, A	9	5
Fluoride	2400	1200
Cadmium	36	18
Iron	120	60
Tin	120	60
Phosphorus	120	60
TSS	2400	1200
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	12.3	6.2
Nickel	12.3	6.2
Cr, Total	12.3	6.2
CrVI	1.2	06
Zinc	12.3	6.2
CN, Total	12.3	6.2
CN, A	1.9	0.9
Fluoride	492	246
Cadmium	7.4	3.7
Iron	24.6	12.3
Tin	24.6	12.3
Phosphorus	24.6	12.3
TSS	492	246
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.65(a) of his subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.66 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the chemical etching and milling subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be dis-

charged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) milligrams per square meters per operation		
Copper	60	30
Nickel	60	30
Cr, Total	60	30
CrVI	6	3
Zinc	60	30
CN, Total	60	30
CN, A	9	5
Fluoride	2400	1200
Cadmium	36	18
Iron	120	60
Tin	120	60
Phosphorus	120	60
TSS	2400	1200
pH	Within the range 6.0 to 9.5.	
(English units) pounds per million square feet per operation		
Copper	12.3	6.2
Nickel	12.3	6.2
Cr, Total	12.3	6.2
CrVI	1.2	0.6
Zinc	12.3	6.2
CN, Total	12.3	6.2
CN, A	1.9	0.9
Fluoride	492	246
Cadmium	7.4	3.7
Iron	24.6	12.3
Tin	24.6	12.3
Phosphorus	24.6	12.3
TSS	492	246
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.66 for the purpose of determining compliance with the effluent limitations in § 413.15(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

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ENVIRONMENTAL PROTECTION AGENCY

■

POULTRY PROCESSING PRODUCTS

Proposed Performance and Pretreatment Standards

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 432]

[FRL 361-5]

POULTRY PROCESSING PRODUCTS POINT SOURCE CATEGORY

Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On February 28, 1974, EPA promulgated a regulation adding Part 432 to Chapter 40 of the Code of Federal Regulations (39 FR 7894). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the meat products point source category. The regulation proposed below will amend 40 CFR Part 432—Meat Products Point Source Category by adding thereto the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart L), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500; (the Act).

(a) Legal authority. (1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart L), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) of the meat products point source category.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the meat products category. The regulations proposed herein set forth the standards of performance applicable to new sources for the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart L), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) of the meat products point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 432.116, 432.126, 432.136, 432.146, and 432.156, proposed below, provide pretreatment standards for new sources within the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart L), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) of the meat products point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.

(1) General methodology. The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achieveable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR Part 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, § 432.116, § 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart N), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) of the meat products point source category.

(i) Categorization. As is discussed in detail in the Development Document cited below, these segments of the meat products industry were derived following analyses of a number of factors. Among these factors were type of raw material, waste water characteristics, final product, production process, and age and size of plants. The five subcategories discussed herein as a group represent those operations which process poultry products and (except for further processing only plants) slaughter animals at the site. Any given plant will thus be accomplishing the dressing, processing or rendering of poultry products or by-products in a manner related to these procedures at a slaughterhouse or packinghouse where livestock are slaughtered.

With regard to the factors for consideration in deriving subcategories, the various poultry processing plants may be discretely segmented on the basis of differences in raw waste water characteristics due to a combination of differences in finished products, manufacturing processes and raw material. Analyses with respect to the factors of treatability of wastes, size, age, and location of plants substantiated the selected subcategories. Accordingly, the poultry processor segment of the meat products industry was subcategorized as follows: (1) Chicken processor (Subpart K), (2) turkey processor (Subpart L), (3) fowl processor (Subpart M), (4) duck processor (Subpart N), and further processing (Subpart O). The nomenclature of each of the subcategories is reasonably mutually exclusive. It is important to recognize, however, that for each of the first four subcategories, plants may accomplish a range of activities from slaughtered and dressed "ice pack" products to cut, breaded and packaged products. By-product rendering may also be accomplished at these plants. Plants performing so-called "further processing" do not slaughter or dress poultry; rather the final products are any of a number of cut, ground, chopped, breaded, frozen and packaged items using any poultry type slaughtered at some other plant.

(ii) Waste characteristics. Regardless of distinct differences in source as discussed below, raw waste waters from all subcategories are readily amenable to measurement and characterization by the pollutant parameters, biochemical oxygen demand, suspended solids, oil and grease, nutrients and coliform bacteria. As may be expected, these parameters are the same as those used to describe wastes from slaughterhouses, packinghouses, meat processors, and renderers. Because of the protein, processing materials and bone substances in the source materials, raw waste waters also contain various forms of nitrogen and phosphorus and dissolved solids. The data did not reveal the presence of heavy metals in the raw wastes from poultry processors.

(iii) Origin of waste water pollutants. Raw waste water discharges from each of the subcategories contain meat and product residues, animal fats, and other residues normally discharged as a part of process or plant cleanup. As would be expected for those plants which slaughter, it is the slaughtering and evisceration activity which contributes most of the raw waste load due to blood and offal drainage. The number and type of additional product or by-product production processes also contribute, but to a lesser extent. The variety of processes practiced at further processing plants each contribute to waste water discharges (e.g. cooking, breading, grinding, and stuffing).

(iv) Treatment and control technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Specific technology currently being utilized by plants in all subcategories involves materials recovery (usually part of in-process primary treatment to recover useable by-product grease or solids) and biological treatment and control concepts. The treatment systems range from simple anaerobic-aerobic lagoon operations through an array of mechanically aerated modifications to the simple lagoons including activated sludge with extended aeration and final clarification. This range of technology was evaluated and the performance of all concepts was found to be resulting in high quality effluents. Best practicable control technology currently available (BPCTCA) has been rather clearly documented as biological treatment and for several plants this treatment mode is already meeting the limitations. The various subcategories of poultry processing plants include treatment using at least anaerobic-aerobic lagoons. More capital intensive biological systems such as activated sludge treatment would achieve the same or better performance, and would thus be an additional alternative within BPCTCA. Those plants not meeting the limitations are estimated to require modifications to existing facilities in the form of additional anaerobic lagoons or equivalent (i.e. modifications such as mechanical aeration or additional aerobic treatment). For example, some plants have treatment using aerated-aerobic lagoons but overall performance of the treatment at these plants is well below accepted norms for this treatment system (about 70 percent efficiency in BOD removal compared with 90 percent for well designed and operated facilities). In this case, the addition of an anaerobic chamber may be reasonably expected to upgrade overall treatment efficiencies to required levels.

Best available technology economically achievable (BATEA) is substantially the same for all subcategories. Principal modifications to BPCTCA to achieve BATEA are in treatment and controls to remove the nutrient parameters phosphorus and ammonia. Further significant reductions in organic load and suspended solids would also be required. The nutrient controls are not now being practiced by plants in the subcategories; rather, the technology is defined on the basis of substantial experience on municipal wastes (filtration and nitrification), and reasonably well documented success using other specific treatment processes such as microstrainers, and ammonia control by stripping or ion exchange. Reductions in the organic load (expressed as BOD) and suspended solids are commensurate with levels at or near to reductions already achieved by several plants in the industry segments discussed herein and are further in accord with data on performance for some plants in the red meat processing, processor, and renderer segments of the meat products industry.

With the exception of requirements to control ammonia in the various subcategories, technology for new source performance standards (NSPS) is the same as that described for BPCTCA for all subcategories. The biological treatment systems for the best plants are already achieving the ammonia levels required; the addition of refined ammonia control systems would not appear to be necessary. The addition of mechanical aeration with controlled sludge return to an otherwise total lagoon system is one possible course of action.

(v) Cost estimates for control of waste water pollutants. Total investment cost to the plants within all subcategories for achieving limitations for best practicable control technology currently available is estimated to be about $17.6 million. Costs per individual plant for the types of treatment modifications described above will range from less than $112,000 for small (24,000 birds per day) chicken processor to $185,000 for large plants in

any subcategory. Such costs are to be considered incremental to previous outlays since no information is available to indicate that any plants are discharging raw wastes; rather, all plants that are discharging have some type of treatment in place. Thus, the per-plant costs reflect estimates of capital expenses required to improve these existing facilities. In some cases this cost will be effectively zero since housekeeping and operational improvements may resolve any difficulty without capital expenditures.

(vi) Energy requirements and non-water quality environmental impacts. Incremental increases in total energy consumption for meeting BPCTCA is estimated to be about 1.1 percent of normal energy consumption for poultry processing plants.

Any sludges requiring ultimate disposal in landfills would be compatible organic nutrient sources, and readily managed. Odor problems of any significance could not be identified.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be non-hazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(vii) Economic impact analysis. Pollution control costs to the poultry processing segment amount to about 20.0 percent of the average annual capital expenditures (about $60.0 million) for the period 1970–72. Additional operating costs will amount to about 1.0 cent per bird for chicken, turkey, and fowl processers and about 3.0 cents per bird for duck processors. Plants in the further processor subcategory will encounter operating expenditures of less than 0.2 cents per pound of finished product. With specific regard to economic impact, the level of capital expenditures required to meet BPCTCA is estimated to cause about 27 (small and very small) plants to close at a loss of 3.0 percent of the industry production.

The analysis incorporated estimates to overcome difficulties encountered in analyzing multi-species plants and vertically integrated companies (i.e., those with both poultry growing and processing operations). Both a lack of specific data and inconsistencies in available information lead to the necessity to deal with plants as essentially discrete, single bird operations. However, additional information on these operations is requested to assist the Agency in verifying projections regarding both multi-species and integrated plants.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are estimated to be (considerably) less than these amounts. Nevertheless, the Agency has reviewed and identified the projected effect on prices of poultry product processors and estimates that the increase will range between 0.1 and 1.0 percent for BPT and 0.5 and 1.5 percent for BAT.

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines POULTRY PROCESSING INDUSTRY" contains estimates of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which meat processing or rendering plants are located, and international trade. In addition, the Development Document describes, in section VIII, the cost and energy consumption implications of the proposed regulations.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Poultry Processor Segment of the Meat Products Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. Copies of this document are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). Supplementary analyses prepared for EPA of the possible economic effects of the proposed regulation are also available for inspection at these locations. An additional limited number of copies of all reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia, 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the meat products point source category. All participating agencies have been informed of project developments. Initial drafts of the Development Documents were sent to all participants and comments were solicited on those reports. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) other public agencies, interest groups, and associations: Ohio River Valley Sanitation Commission; Delaware River Basin Commission; U.S. Department of the Interior; U.S. Department of Commerce; U.S. Department of Health, Education, and Welfare; Water Resources Council; U.S. Department of Agriculture; The Conservation Foundation; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; American Institute of Chemical Engineers; National Broiler Council; Long Island Duck Farmers Cooperative; Southeastern Poultry and Egg Association; Institute of American Poultry Industries; Poppy Food Company, and Valchris, Inc.

The following responded with comments: Effluent Standards and Water

Quality Information Advisory Committee; State of Maine; State of Michigan; State of Texas; Water Resources Council; State of Delaware; State of Minnesota; State of North Carolina; State of Georgia; U.S. Department of the Interior; Rockingham Poultry; National Broiler Council; Cornell University; Long Island Duck Farmers Cooperative; Southeastern Poultry and Egg Institute; Poultry and Egg Institute of America; Swift and Company; U.S. Department of Health, Education, and Welfare; U.S. Department of Agriculture; and Delaware River Basin Commission.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A number of commenters expressed concern about apparent inconsistencies between the guidelines and water quality standards, e.g., grease limitations reflecting concentrations below those found in stream standards or nutrient limitations reflecting concentrations higher than stream standards.

This issue is the same as has been raised in response to nearly all previously proposed or promulgated effluent regulations. Sections 301, 304(b), and 306 of the Federal Water Pollution Control Act clearly require effluent standards to be based primarily upon technological capability independent of considerations of effects of pollutants on ambient water quality. These technology based standards comprise the minimal level of effluent reduction permissible. If more stringent levels of control must be instituted to comply with water quality standards in particular locations, section 301(b)(1)(C) requires that these levels be achieved.

(2) A number of commenters contended that analytical test results were so highly variable that it would not be possible to set effluent limitations at a single level.

The Agency agrees that variation in analytical test results can occur, particularly between different laboratories, between concurrent samples or between split portions of the same sample. However, extensive experience throughout the Agency shows that as long as strict analytical and quality control procedures are followed from the point of actual sampling through to the final test results, any variation in test results will fall within acceptable statistical error for a given pollutant. Moreover, under conditions reflecting proper test procedures, any such errors clearly average out over time so that there is a high degree of confidence that true or actual values are represented. It is precisely because of the variability inherent in both the performance of waste water control facilities and pollutant testing that effluent limitations are expressed as an average for any period of 30 consecutive days. Over this time frame any normal analytical test variability can be expected to have no significant effect particularly for well designed and operated waste water treatment facilities. And by establishing the maximum discharge allowable for any given day as double the 30 day average, the Agency has accounted for the variability in performance of treatment systems and the analytical procedures.

(3) While most of the comments which addressed the subject of costs showed general agreement with the level of the estimates provided in the draft Development Document, there was concern that costs were excessive for BATEA limitations.

A number of poultry processing plants are already achieving substantial reductions in one or more of the nutrient parameters by a combination of in-plant controls and waste water treatment. Nevertheless, the Agency agrees that costs for nutrient controls are quite high and that there is some uncertainty as to the necessary technology for nitrate removal even though advances in denitrification concepts have been dramatic. Moreover, at least some of the raw waste loads of these pollutants are being removed incidental to efficient biological treatment.

With respect to ammonia, however, the Agency believes that the parameter should be among those with a specific limitation. In addition to air stripping methods, refinements in biological treatment by adding aeration with controlled sludge recycle or other steps to enhance nitrification of ammonia will make it likely that ammonia limits can be met at reasonable expense.

In view of the above, limitations for nitrates, Kjeldahl nitrogen and phosphorus have been deleted for the present time; ammonia limitations have been retained. The Agency's efforts to obtain additional reliable information on the subject of denitrification with respect to poultry processors and other segments of the meat industry will continue.

(4) Several comments referred to apparent inconsistencies among statistics on the number of plants in the industry particularly between those reported in the Development Document and those presented in the economic impact analysis.

The statistics in question have been reviewed in detail, but the apparent inconsistency has not been fully resolved. Insofar as total production is concerned, it is clear that the industry and other sources have provided the Agency with data on operations representing over 55% of the total poultry production in 1973. As a consequence, it appears that a high reliability exists in descriptions of processes, water use, waste loads, and treatment capabilities. On the other hand, differing methods of reporting and grouping by major data sources (U.S. Departments of Commerce and Agriculture) make it difficult to ascertain, for example, whether a "poultry processor" is a plant in SIC code 2016 or 2017 (poultry dressing or poultry processing respectively) or in SIC 2038 (frozen specialties). Moreover, the specific plant data reported by the industry trade associations seems to more clearly portray current actual conditions, but extrapolation of the industry data leads to some differences with other statistical sources. The Agency encourages the submission of any suggestions or additional information on this question.

(5) The comment was made that most duck processors are integrated with feedlots and may have a common waste water control system which may require different consideration from a non-integrated facility. As is discussed in the Development Document, available data indicates that many of the duck processors are directly associated with an onsite feedlot, and that waste water controls provided for the feedlot are also utilized for the processing waste water. The Agency has carefully considered the relationship between effluent limitations as proposed herein and those promulated for duck feedlots (40 CFR Part 412, Subpart B, 39 FR 5704). It appears that the circumstances of several duck processors associated with feedlots are somewhat different from processors operating alone. As a result, it is apparent that any effluent restrictions should be so derived to properly account for waste load contributions from both the feedlot and the processor. While the small number of operations does not appear to warrant a specific separate regulation or new subcategory for the few operations affected, the Agency has concluded that the effluent limitation for a combined feedlot/processor should be developed on an additive basis. Thus, in the event that waste streams from the feedlot and processor are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled for each separate component or waste source shall not exceed the specified limitation for that waste source. For parameters regulated by only one of the potentially applicable regulations, the ultimate limitation should be derived on a flow-proportioned basis. For example, the pollutant "total suspended solids" is not controlled by an effluent limit for a duck feedlot, but is specified for a duck processor. In this instance, the portion (determined by respective flow volumes) of suspended solids attributable to the processor in the combined effluent must not exceed the limitation specified for a duck processor in §§ 432.140 through 432.146 below.

These concepts apply to the effluent limitations developed for BPCTCA, BATEA, and NSPS. Note that the feedlot component of a combined facility must achieve "no discharge of pollutants" (except for overflows due to excessive rainfall as specified) under BATEA and NSPS; as a result, the effluent limit for an integrated facility will be identical to that for the non-integrated facility. In each case, the normal discharge would be due to the processing facility only.

(6) The objection has been raised that the extent of vertical integration within the poultry processing industry renders the economic impact analysis independable and misleading. Specifically, it has been pointed out that: (a) The profitability calculations for sample firms are based on live poultry prices, which the commentor asserts are artificial and are only accounting transfer costs—not free

market prices, and (b) profits are meaningful only within the context of the entire integrated firm and not on a plant or department basis.

Research has indicated that many integrated companies do know, within a reasonable degree of accuracy, how much profit is derived from each segment of the integrated operation. Moreover a significant percentage of poultry processing is handled by non-integrated firms, for which the live poultry prices are not artificial. The financial profiles for typical plants, developed for the economic impact analysis, were checked against financial data for non-integrated firms. Discussions with a number of plant managers of integrated and non-integrated firms indicated that the assumptions and the conclusions of the analysis were both reasonable and accurate.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic studies referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received by May 27, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In consideration of the foregoing, 40 CFR Part 432 is hereby proposed to be amended as follows.

Dated: April 7, 1975.

JOHN QUARLES,
Acting Administrator.

PART 432—MEAT PRODUCTS POINT SOURCE CATEGORY

Subpart K—Chicken Processor Subcategory

Sec.

432.110 Applicability; description of the chicken processor subcategory.
432.111 Specialized definitions.
432.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.114 Reserved.
432.115 Standards of performance for new sources.
432.116 Pretreatment standards for new sources.

Subpart L—Turkey Processor Subcategory

432.120 Applicability; description of the turkey processor subcategory.
432.121 Specialized definitions.
432.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.124 Reserved.
432.125 Standards of performance for new sources.
432.126 Pretreatment standards for new sources.

Subpart M—Fowl Processor Subcategory

432.130 Applicability; description of the fowl processor subcategory.
432.131 Specialized definitions.
432.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.134 Reserved.
432.135 Standards of performance for new sources.
432.136 Pretreatment standards for new sources.

Subpart N—Duck Processor Subcategory

432.140 Applicability; description of the duck processor subcategory.
432.141 Specialized definitions.
432.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.144 Reserved.
432.145 Standards of performance for new sources.
432.146 Pretreatment standards for new sources.

Subpart O—Further Processing Subcategory

432.150 Applicability; description of the further processing subcategory.
432.151 Specialized definitions.
432.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.154 Reserved.
432.155 Standards of performance for new sources.
432.156 Pretreatment standards for new sources.

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Subpart K—Chicken Processor Subcategory

§ 432.110 Applicability; description of the chicken processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of slaughtered and dressed chickens and any cutting, further processing or rendering also conducted at the same plant site by a chicken processor.

§ 432.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "chicken processor" shall mean an operation that produces primarily broilers or other young chickens dressed whole or cut up, fresh or frozen, and including any further processing into canned, breaded, or cooked products, or rendering of by-products.

(c) The term "LWK" (live weight killed) shall mean the total weight of the total number of birds slaughtered during the time to which the effluent limitations apply, i.e., during any one day or any period of thirty consecutive days.

(d) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendering operation composed of poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

(e) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh or frozen poultry meat products.

§ 432.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials,

manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	0.092	0.46
TSS	1.24	0.62
Oil and grease	0.40	0.20
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml	
(English units) lb/1000 lb of LWK		
BOD5	0.92	0.46
TSS	1.24	0.62
Oil and grease	0.40	0.20
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	0.69	0.30
TSS	0.68	0.34
Oil and grease	0.40	0.20
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of LWK		
BOD5	0.60	0.30
TSS	0.68	0.34
Oil and grease	0.40	0.20
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
Milligrams per liter—effluent		
Ammonia	8.0	4.0

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.07}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.05}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.114 [Reserved]

§ 432.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	0.92	0.46
TSS	1.24	0.62
Oil and grease	0.40	0.20
Ammonia	0.40	0.20
pH	Within the range 6.0 to 9.0.	
fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of LWK		
BOD5	0.92	0.46
TSS	1.24	0.62
Oil and grease	0.40	0.20
Ammonia	0.40	0.20
pH	Within the range 6.0 to 9.0.	
fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive

an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the chicken processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.-121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

Subpart L—Turkey Processor Subcategory

§ 432.120 Applicability; description of the turkey processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of slaughtered and dressed turkeys and any cutting, further processing or rendering also conducted seasonally or concurrently at the same site by a turkey processor.

§ 432.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "turkey processor" shall mean an operation which produces primarily dressed whole or cut up turkeys, fresh or frozen, and including any further processing into canned, breaded or cooked products or rendering of by-products.

(c) The term "LWK" (Live weight killed) shall mean the total weight of the total number of birds slaughtered during the time to which the effluent limitations apply, i.e., during any one day or any period of thirty consecutive days.

(d) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendering operation composed of poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

(e) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh or frozen poultry meat products.

§ 432.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	0.78	0.39
TSS	1.14	0.57
Oil and grease	0.28	0.14
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of LWK		
BOD5	0.78	0.39
TSS	1.14	0.57
Oil and grease	0.28	0.84
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{l and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	0.42	0.21
TSS	0.48	0.24
Oil and grease	0.28	0.14
(English units) lb/1000 lb of LWK		
BOD5	0.42	0.21
TSS	0.48	0.24
Oil and grease	0.28	0.14
Milligrams per liter—effluent		
Ammonia	8.0	4.0
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.07}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.05}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.124 [Reserved]

§ 432.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	0.78	0.39
TSS	1.14	0.57
Oil and grease	0.28	0.14
Ammonia	0.28	0.14
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of LWK		
BOD5	0.78	0.39
TSS	1.14	0.57
Oil and grease	0.28	0.14
Ammonia	0.28	0.14
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the turkey processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

Subpart M—Fowl Processor Subcategory

§ 432.130 Applicability; description of the fowl processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of slaughtered and dressed whole or cut up mature chickens, layers, geese or capons and any further processing or rendering also conducted at the same plant site by a fowl processor.

§ 432.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "fowl processor" shall mean a plant that slaughters and dresses primarily mature chickens, geese or capons and produces whole or cut up fresh or frozen birds, and including any further processing into canned, breaded or cooked products or rendering of by-products.

(c) The term "LWK" (live weight killed) shall mean the total weight of the total number of birds slaughtered during the time to which the effluent limitations apply, i.e., during any one day or any period of thirty consecutive days.

(d) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendering operation composed of poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

(e) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh or frozen poultry meat products.

§ 432.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to

such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	1.22	0.61
TSS	1.44	0.72
Oil and grease	0.30	0.15
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of LWK		
BOD5	1.22	0.61
TSS	1.44	0.72
Oil and grease	0.30	0.15
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically available.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	0.46	0.23
TSS	0.54	0.27
Oil and grease	0.15	0.15
(English units) lb/1000 lb of LWK		
BOD5	0.46	0.23
TSS	0.54	0.27
Oil and grease	0.15	0.15
Milligrams per liter—effluent		
Ammonia	8.0	4.0
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.07}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.05}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.134 [Reserved]

§ 432.135 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	1.22	0.61
TSS	1.44	0.72
Oil and grease	0.30	0.15
Ammonia	0.30	0.15
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of LWK		
BOD5	1.22	0.61
TSS	1.44	0.72
Oil and grease	0.30	0.15
Ammonia	0.30	0.15
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.136 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the fowl processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

Subpart N—Duck Processor Subcategory

§ 432.140 Applicability; description of the duck processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of slaughtered and dressed ducks, whole or cut up, and any further processed products or rendered by-products by a duck processor.

§ 432.141 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "duck processor" shall mean an operation which slaughters and dresses ducks, whole or cut up, fresh or frozen and including any further processing into canned, breaded, or cooked products or rendering of by-products.

(c) The term "LWK" (live weight killed) shall mean the total weight of the total number of birds slaughtered during the time to which the effluent limitations apply, i.e., during any one day or any period of thirty consecutive days.

(d) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendering operation composed of poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

(e) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh or frozen poultry meat products.

§ 432.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	1.54	0.77
TSS	1.80	0.90
Oil and grease	0.52	0.26
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of LWK		
BOD5	1.54	0.77
TSS	1.80	0.90
Oil and grease	0.52	0.26
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	0.78	0.39
TSS	0.92	0.46
Oil and grease	0.52	0.26
(English units) lb/1000 lb of LWK		
BOD5	0.78	0.39
TSS	0.92	0.46
Oil and grease	0.52	0.26
Milligrams per liter—effluent		
Ammonia	8.0	4.0
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.07}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.05}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.144 [Reserved]

§ 432.145 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of LWK		
BOD5	1.54	0.77
TSS	1.80	0.90
Oil and grease	0.52	0.26
Ammonia	0.52	0.26
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of LWK		
BOD5	1.54	0.77
TSS	1.80	0.90
Oil and grease	0.52	0.26
Ammonia	0.52	0.26
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

§ 432.146 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the duck processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

Subpart O—Further Processing Subcategory

§ 432.150 Applicability; description of the further processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of canned, breaded, ground, chopped, diced poultry products from purchased whole or cut carcasses of any poultry type by a further processing plant.

§ 432.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "further processing" shall mean an operation which utilizes purchased whole or cut up poultry for the production of cooked, canned, ground, chopped, diced, or breaded fresh or frozen products.

(c) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh, or frozen poultry meat products.

§ 432.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of

such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of finished product		
BOD5	0.60	0.30
TSS	0.70	0.35
Oil and grease	0.20	0.10
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of finished product		
BOD5	0.60	0.30
TSS	0.70	0.35
Oil and grease	0.20	0.10
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

§ 432.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of finished product		
BOD5	0.30	0.15
TSS	0.36	0.18
Oil and grease	0.26	0.13
(English units) lb/1000 lb of finished product		
BOD5	0.30	0.15
TSS	0.36	0.18
Oil and grease	0.26	0.13
Milligrams per liter—effluent		
Ammonia	8.0	4.0
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

§ 432.154 [Reserved]

§ 432.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of finished product		
BOD5	0.60	0.30
TSS	0.70	0.35
Oil and grease	0.20	0.10
Ammonia	0.20	0.50
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1000 lb of finished product		
BOD5	0.60	0.30
TSS	0.70	0.35
Oil and grease	0.20	0.10
Ammonia	0.20	0.10
pH	Within the range 6.0 to 9.0.	
Fecal coliforms	Maximum at any time 400 mpn/100 ml.	

§ 432.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the further processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

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