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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.

U.S.–ROMANIAN TRADE AGREEMENT—Presidential proclamation and Executive order (2 documents) 18389, 18391

WHEAT EXPORTS TO EGYPT—Presidential determination 18393

RADIO BROADCAST SERVICES—FCC amends regulations concerning sponsorship identification; effective 5–30–75 18395

FISHERY PRODUCTS—Commerce/NOAA solicits comments concerning consumer and trade oriented seafood inspection program; comments by 5–30–75 18480

ENDANGERED SPECIES—Interior/FWS proposes financial assistance to states engaged in conservation of threatened fish, wildlife and plants; comments by 6–27–75 18447

BIOLOGICAL PRODUCTS—USDA/APHIS eliminates, clarifies and corrects certain standards for use of viruses; effective 5–30–75 18405

SHORT TERM DEBT INSTRUMENTS—SEC issues advanced proposal concerning valuation; comments by 5–23–75 18467

SCHOOL BUS SAFETY—DOT/NHTSA proposes application of hydraulic brake system and establishment of new performance levels; comments by 7–28–75 18469

MEETINGS—

FEA: Consumer Affairs Special Impact Advisory Committee, 5–15–75 18488
State Regulatory Advisory Committee, 5–16–75 18488
Environmental Advisory Committee, 5–21–75 18488
National Foundation on The Arts and The Humanities: Federal Graphics Evaluation Advisory Panel, 5–12–75 18410
CRC: State Advisory Committees:
Delaware, 5–23–75 18486
Maryland, 5–15–75 18487
FCC: Radio Technical Commission for Marine Services 5–14 and 5–15–75 18496
1979 WARC Conference Working Group, 5–12 and 5–13–75 18494
HEW: Child and Family Development Research Review Committee, 5–27 and 5–30–75 18485
FDA: Iodine 123 for application in Nuclear Medicine, 5–19 and 5–20–75 18482
OMB: Labor Advisory Committee on Statistics, 5–21–75 18514
SEC: Advisory Committee on the Implementation of a Central Market System, 5–15 and 5–16–75 and 6–19 and 6–20–75 18514
Commerce/NBS: Federal Information Processing Standards Task Group 13 (FIPS TG–13), 6–18–75 18479
USDA/FS: Wallowa-Whitman National Forest Grazing Advisory Board, 6–20–75 18479

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

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Rgister for inclusion in today's

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contents

THE PRESIDENT

Proclamation

Trade agreement between United States and Socialist Republic of Romania 18389

Executive Order

Waiver under Trade Act of 1974 with respect to Socialist Republic of Romania ..... 18391 ~~18389~~

Presidential Documents Other Than Executive Orders and Proclamations

Wheat exports to Egypt; Presidential finding and determination under Agricultural Trade Development and Assistance Act of 1954 18393

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Limitations of handling and shipping:
- Oranges (Navel) grown in Ariz. and Calif 18404
- Oranges (Valencia) grown in Ariz. and Calif 18404

Proposed Rules

Walnuts grown in Calif., Oreg., and Wash 18449

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rules

Beekeeper Indemnity Payment Program (1974–1977) 18450

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Forest Service; Soil Conservation Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Quarantine areas:
- Scrapie in sheep 18404

Viruses, serums, toxins, and analogous products; standard requirements 18405

Notices

Environmental statements; status of plant protection and quarantine programs 18478

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Rules

Safety purposes, aircraft access for; revocation 18415

Free and reduced-rate transportation; consolidation, recodification and revision of regulations .. 18415

Mail transportation; free travel for postal employees; revocation 18419

Policy statements:
- Rates and tariffs; editorial amendment 18419

Proposed Rules

Flight schedules of certificated air carriers; designated domestic passenger flights, reporting requirements 18450

Notices

Hearings, etc.:
- International Air Transport Association (2 documents) 18486

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
- Delaware 18486
- Maryland 18487

COAST GUARD

Rules

Inland waters; boundary lines:
- Strait of Juan de Fuca, Haro Strait and Strait of Georgia; correction 18429

COMMERCE DEPARTMENT

See National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices

Cotton textiles:
- Czechoslovak Socialist Republic 18487

Cotton, wool and man-made textiles:
- Macau 18487

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices

Procurement list, 1975; additions and deletions ..... 18488 ~~18487~~

DEFENSE DEPARTMENT

See Engineers Corps.

DRUG ENFORCEMENT ADMINISTRATION

Rules

Control schedules:
- Peyote; policy and interpretation statement 18426

ENGINEERS CORPS

Notices

Application for fuel-carrying pipeline right-of-way; Illinois .. 18473

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality control; vapor recovery on ships and barges 18437

Air quality implementation plans:
- Georgia 18430

Air and water pollution control; Federal contracts, grants or loans; prohibitions and requirements; corrections (2 documents) 18429, 18437

Energy related authority; power plant shut downs 18438

Proposed Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
- Inert ingredients, certain, in pesticide formulations 18451

Notices

Environmental impact statements; availability 18489

Food additive tolerance petitions:
- Chevron Chemical Co 18489

Pesticide chemicals, tolerances, etc.; petitions New Jersey Department of Environmental Protection 18493

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
- Hughes 18413
- Lockheed 18413

Terminal control area 18414

VOR Federal airways; correction .. 18414

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations; table of assignments:
- Arizona (2 documents) .. 18401, 18402
- Massachusetts 18402

Organization and functions:
- Copies of Commission records; contractor identified 18395

Radio and television services:
- Sponsorship identification rules .. 18395

Proposed Rules

FM broadcast stations; table of assignments:
- Arkansas and Missouri 18452
- California ..... ~~18467~~ 18454
- Colorado 18464
- Michigan 18464
- Oklahoma 18461
- Washington 18463
- Wisconsin 18462

Frequency designations:
- New York and New Orleans vessel traffic systems 18465

Notices

Aquarium thermostats, interference sources 18497

Common carrier services information; domestic public radio services applications 18494

Meetings:
- 1979 WARC Conference Working Group 18494
- Marine Services, Radio Technical Commission for 18496

Sponsorship identification; interpretation ---- 18497
Hearings, etc.:
Gilbert Broadcasting Corp. et al ---- 18495
Miner, Julie P. and Albert L. Crain ---- 18497

FEDERAL ENERGY ADMINISTRATION

Rules

Information, collection of authorized energy information; procedures ---- 18408

Proposed Rules

Mandatory petroleum price regulations:
Gasoline sales markup; hearing; Alaska ---- 18467

Notices

Meetings:
Consumer Affairs Special Impact Advisory Committee ---- 18488
Environmental Advisory Committee ---- 18488
State Regulatory Advisory Committee ---- 18488

FEDERAL HOME LOAN BANK BOARD

Rules

Federal Savings and Loan Insurance Corporation:
Documentation of loans to one borrower (2 documents) ---- 18411

FEDERAL MARITIME COMMISSION

Rules

Terminal barge operators in Pacific Slope states; tariff filings ---- 18446

Notices

Casualty and nonperformance, certificates:
Atlantic Far East Lines, Inc ---- 18500
Mitsui O.S.K. Lines (Passenger), Ltd ---- 18501
Environmental impact statements:
Philadelphia, port of ---- 18501
Freight forwarder licenses:
Alvarez Shipping Co., Inc ---- 18500
Valencia Baxt Express, Inc ---- 18501
Agreements filed, etc.:
Matson Navigation Co ---- 18500

FEDERAL POWER COMMISSION

Proposed Rules

Rate schedules, end use; establishing time for comments ---- 18467

Notices

Hearings, etc.:
Carolina Power & Light Co ---- 18501
Colorado Interstate Gas Co., et al ---- 18502
Columbia Gas Transmission Corp ---- 18502
Delmarva Power & Light Co ---- 18502
Mississippi River Transmission Corp ---- 18503
Monongahela Power Co., et al ---- 18503
Natural Gas Pipeline Co. of America ---- 18503
Skelly Oil Co ---- 18503
Southern California Edison Co ---- 18504
Southwest Gas Corp ---- 18504
Sun Oil Co ---- 18505

FEDERAL RESERVE SYSTEM

Rules

Foreign activities of national banks; interpretation of foreign bank ---- 18412

Notices

Applications, etc.:
Atlas Towing Co. and Criss Concrete Co ---- 18506
First Security Corp ---- 18506
Midlantic Banks, Inc ---- 18507
Midwest Bancshares, Inc ---- 18505

FISH AND WILDLIFE SERVICE

Proposed Rules

Conservation of endangered and threatened species of fish, wildlife and plants; cooperation with states ---- 18447

Notices

Coyote damage control; cattle, sheep, and goats ---- 18475
Crustaceans, fresh water; review of status ---- 18476
Marine mammal applications:
Ray, G. Carleton and Francis H. Fay; amendments ---- 18477

FOOD AND DRUG ADMINISTRATION

Rules

Cosmetic labeling; ingredient designations on packaged labels; correction ---- 18426
Food identity standards:
French dressing ---- 18425

Notices

ARTX Telecommunication equipment; memoranda of understanding:
North Dakota State Laboratories and Consumer Affairs ---- 18480
Texas State Department of Health ---- 18481
Wisconsin Department of Agriculture ---- 18481
Medical device experience data; memorandum of understanding with Veterans Administration ---- 18482
Meetings:
Nuclear medicine; large scale production of iodine-123 ---- 18482

FOREST SERVICE

Notices

Environmental statements:
Quachita National Forest, Forks Unit Plan ---- 18478
Vegetation management with herbicides, Ozark-St. Francis NFs ---- 18479
Meetings:
Wallowa-Whitman National Forest Grazing Advisory Board ---- 18479

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review:
Proposals, approvals, etc. (2 documents) ---- 18508

GENERAL SERVICES ADMINISTRATION

Rules

Procurement regulations; clarification ---- 18445

Notices

Authority delegations:
Secretary of Interior ---- 18510
International Energy Program; request to oil companies ---- 18509
Property transfers:
Sierra Army Depot ---- 18510

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Notices

Meetings:
Child and Family Development Research Review Committee ---- 18485
Professional Standards Review Organization; intention to enter:
Arkansas ---- 18483
California ---- 18483
Idaho ---- 18484
Maryland (2 documents) ---- 18484
Pennsylvania ---- 18485

HEARINGS AND APPEALS OFFICE

Notices

Applications, etc.:
Eastover Mining Co. No. 4; correction ---- 18478

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Hearings and Appeals Office; Land Management Bureau; Reclamation Bureau.

INTERSTATE COMMERCE COMMISSION

Rules

Car service orders:
Chicago & North Western Transportation Co ---- 18403

Notices

Abandonment of Service:
Western Maryland Railway Company and Baltimore & Cumberland Valley Railroad Extension Co ---- 18539
Hearing assignments ---- 18536
Motor carriers:
Irregular route property carriers; gateway elimination ---- 18521
Temporary authority applications (2 documents) ---- 18537, 18539
Transfer proceedings (2 documents) ---- 18536, 18539

JUSTICE DEPARTMENT

See also Drug Enforcement Administration.

Notices

Consent judgment; comments and department responses:
United States v. Norris Industries ---- 18473

LABOR DEPARTMENT

See also Labor-Management Services Administration; Occupational Safety and Health Administration; Wage and Hour Division.

Notices

Adjustment assistance:
Brown Shoe Co. 18516
Lisbon Shoes Inc. 18516
Magnavox Co. 18517
RCA Corp. 18517
TRW Inc. 18517
Utica Cutlery Co. 18518
Labor Policy and Labor Sector Advisory Committees; establishment 18518
Manpower programs; authority delegation 18515

LABOR-MANAGEMENT SERVICES ADMINISTRATION

Notices

Employee benefit plans; exemption procedure under the Employee Retirement Income Security Act 18471

LAND MANAGEMENT BUREAU

Notices

Applications etc.:
Colorado 18475

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 18514
Meetings:
Labor Advisory Committee on Statistics 18514

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Federal Information Processing Standards Task 18479

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Meetings:
Federal Graphics Evaluation Advisory Panel 18510

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Brake systems, hydraulic 18411 ~~18409~~

Proposed Rules

Motor vehicle safety standards:
Fuel system integrity, correction 18469 ~~18411~~
School bus brake systems; performance and equipment requirements 18469

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Fishery products inspection program; consumer and trade education; statement of interest and intent 18480

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Alabama Power Co. 18513
Dairyland Power Cooperative 18510
Kansas Gas & Electric Co., et al. 18511
New York University 18511
Public Service Company of Indiana, Inc. 18511

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Health and safety standards:
Lavatories for industrial employment; standard deleted 18445
Mailing address change; National Fire Protection Association 18426
State plans for enforcement of standards:
California 18426
North Carolina 18429
Oregon 18427

Proposed Rules

Ground fault circuit protection, correction 18468

Notices

Agriculture Standards Advisory Committee; request for information 18514

RECLAMATION BUREAU

Notices

Environmental statements:
Central Utah Project, Jensen Unit; hearing 18475

SECURITIES AND EXCHANGE COMMISSION

Rules

Brokers and dealers; temporary exemption from Advisers Act 18424

Proposed Rules

Short term debt instruments, valuation of; owned by registered investment companies including money market funds 18467

Notices

Meetings:
Implementation of Central Market System Advisory Committee 18514

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects:
East Fork Pond River, Ky. 18479

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE

Rules

Creation, organization and functions 18419

Notices

Labor Policy and Labor Sector Advisory Committees; establishment; cross reference 18514

TRANSPORTATION DEPARTMENT

See Coast Guard Department; Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

Notices

Employee benefit plans; exemption procedure under Employee Retirement Income Security Act; cross reference 18471

VETERANS ADMINISTRATION

Notices

Medical device experience data; memorandum of understanding with Food and Drug Administration; cross reference 18514

WAGE AND HOUR DIVISION

Notices

Industry committees for various industries:
Puerto Rico 18519

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

PROCLAMATION:
4369 18391

EXECUTIVE ORDER:
11854 18389

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of March 31, 1975 ... 18393

7 CFR

907 18404
908 18404

PROPOSED RULES:
760 18450
984 18449

9 CFR

79 18404
113 18405

10 CFR

207 18408

PROPOSED RULES:
212 18467

12 CFR

213 18412
563 18411

14 CFR

39 (2 documents) 18413
71 (2 documents) 18414
223 18415
224 18415
399 18419

PROPOSED RULES:
234 18450

15 CFR

2001 18419
2002 18420
2003 18421

17 CFR

275 18424

PROPOSED RULES:
271 18467

18 CFR

PROPOSED RULES:
154 18467

21 CFR

25 18425
701 18426
1308 18426

29 CFR

1910 (2 documents) 18426, 18445
1952 (3 documents) ... 18426, 18427, 18429

PROPOSED RULES:
1910 18468
1926 18468

33 CFR

82 18429

40 CFR

15 (2 documents) 18429, 18437
52 (2 documents) 18430, 18437
55 18438

PROPOSED RULES:
180 18451

41 CFR

Ch. 5 18445

46 CFR

550 18446

47 CFR

0 18395
73 (6 documents) 18452, 18461–18464, 18466
73 (4 documents) 18395, 18401, 18402

PROPOSED RULES:
73 (6 documents) 18452, 18461–18466
81 18464
83 18464

49 CFR

571 18411
1033 18403

PROPOSED RULES:
571 (2 documents) 18469

50 CFR

PROPOSED RULES:
81 18447

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
4369 18389

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
11854 18391

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS

Memorandum of March 24, 1975 15377
Memorandum of March 31, 1975 18393

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

7 CFR—Continued

724 14737
728 16831
731 14601
873 16072
905 ..... 14889, 16210
907 ..... 14889, 16073, 16212, 17149, 17540, 17993, 18404
908 ..... 14890, 16211, 16213, 16321, 17150, 17540, 17829, 17993, 18404
910 ..... 15065, 16073, 16322, 17243, 18163
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
760 18450
908 ..... 16335, 17848
951 17151
982 16852
984 18449
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
79 18404
82 17244
94 14571
113 ..... 17003, 18405

PROPOSED RULES:

303 15906
381 15906

10 CFR

Ruling 1975-3 17980
70 16047
207 18408
211 ..... 14738, 18182

10 CFR—Continued

213 16047
215 16295

PROPOSED RULES:

73 15098
205 ..... 14605, 17600
210 ..... 18004, 18182
211 ..... 14605, 16089, 17600
212 ..... 15041, 17859, 18004, 18467
213 14948

12 CFR

23 17135
204 17136
213 ..... 17136, 18412
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, 18411
571 17247
584 17005
588 17247
602 14571
611 17744
613 17744
614 17745
615 17745
616 17746

PROPOSED RULES:

7 14767
202 18183
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, 18163, 18413

14 CFR—Continued

71 ... 14740, 14741, 15086, 15385, 15867, 16050, 16299, 16650, 16651, 16832, 17006, 17007, 17139, 17140, 17248, 17249, 17549, 17836, 17837, 17986, 18164, 18414
73 ... 17549, 17550
75 ... 17007
91 ... 16651
97 ... 14893, 16300, 17140, 18164
103 ... 17141
121 ... 17551
223 ... 18415
224 ... 18415
241 ... 16652
288 ... 14893
399 ... 18419
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, 18176
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
234 ... 18450
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
2001 ... 18419
2002 ... 18420
2003 ... 18421

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

16 CFR—Continued

PROPOSED RULES—Continued

4 ... 15245
444 ... 16347
1500 ... 17157

17 CFR

1 ... 17406
150 ... 15086
200 ... 14748, 16052, 17008
250 ... 17249
271 ... 17986
275 ... 18424

PROPOSED RULES:

1 ... 18187
150 ... 15907
240 ... 16090
270 ... 18007
271 ... 18467
275 ... 14782, 18007

18 CFR

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

PROPOSED RULES:

Ch. I ... 15402
2 ... 16220
35 ... 14606
101 ... 14606
104 ... 14606
141 ... 15402, 16684
154 ... 14606, 18467
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, 14931, 17746, 18165

PROPOSED RULES:

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

21 CFR

6 ... 16662
8 ... 15087, 18167
9 ... 18167
25 ... 18425
121 ... 14905
123 ... 14592, 17142, 18167
312 ... 16053
431 ... 15088
436 ... 15088
440 ... 15088
444 ... 14906
448 ... 15088
449 ... 15089
522 ... 17838
558 ... 18168

21 CFR—Continued

701 ... 16192, 18426
740 ... 16192
1030 ... 14750, 16663
1301 ... 17142
1308 ... 18426

PROPOSED RULES:

27 ... 16085
334 ... 18001
335 ... 18001
336 ... 18001
337 ... 18001
610 ... 18176
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

26 CFR—Continued

PROPOSED RULES:

1 ..... 14767, 17576, 17588
31 17028

27 CFR

Ch. I 16835

29 CFR

90 14908
91 ..... 16304, 17840
92 ..... 16304, 17840
670 ..... 16063, 17146
694 15875
726 ..... 16063, 17146
1208 17022
1601 16193
1910 ..... 18254, 18426, 18445
1913 15876
1928 18254
1952 ..... 16843, 18426, 18427, 18429
2300 14593

PROPOSED RULES:

4 16082
1910 ..... 15390, 16217, 16336, 18468
1926 ..... 15390, 18468
1952 16853

30 CFR

PROPOSED RULES:

250 17758
251 17758

31 CFR

90 16844
93 16844
100 16844
121 16844
500 17262

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, 18429
117 ..... 14504, 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

36 CFR—Continued

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, 18429, 18437
50 18168
51 18168
52 ..... 14595, 15879, 16844, 16845, 18430, 18437
53 18168
55 18438
60 18169
61 18169
65 14876
85 16667
120 18170
180 ..... 14596, 14597, 15387, 15880, 17146, 17557, 17841, 18171, 18172
413 18130
408 16204
427 18172
428 18172

PROPOSED RULES:

52 ..... 15094, 15095, 16218, 16680, 17157, 17597
85 18176
180 18457
408 15096
413 18140
414 17041
432 18150
450 17762

41 CFR

Ch. 5 18445
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

42 CFR—Continued

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

80 18173
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
550 18446

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
503 15097
550 15401

47 CFR

Ch. I 17130
0 ..... 14764, 17253, 17724, 18395
1 ..... 15883, 16394, 17146, 17255
2 17256
15 ..... 15991, 15881
73 ..... 15546, 15882–15889, 16667, 17026, 17256, 17259, 17260, 18395, 18401, 18402
76 ..... 15546, 17724, 18395
97 ..... 17256, 17755

PROPOSED RULES:

1 16968
73 ..... 14943–14947, 15907, 15908, 16680, 16682, 17042, 17269, 17270, 17598, 18452, 18461–18466
76 ..... 15574, 16683, 16684, 17270
81 18464
83 18464
87 17271

49 CFR

1 ..... 14764, 17992
215 17573
310 14919
571 ..... 14765, 17574, 17992
1033 ..... 14765, 14766, 18403
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, 18469
575 17039
1056 17044
1201 17272
1202 17272
1203 17272
1204 17272
1205 17272
1206 17272
1207 17272
1209 17272
1210 17272
1241 15402
1249 15402
1250 15402
1251 15402

50 CFR

10 17575
28 ..... 17261, 18173–18175
32 14920
33 ..... 14766, 14920, 16210, 16320, 17992, 18175
216 17845
280 16210

PROPOSED RULES:

17 ..... 14767, 17590, 17757, 17847
20 17263
81 18447
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	Apr. 10
16293–16640	11
17537–17742	21
16641–16827	14
16829–17002	15
17003–17134	16
17135–17238	17
17239–17535	Apr. 18
17537–17742	21
17743–17827	22
17829–17976	23
17977–18161	24
18163–18388	25
18389–18539	28

presidential documents

Title 3—The President

Proclamation 4369 • April 24, 1975

Agreement on Trade Relations Between the United States of America and the Socialist Republic of Romania

By the President of the United States of America

A Proclamation

Pursuant to the authority vested in me by the United States Constitution, I, as President of the United States of America, acting through duly empowered representatives, entered into negotiation with duly empowered representatives of the Socialist Republic of Romania looking toward the conclusion of an agreement governing trade relations between the United States of America and the Socialist Republic of Romania;

The aforesaid negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978);

An "Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania," including the annexes thereto, in the English and Romanian languages, was signed on April 2, 1975, by duly empowered representatives of the Governments of the United States of America and the Socialist Republic of Romania, respectively, and is hereto annexed; [1]

The said Agreement is in conformity with the requirements relating to bilateral commercial agreements as specified in section 405(b) of the Trade Act of 1974 (88 Stat. 1978, 2061);

It is provided in Article XII of the said Agreement that it shall enter into force on the date of exchange of written notices of acceptance by the Governments of the United States of America and the Socialist Republic of Romania; and

It is provided in section 405(c) of the Trade Act of 1974 (88 Stat. 1978, 2061) that a bilateral commercial agreement providing nondiscriminatory treatment to the products of countries heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress by the adoption of a concurrent resolution of approval, referred to in section 151 of the Trade Act of 1974 (88 Stat. 1978, 2001), of the extension of nondiscriminatory treatment to the products of the country concerned;

[1] Filed with the Office of the Federal Register as part of the original.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 404(a) of the Trade Act of 1974, do hereby proclaim as follows:

(1) This Proclamation shall become effective and said agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the Socialist Republic of Romania in accordance with the terms of the said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XII of the said Agreement, all of the foregoing to follow the adoption by the House of Representatives and the Senate, in accordance with the procedures set forth in section 151 of the said Act, of a concurrent resolution of approval of the extension of nondiscriminatory treatment to the products of the Socialist Republic of Romania, to the end that the same and every part of the said Agreement may be observed and fulfilled with good faith by the United States of America and the citizens thereof and all other persons subject to the jurisdiction thereof as of the date of its entry into force; and

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "Rumania" as of the effective date of this proclamation and a notice thereof shall be published in the Federal Register promptly thereafter.

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

Gerald R. Ford

[FR Doc.75-11170 Filed 4-24-75;1:01 pm]

EDITORIAL NOTE: For the texts of the President's message to Congress and letter to the Speaker of the House and President of the Senate concerning the U.S.-Romanian trade agreement, see the Weekly Compilation of Presidential Documents (vol. 11, no. 17).

Executive Order 11854 • April 24, 1975

Waiver Under the Trade Act of 1974 With Respect to the Socialist Republic of Romania

By virtue of the authority vested in me by section 402(c)(1) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978, 2057), and having made the report to the Congress required by that provision, I hereby waive the application of subsections (a) and (b) of section 402 of said Act with respect to the Socialist Republic of Romania.

Gerald R. Ford

THE WHITE HOUSE,
April 24, 1975.

[FR Doc.75-11171 Filed 4-24-75;1:01 pm]

EDITORIAL NOTE: For the texts of the President's message to Congress and letter to the Speaker of the House and President of the Senate concerning the U.S.-Romanian trade agreement, see the Weekly Compilation of Presidential Documents (vol. 11, no. 17).

Memorandum of March 31, 1975

Finding and Determination Under Sections 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as Amended—Egypt

[Presidential Determination No. 75-12]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, March 31, 1975.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Find, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Egypt for the sale, under Title I of the Act, of 300 thousand metric tons of wheat/wheat flour (wheat grain equivalent) is in the national interest of the United States; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to Egypt of wheat/wheat flour in furtherance of such an agreement is in the national interest of the United States.

This Determination shall be published in the *Federal Register*.

Gerald R. Ford

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

Egypt is central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In response to current Egyptian needs, it is proposed to export to that country 300 thousand metric tons of wheat/wheat flour (wheat grain equivalent) financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480). Added to previous allocations, the total amount of wheat/wheat flour (wheat grain equivalent) provided to Egypt under Title I in FY-75 will be 600 thousand metric tons. This amount is based on Egypt's needs for not more than one fiscal year.

In order to enter into an agreement with the Government of Egypt for such a sale under Title I, it is necessary that the President find and determine that such sales would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). However, if such activities are limited to furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic agricultural or food commodities, sales agreements may be made if the President finds they are in the national interest of the United States. Section 103(d)(4) also prohibits sales of commodities under Title I to Egypt

unless the President determines such sales are in the national interest of the United States.

The considerations noted above, however, make the proposed sale important to the national interest of the United States notwithstanding the prohibitions contained in Sections 103(d) (3) and (4) of P.L. 480.

Section 410 of P.L. 480 prohibits sales under Title I of P.L. 480 to a country in violation of Section 620(e) of the Foreign Assistance Act of 1961, as amended, which concerns expropriation or nationalization of property of Americans without taking appropriate steps to discharge its obligations under international law. Egypt agreed to the establishment of a Joint Committee to discuss compensation of American nationals and, on July 15, Secretary Kissinger determined that such an agreement constituted appropriate steps under Section 620(e). The Department is currently verifying and developing valid United States claims for negotiation in the Joint Committee. Therefore, no waiver of that provision is required to permit this additional sale of wheat/wheat flour to Egypt under Title I of P.L. 480.

[FR Doc.75-11173 Filed 4-24-75;2:09 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 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Copies of Materials on Inspection

1. The Commission recently awarded a contract for the duplication of Commission records to Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tele.: 202–452–1422). It is therefore appropriate to amend § 0.465 of the Rules, to identify the new copy contractor.

2. Authority for the amendment to the Rules set forth below is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in § 0.231(d) of the rules and regulations, 47 CFR 0.231 (d). Because the amendments are strictly informational and editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. In view of the foregoing, Part 0 of the rules and regulations is hereby amended effective May 2, 1975 as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 17, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Acting Executive Director.

In Part O of Chapter I of Title 47 of the Code of Federal Regulations, § 0.465 (a) is revised to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for inspection.

(a) The Commission annually awards a contract to a commercial firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lowest cost to the public. Currently, the contractor is Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tele.: 202–452–1422). Except as provided in paragraphs (b) and (c) of this section and in § 0.467, requests for copies of the records listed in §§ 0.453 and 0.455, and those made available for inspection under § 0.461, should be directed to the contractor.

* * * * *

[FR Doc.75-10091 Filed 4-25-75;8:45 am]

[Docket No. 19513; FCC 75-417]

PART 73—RADIO BROADCAST SERVICES
PART 76—CABLE TELEVISION SERVICES

Sponsorship Identification Rules

1. This proceeding was begun on May 17, 1972, when the Commission adopted a notice of proposed rule making (37 FR 10583; 34 F.C.C. 2d 1104) proposing amendments of the "Sponsorship Identification" rules for the broadcast services and for cable television service. The Commission here considers that notice and the comments responsive thereto.[1]

2. The sponsorship identification rules of the Commission implement section 317 of the Communications Act of 1934, as amended.[2] Broadly speaking, these rules are designed to assure that all broadcast matter for which any money, service or other valuable consideration is provided by a person or group to the station broadcasting it shall be announced at the time of broadcast as having been paid for or furnished by that person or group.[3] Although the rules apply to all kinds of broadcast matter—that which advertises commercial products or services, political broadcasts, and broadcasts involving controversial issues of public importance—the present proceeding deals primarily with the rules as they apply to political broadcasts and broadcasts involving controversial issues of public importance.

3. The Notice proposed two principal amendments. The first deals with the type of identification required for political and controversial issue broadcasts. This proposal was made as a result of an interpretation given to existing rules by the court in "United States v. WHAS, Inc.," 385 F. 2d 784 (6th Cir. 1967). The second proposal concerns a relaxation of the present list retention requirements for noncommercial broadcast matter. This proposal is based on a petition for declaratory ruling filed by Marcus Cohn, Esquire, a communications attorney, which it was decided should be treated as a petition for rule making (RM–1381). These proposals are discussed below.

THE WHAS DECISION

4. In the 1963 campaign for the Democratic nomination for Governor of Kentucky, the two leading candidates were A. B. "Happy" Chandler, a former Governor and U.S. Senator, and Edward T. Breathitt, Television Station WHAS–TV, Louisville, carried a television program entitled "The Chandler Years in Review," critical of Mr. Chandler's past record and thus designed to promote the candidacy of his opponent, Mr. Breathitt. This program was nominally sponsored, and the time paid for, by "The Committee for Good Government," and was so announced over WHAS–TV. However, in reality this Committee was only a straw entity for the Breathitt campaign organization, and that organization was not announced, although WHAS–TV was aware of the fact. The Commission held that WHAS–TV was liable for forfeiture under Section 504 of the Communications Act, for violation of § 73.654(f) of the rules. (*WHAS, Inc.*, 40 F.C.C. 190 (1964)). That section reads as follows (emphasis added):

(f) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

5. WHAS asserted its right to a district court trial upon the matter, and in April 1966 the U.S. District Court (W.D. Ky.) ruled for WHAS, holding in substance that the Commission's Rules do not re-

[1] Comments and/or reply comments were filed by the following: Columbia Broadcasting System (CBS); National Broadcasting Company, Inc. (NBC); National Association of Broadcasters (NAB); National Association of Educational Broadcasters (NAEB); Metromedia, Inc. (Metromedia); Storer Broadcasting Company (Storer); and five broadcasters (including some multiple owners) and the Radio Television News Directors Associations filing jointly (Joint Comments); Cohn & Marks, a communications law firm; Black Hawk Broadcasting Company (Black Hawk); and Friends of the Earth (FOE).

[2] Section 317 applies, by its terms, only to broadcast stations. However, sponsorship identification rules have also been adopted for cable television systems insofar as they engage in origination cablecasting.

[3] Both the Act and the rules also require that such announcements be made if the consideration is paid not to the station but to others, e.g., to an employee of the station, and the station is notified of such payment as required by Section 508 of the Act.

quire a station to announce the name of the candidate the broadcast is intended to support, In addition to the party sponsoring the program—here the Committee for Good Government ("United States v. WHAS, Inc.," 253 F. Supp. 603 (1966)). This decision was appealed to the U.S. Court of Appeals which affirmed the lower court. ("United States v. WHAS, Inc.," 385 F. 2d 784 (6th Cir. 1967)). The Court of Appeals opinion was somewhat more explicit as to the theory used in construing the rules. It relied heavily on paragraph (g) of § 73.654 (paragraph (f) of the radio rules), which reads as follows (emphasis added):

(g) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for, or furnished, either in whole or in part, or for which material or services referred to in paragraph (d) of this section are furnished, by a corporation, committee, association, or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association, or other unincorporated group. In each case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at the studios or general offices of one of the television broadcast stations carrying the program in each community in which the program is broadcast. Such lists shall be kept and made available for a period of 2 years.

This Court concluded that this section is more particularly applicable to the facts of the situation involved than is the preceeding paragraph quoted earlier above, and that paragraph (g) required simply that:

In the case of any program * * * which is sponsored, by a committee * * * the announcement required by this section shall disclose the name of such * * * committee. (385 F. 2d 784, 787)

The Court stated that it did not by any means wish to preclude the FCC from adopting a rule requiring a station to make reasonable efforts to go beyond a named "sponsor" to find and announce the real party in interest; but

Whatever the difficulties may be, it seems obvious to us that the Commission should seek to face and resolve them in a published Regulation rather than relying on the intuition of its licensees. (*Id.* at 788)

Thus the Court, although differing with us as to the meaning to be given to the rules as written, clearly indicated its view that Section 317 of the Communications Act, which the "sponsorship identification" rules are designed to implement, could encompass the requirement which the Commission contended the rules did in fact contain.

6. Because of the "WHAS" decision, this proceeding was instituted to revise the rules in question. As stated in the Notice, our purpose was

* * * to clear up any misunderstanding about whether the statute and rules require a licensee, who knows or has reason to know the facts, to adequately identify the person or persons paying for or furnishing the material broadcast. We believe it clear that the requirement for full and fair descriptions of the person or persons paying for or furnishing the consideration for the matter broadcast is reasonable and dictated by the public interest; and that where a political broadcast is presented, promoting one candidate directly or through criticism of his opponent, by a committee which is really a campaign instrumentality for a candidate or a political organization, the public should be made plainly aware of the latter fact. The public's basic right to know by whom it is being informed, particularly as to a political matter or controversial public issue, is too basic to need lengthy discussion here. (34 F.C.C. 2d at 1105)

7. Additionally, we observed in the Notice that there might be some uncertainty about the meaning of the term "sponsored" under the "WHAS" decision, and we accordingly proposed to dispel this by defining the word "sponsor" for purposes of the sponsor identification rules. We stated in the Notice that the effect of "WHAS" was to allow a licensee that knew or should have known that the committee had not paid for the broadcast time and had not prepared the material broadcast to be announced as the sponsor of the program. Paragraph (g) of the rule on which the Court relied contained the words "sponsored, paid for, or furnished." Since the Court in its decision used the word "sponsored," (see para. 5, supra) it may be that the Court was careful to select that word in the belief that "sponsored" could mean merely lending the name of the committee to the program that was broadcast without paying for or preparing material for the broadcast. Viewed in that light, the court may then have decided that paragraph (g) was applicable to the set of facts before it. To make clear that such meaning is not intended to attach to the term "sponsor," we proposed to define the term, for purposes of the present rules, to mean "paid for" in accordance with accepted usage.

THE LIST RETENTION REQUIREMENT

8. As indicated above, paragraph (g) of the sponsorship identification rules for television (paragraph (f) in the radio rules) provides that for other than advertising of commercial products or services, identification announcements must be made of the name of a "sponsoring" corporation, committee, association, or other unincorporated group. That paragraph also provides that in such cases the station must require that a list of the chief executive officers or members of the executive committee, or of the board of directors of the corporation, committee, association or other group shall be made available for public inspection at the studios or general offices of one of the television broadcast stations carrying the broadcast material in each community in which the material is broadcast.

9. Although this list retention requirement had been in the sponsorship identification rules since they were first adopted in 1944, attention appears to have been drawn to it when by Order adopted November 26, 1968, a two-year retention period was specified (FCC 68-1149; 33 Fed. Reg. 18032). In December 1968, Marcus Cohn, Esquire, filed a formal Petition for Declaratory Ruling which we decided to treat as a petition for rule making (RM-1381). That petition, averring that the retention provision is unclear and overly broad, set forth a list of five situations concerning which it asked whether lists of officers, etc., would have to be retained. In response to that petition, we stated the following in the Notice:

* * * [W]e are of the view that with respect to getting and maintaining lists of groups furnishing other than commercial material, the rule in its present form may well be too broad and unduly burdensome on stations. It appears simply unimportant for the public to be able to ascertain the names of officers and directors of the Red Cross, United Givers Fund, the American Cancer Society and similar groups, just because they furnish material for broadcast, such material often of a completely non-controversial nature. Therefore, we believe that the petition is essentially correct in urging that this requirement should be limited to material covered by paragraph (d) of the rules—that relating to political broadcasts or controversial issues of public importance.[4] (34 F.C.C. 2d at 1107)

10. While we thus proposed to relax the list retention provision, we expressed the view that insofar as the Cohn petition requested a relaxation of the announcement requirements such a relaxation was not warranted. Thus, although we proposed that list retention not be required for groups in certain types of cases, identifying announcements of such groups would still be required.

11. Moreover, although proposing to relax the rule in the manner mentioned above, we also proposed to tighten it in one respect. Under the present television rule the lists must be kept only in one TV station in each community in which the material has been televised. (A similar rule applies to the radio services.) We proposed to amend the rule to require that the lists be maintained at each station that telecast the material.

12. Present paragraph (d), referred to in the quotation above (see para. 9 and footnote 4 supra), requires identification announcements in the case of "any political program or any program involving the discussion of controversial issues." In proposing to amend the list retention requirement we also proposed

[4] Paragraph (d) of the present rules reads as follows: (d) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, either at the beginning or conclusion of the program.

to amend paragraph (d) to apply in the case of "broadcast matter which is or relates to a political broadcast or does or may involve the discussion of public controversial issues." The list retention requirement in the proposal was to be applied to material covered by the proposed revision to paragraph (d).

THE PROPOSAL

13. Although the sponsorship identification rules are identical for all of the broadcast services, the paragraph designations for § 73.654 (television) differ in some respects from those for §§ 73.119, 73.289 and 73.789 (radio). Thus while paragraph (d) is the same for all services, paragraphs (f) and (g) for television correspond to paragraphs (e) and (f) for radio. In the Notice we proposed to combine the rules for the different broadcast services into one new section in Subpart H, and substitute for the present sections of the rules a cross reference to the combined rule. (We also proposed to amend the cable television sponsorship identification rules to accord with the revisions proposed for the broadcast services.)

14. In order to prevent future interpretations like that which the court made in the "WHAS" case and to relax the list retention requirement, we proposed a single paragraph (e) in the combined rule to replace paragraphs (f) and (g) in the television rule and paragraphs (e) and (f) of the radio rules. The separate paragraph describing the requirements for committees was thus eliminated and portions thereof were combined with the paragraph treating the agency situation. We also proposed to add a new subparagraph (a)(1) defining the word "sponsored," and proposed paragraph (d) in the combined rule to replace paragraph (d) of the existing rules. The new paragraph (d) contained the revised language mentioned above (see para. 12). The text of the proposed new paragraphs (a)(1), (d), and (e) was as follows (the other paragraphs of the combined new rule were to reflect, unchanged, the contents of the corresponding paragraphs of the present rules):[1]

* * * * *

(a)(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

* * * * *

(d) In the case of broadcast matter which is or relates to a political broadcast or does or may involve the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such matters, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or services are used that such films, records, transcription, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, either at the beginning or conclusion of the broadcast.

(e) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or should be known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is or relates to a political broadcast, or a matter which is or may be a controversial issue of public importance and the person or persons paying for or furnishing the program matter belong to a committee, association or other unincorporated group, the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association, or other unincorporated group shall be made available for public inspection at the studios or general offices of the station. Such lists shall be kept and made available for a period of two years.

* * * * *

15. A discussion of the arguments of commenting parties follows, together with our evaluation of them and our decision as to the rules to be adopted.

OR SHOULD BE KNOWN

16. Present paragraph (f) of the television rule and paragraph (e) of the radio rules require a disclosing announcement when a party is acting on behalf of another if "such fact is known" to the station. The proposal would require such an announcement when "such fact is known or should be known" to the station. CBS argues that the phrase "or should be known" is unnecessary because the present requirement in conjunction with the requirement of diligence provided by paragraph (b) of the rules (and by section 317 of the Act) adequately insures that there will be effective disclosure. Paragraph (b) of the rules (which repeats the statutory language) reads as follows:

(b) The licensee of each * * * broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program matter for broadcast, information to enable such licensee to make the announcement required by this section.

In addition to believing the new phrase to be unnecessary, CBS states that it is confusing and asks whether it will be possible for a licensee to have exercised "reasonable diligence" and still be in a position where he "should have known" of the existence of an agency relationship. CBS concludes that because the new language is unnecessary and confusing it is counter-productive to the purpose of this proceeding which is to clarify the rule. Moreover, it is stated, the proposed new combined paragraph (e) without the "or should have known" language suffices to eliminate the ambiguities which resulted from the "WHAS" decision.

17. NBC avers that the added language substitutes vagueness for precision. It states that it would place an impossible burden on the licensee because it will no longer be able to accept at face value a statement that a group is a sponsor if on hindsight the Commission could decide that the licensee should have known who the real party in interest was. It asks how far a licensee must penetrate the political fund-raising process to ferret out the person or group whom the Commission will deem to be the "principal" of the "agent." In addition, it argues that such a requirement would increase the administrative burdens of the agency. In lieu of the language objected to, NBC suggests that the Commission give consideration to achieving its objective not by a rule that would impose investigative burdens on licensees but by a practical requirement that would directly associate announcements with candidates whom the announcements are intended to support, a requirement which appears in the NBC political broadcast manual. It states that in recent years that manual has contained a requirement that if there is a political broadcast in support of a specific candidate and the candidate's name is not included in the name of the sponsoring group, the sponsorship identification must state the name of the sponsoring group and must also state that the broadcast is on behalf of a named candidate unless the sponsoring group is a recognized branch of a registered political party. Finally, NBC also avers that the proposed "or should be known" language may be in contravention of the Communications Act. In this regard it observes that the District Court in the "WHAS" case did not limit its ruling solely to its interpretation of the Commission rules, but went further, stating:

3. A licensee dealing with an established and responsible advertising agency is not required to independently investigate the actual role of a political committee whose name is furnished by the agency to the licensee as the 'sponsor' of a political telecast. The use of such committees, desirable or undesirable as it may be, has long been countenanced by those in the Federal and State Governments having authority therefor and I find no basis for substituting the Commission as a self-annointed [sic] arbiter of political morality through a novel interpretation of the Commission's Rules and Regulations. (253 F. Supp. 603, 606 (W.D. Ky. 1966))

18. Storer is of the view that the new language would create unreasonable burdens of both compliance and enforcement. Like NBC, it argues that the language would place an impossible burden on licensees of deciding how far they must go behind each transaction without risking future criticism based on hindsight and additional information that was not reasonably available at the time of the transaction. It states that a station would no longer be entitled to rely

[1] The underscored language in the proposed new paragraphs is that toward which commenting parties directed most of their arguments.

on formal certifications by a person or group placing the order. It is of the view that the new language goes beyond the statutory reasonable diligence test of section 317(c) of the Act. (Metromedia appears to hold a similar view.) It points out that a licensee would have to distinguish between supporters who are formally allied with a candidate and supporters who are in fact independent of the candidate; and that it would have to decide whether a broadcast that is critical of one candidate supports an opposing candidate to a degree sufficient to impute an agency/principal relationship. As to burdens of enforcement, it states that such a rule would require time and money to investigate and to process at a decisional level and that the Commission would have an impossible burden or proving what a station "should have known." It states that aside from the *WHAS* case there has been little controversy as to this subject and it is questionable whether there is a need for such an undertaking. It therefore suggests that the Commission should delete the "should be known" language from the proposed rule or at the most adopt the alternative suggested by NBC.[8]

19. Black Hawk suggests that the language be changed to provide that if the station knew or suspected that a party was contracting with the station on behalf of another it would have the responsibility of reviewing all facts at its disposal so that the announcement would disclose the principal.

20. NAB agrees that broadcast licensees should make every reasonable effort to ascertain the identity of a person or group behind an organizational name and announce the name of the person or group if it is clear that the name of the organization does not fully and fairly disclose the true identity of the persons paying for the broadcast. However, it believes that the "should be known" language is abstract and subjective and that it is a stricter standard than that of reasonable diligence provided for in the Act and in paragraph (b) of the rules and questions whether the Commission can adopt rules that require a higher standard than the enabling legislation. NAB agrees with the proposed combining of two paragraphs to overcome the effect of the "WHAS" decision, but states that the proposed "should have known" language is unnecessary to achieve this end since in the "WHAS" case the licensee knew that the group was an instrumentality of the candidate. In any event, NAB states that if the Commission wishes to clarify the rule further it should adopt language which incorporates the reasonable diligence standard of paragraph (b) of the rules. It suggests, therefore, that the Commission give consideration to changing the language in paragraph (e) from the proposed "such fact is known or should be known" to "such fact is known or by the exercise of reasonable diligence as specified in paragraph (b) could be known."

21. Finally, FOE expresses the view that the proposed language is an attempt to impose a "reasonableness" standard of conduct, but it believes that some of the obligations imposed on licensees remain murky. Therefore, it suggests that "is known or should be known" be changed to "is known to the station, through use of the Sponsorship Identification Report or otherwise, or should be known to the station." The Sponsorship Identification Report is a report suggested by FOE to ensure that licensees obtain correct information and to aid the Commission in enforcing its rules. FOE suggests a rule providing that before broadcasting any matter furnished for broadcast which does or may require sponsorship identification as provided for in the rules, each licensee be required to obtain from all parties who provide such matter a completed Sponsorship Identification Report containing information concerning the true identity of persons paying for the matter included in the broadcast. It also submits a list of questions which it believes would be approriate to appear on such a form.

22. We now turn to a discussion of the foregoing arguments. As mentioned above, NBC argues that the Commission has no authority to require licensees to go behind an ostensible sponsor to search out the real sponsor of a political broadcast. In support it cites the position of the District Court in the "WHAS" case (see para. 17, supra). However, we note that the Court of Appeals, in affirming the decision of the District Court, stated:

> In affirming that decision we are by no means precluding the FCC from adopting a Regulation calculated to require a station to make reasonable efforts to go beyond a named "sponsor" for a political program in order to ascertain the real party in interest for purposes of announcement. (385 F.2d at 788)

We accordingly dismiss that argument without further comment.

23. As to the question of whether the "or should be known" standard is a more stringent one than the "reasonable diligence" standard of the Act and of paragraph (b) of the rule, and one which is vague and which imposes an impossible burden upon the licensee, it was not our intent to create a different standard. Rather, we intended that the proposed language be read in connection with the reasonable diligence requirement of paragraph (b). It was inserted in proposed paragraph (e) to stress the importance of attempting to ascertain the true identity of a party on whose behalf payment is being made, and was meant to be understood (much as NAB suggests it be changed to read) "by the exercise of reasonable diligence as specified in paragraph (b) should be known." Although it may be argued that placing such language in paragraph (e) when a reasonable diligence standard already exists in paragraph (b) is redundant, we are of the view that the importance of emphasizing the duty of licensees to look beyond ostensible sponsors warrants such repetition.

24. Concerning any burden that this duty might place on licensees, what we said in our recent Fairness Report (48 F.C.C. 2d 1, 8 (1974)) is equally applicable here:

> [W]e find it difficult to believe that these policies add significantly to the overall administrative burdens involved in operating a broadcast station. It is obvious that any form of governmental regulation will impose certain costs or burdens of administration on the industry affected. The point is not whether some burden is involved, but rather whether that burden is justified by the public interest objective embodied in the regulation. Broadcasters are licensed to act as trustees for a valuable public resource and, in view of the public's paramount right to be informed, some administrative burdens must be imposed on the licensee in this area. These burdens simply run with the territory.

25. We are aware that problems may arise concerning whether a broadcast critical of one candidate is necessarily supportive of an opposing candidate, and concerning situations where the source of funds for a broadcast is claimed to be independent of a candidate. However, it suffices to recognize that there are differences depending on whether a sponsor of a political broadcast in some way is allied with the opposing candidate and that there may be different degrees of relationship.[9] In those instances, a licensee must exercise reasonable diligence to ascertain the facts. We do not require more of him. But we do not condone less. (See S. Rept. 1857, 86th Cong., 2d Sess., p. 6.)[8] See also Albuquerque Broadcasting Co., 40 F.C.C. 1 (1946) and Identification on Broadcast Station, 40 F.C.C. 2d (1950).)

26. Since our primary concern here is with political broadcasts, and since use of a Sponsorship Identification Report suggested by FOE goes far beyond that to all kinds of broadcasts, we believe that proposal, and others made by FOE, are outside the scope of this proceeding and do not here discuss the possible use of

[8] Storer mentions that the NBC alternative does not entirely eliminate problems since, for example, it would still be necessary to make judgments as to whether a program critical of one candidate is "on behalf of" another.

[9] It is because we recognize that there are degrees of relationship and in some cases no relationship at all, as in the case where the source of funds for a broadcast is actually independent of a candidate supported in the broadcast, that we do not adopt the suggestion of NBC that the sponsorship identification shall always contain the name of the sponsoring group and state that the broadcast is on behalf of a named candidate. However, we find no fault with the practice of NBC in such cases. We note, too, that as to broadcasts critical of one candidate being supportive of another candidate, this was exactly the situation in the WHAS case.

[8] "The term 'reasonable diligence' would require the licensee to take appropriate steps to secure such information, but it would not place a licensee in the position of being an insurer, nor does this condition permit a licensee to escape responsibility for sponsorship announcements by inactivity on his part."—statement of Senate Interstate and Foreign Commerce Committee.

such a report in connection with ascertaining the true sponsors of programs.

27. In view of the foregoing, we are changing the disputed language, to read "such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known." As is evident, this change is that suggested by NAB.

OR RELATES TO * * * OR MAY BE

28. The Notice did not specifically comment on the phrases "or relates to" a political broadcast or "may be" a controversial issue of public importance, for the reason that no change in substance of present paragraph (d) was intended. The purpose was to make the rule state what the Commission already had interpreted the sponsorship rule to mean as concerns political and controversial issue broadcasts. Section 317 was not implemented by a rule until 1944 and then only because of abuses as concerns broadcasts of political and controversial issues. The "relates to" language was intended to reflect the Commission's interpretations to the effect that a broadcaster should be especially diligent in complying with the Act and rule as concerns political broadcasts in order that the listening public will be fully and fairly given information. See, for example, Identification on Broadcast Station, 40 F.C.C. 2, 4 (1950); Wichita Television Corporation, Inc., 40 F.C.C. 40, 42 (1959); see also Revella M. Bone, 40 F.C.C. 86, 87 (1960).

29. Similarly, there was no intent on the part of the Commission to change the substance of paragraph (d) of the present rule concerning broadcast matter involving controversial issues. Cohn & Marks and NBC read "may be" a controversial issue in effect to say "may become" controversial. This, indeed, would be burdensome. We wish to make it clear that the same criteria as to controversial issues apply both to the sponsorship identification rule before us here and the Fairness Doctrine. What we said in the Fairness Report (48 F.C.C. 2d at 11–12) concerning the determination of what is "controversial" and of "public importance" is equally applicable to making a sponsorship identification and complying with the list retention requirements as concerns a controversial issue of public importance. In view of the apparent confusion that the proposed language change has caused, we have decided not to adopt the "related to" or "may be" language. The rule will therefore speak only in terms of political broadcasts and broadcasts involving controversial issues.

30. Some parties question the need for a list retention requirement. It is appropriate to discuss the purpose of that provision and in particular why it should be preserved for political and controversial issues broadcasts. The list retention requirement is fundamental to the objective of preserving the audience's right to know by whom it is being persuaded. Political campaigns are periodic, and often hectic, manifestations coincident to the democratic mode for attaining elective office. Active participants are a medley of office seekers, supportive or opposition groups, political parties, and many others. Attention is focused on controversial issues. Frequently, except for the political party, the groups and organizations are temporary and short-lived, while at the same time there are many candidates for different offices, all vying for support with the result that the public may be confused as to the identity of the persuader. With respect to a controversial issue, if it is not part of the political campaign, the public often lacks knowledge of the true identities of the protagonists. The lists retention requirement is designed to make information available about the sponsor's identity at the source of the broadcast, should someone desire it, while at the same time minimizing the amount of time that need be used for identification.

31. Some parties question the utility of the list retention requirement. It is variously alleged that there have been few requests to see lists, that the list retention requrement is only marginally useful, and that the continued burden is not offset by any public benefit that may be derived. One party even questions constitutionality. These issues are not before us as they woud be if the list retention requirement were being proposed for the first time. What is before us is a proposal to make list retention less stringent while still maintaining the requirement for those instances where we feel there is a high public interest in protecting the public's right to know.

32. It is urged that the lists retention requirement has an inhibitory effect and is particularly detrimental to a licensee's journalistic function in selecting, editing, and broadcasting newsworthy material. Thus, it is said that the listing requirement distorts the journalistic judgment about newsworthiness because of the need to obtain necessary list requirement data since broadcast material frequently comes only from interested parties who have no knowledge of the record keeping requirements. In the circumstances, it is suggested that there be an exemption from the record keeping requirements for bona fide newscasts and news documentaries in the fashion that Section 315 of the Act exempts such broadcasts. In the First Report and Order in Docket No. 19260 (Fairness Doctrine), 36 F.C.C. 2d 40, 53–4 (1972), we discussed the matter of requiring identification announcements for such broadcasts and held that they were required under the rules. For similar reasons, we hold now that the list retention requirement as well as the announcement requirement should apply to such broadcasts.[9]

33. Finally, as to our proposal that such lists be kept for public inspection at each station, it is urged that this should not be the case for network programming. Thus, it is suggested by NBC that it would be simpler for one network-owned station to obtain and maintain the lists, which would then be available to any affiliate that requests the information. It is said that to do this would accord with other regulations where an exception is made for network broadcasts, e.g., Section 73.670(b) which pertains to program information for the composite week. CBS states that since it originates in separate network facilities rather than at a station, it prefers that record retention be at its headquarters. We think there is merit to these suggestions and accordingly the rule will permit lists for network originated programs to be maintained at the headquarters offices of the network or at the place designated by the originating station as the location of its public inspection file (Section 1.526).

MISCELLANEOUS MATTERS

34. *Definition of "sponsored."* As previously mentioned, to dispel uncertainty that may have been created by the "WHAS" decision as to the meaning of the term "sponsored" we proposed to define it in the rule as "paid for." Parties commenting on this did not object to such an amendment. However, Metromedia was of the view that this might cause some confusion because in the instance where no charge is made by a licensee for the broadcast of material, it could air the material for a political candidate or as to a controversial issue and no anouncement would be required since the licensee was not paid for the use. However, we would point out that under the provisions of paragraph (d) of the rule, if the material were furnished by a party for political or controversial broadcasts as an inducement to the station, an announcement would be required.

35. *Program.* Although the present rules contain the terms "political program" and "program involving the discussion of public controversial issues," we have changed the word "program" to read "matter" throughout the rule. This is in accord with the language in section 317(a)(1) of the Act which says "[a]ll matter broadcast * * * shall be * * * announced * * *" and is also consistent with our interpretation in Westinghouse Broadcasting Co., 40 F.C.C. 28 (1958).

36. *Consolidation of present rules into one rule.* There was no objection to this proposal and some parties affirmatively endorsed it. Accordingly, the consolidation will be carried out. A new rule will

[9] However, as we pointed out in a footnote on page 53 of the First Report and Order in Docket No. 19260, the disclosure requirement is not applicable to "mere mimeographed news releases or typed advance copies of speeches," as contrasted to audio or video tape or film, since Example 11 of House Report 1800 (86th Cong., 2d Sess.) states that no disclosure announcement is required when "news releases are furnished to a station by Government, business, labor, and civic organizations, and private persons, with respect to their activities * * *." On the same principle, we believe that lists of the members of the executive committees or boards of directors of organizations furnishing such material need not be retained.

thus appear in Subpart H of Part 73 of the Rules. For the current sponsorship identification rules in the subparts pertaining to each of the broadcast services the present text will be deleted, and substituted therefor will be a cross reference to the rule in Subpart H.

37. *Cable television rules.* No parties filed comments on the sponsorship identification rules insofar as they pertain to origination cablecasting. We see no reason why the rules for such cablecasting should be different from those for broadcasting, for the consideration of keeping the public informed about those who try to persuade it would appear to be the same in both cases. Accordingly, we are amending Section 76.221 of the rules to conform with the new combined rule adopted today for broadcasting.[36]

38. *Editorial changes.* In addition to the foregoing amendments, in carrying over the language of the present rules to the combined rule we have made a few editorial changes when they appeared warranted.

39. Accordingly, *It is ordered*, That the Commission rules and regulations are amended as indicated in the attached Appendix. Authority for this action may be found in sections 4(i), 303(r), and 317(e) of the Communications Act of 1934, as amended effective May 30, 1975.

40. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: April 17, 1975.

Released: April 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

The Commission rules and regulations are amended as follows:

1. Section 73.119 and headnote are amended to read as follows:

§ 73.119 Sponsorship identification.

See § 73.1212.

2. Section 73.289 and headnote are amended to read as follows:

§ 73.289 Sponsorship identification.

See § 73.1212.

3. Section 73.654 and headnote are amended to read as follows:

§ 73.654 Sponsorship identification.

See § 73.1212.

4. Section 73.789 and headnote are amended to read as follows:

§ 73.789 Sponsorship identification.

See § 73.1212.

5. New § 73.1212 is added to read as follows:

§ 73.1212 Sponsorship identification; list retention; related requirements.

(a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce (1) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) by whom or on whose behalf such consideration was supplied: *Provided, however*, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

(b) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) The licensee of each broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, information to enable such licensee to make the announcement required by this section.

(c) In any case where a report has been made to a broadcast station as required by section 508 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such broadcast station, an appropriate announcement shall be made by such station.

(d) In the case of any political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a station as an inducement for broadcasting such matter, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such station in connection with the transmission of such broadcast matter: *Provided, however*, That in the case of any broadcast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the broadcast.

(e) The announcement required by this section shall, in addition to stating the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the location specified by the licensee under § 1.526 of this Chapter. If the broadcast is originated by a network, the list may, instead, be retained at the headquarters office of the network or at the location where the originating station maintains its public inspection file under § 1.526 of this chapter. Such lists shall be kept and made available for a period of two years.

(f) In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purpose of this section and only one such announcement need be made at any time during the course of the broadcast.

(g) The announcement otherwise required by section 317 of the Communications Act of 1934, as amended, is waived with respect to the broadcast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of busness enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:

(1) Maintain a list showing the name, adress, and (where available) the telephone number of each advertiser;

(2) Attach the list to the program log for the day when such broadcast was made; and

(3) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

[36] A single exception is that paragraph (c) which pertains to reports made under Section 508 of the Act (which applies only to broadcasters) will not be made applicable to cable television.

(h) Any announcement required by section 317(b) of the Communications Act of 1934, as amended, is waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE: The waiver heretofore granted by the Commission in its Report and Order adopted November 16, 1960 (FCC 60-1369; 40 F.C.C. 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654, the predecessor television rule, went into effect.

(i) Commission interpretations in connection with the provisions of the sponsorship identification rules are contained in the Commission's Public Notice, entitle "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 F.C.C. 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports.

6. Section 76.221 and headnote are revised to read as follows:

§ 76.221 Sponsorship identification; list retention; related requirements.

(a) When a cable televison system engaged in origination cablecasting presents any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such system, the system, at the time of the cablecast, shall announce (1) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) by whom or on whose behalf such consideration was supplied: *Provided, however*, That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a cablecast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the cablecast.

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) Each system engaged in origination cablecasting shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for cablecasting, information to enable such system to make the announcement required by this section.

(c) In the case of any political origination cablecast matter or any origination cablecast matter involving the discussion of public controversial issues for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a system as an inducement for cablecasting such matter, an announcement shall be made both at the beginning and conclusion of such cablecast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such system in connection with the transmission of such cablecast matter: *Provided, however*, That in the case of any cablecast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the cablecast.

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a system on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the origination cablecasting material is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the matter, the system shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the local office of the system. Such lists shall be kept and made available for a period of two years.

(e) In the case of origination cablecast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the cablecast.

(f) The announcement otherwise required by this section is waived with respect to the origination cablecast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the system shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(g) The announcements required by this section are waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE: The waiver heretofore granted by the Commission in its Report and Order, adopted November 16, 1960 (FCC 60-1369; 40 F.C.C. 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654(e), the predecessor television rule, went into effect.

(h) Commission interpretations in connection with the provisions of the sponsorship identification rules for the broadcasting services are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Indentification Rules," dated May 6, 1963 (40 F.C.C. 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports. The interpretations made for the broadcasting services are equally applicable to origination cablecasting.

[FR Doc.75-10992 Filed 4-25-75;8:45 am]

[Docket No. 20187; RM-1901; FCC 75-427]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignment

1. The Commission has before it the notice of proposed rulemaking in this docket, adopted September 9, 1974, 39 FR 33239, proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) by assigning Channel 272A to Bullhead City, Arizona, as its first FM channel assignment. The only commenting party is petitioner, Albert C. Freeman.

2. Bullhead City, an unincorporated place with a population of less than 1,000, is located in Mohave County (pop. 24,857). All mileage separation requirements are satisfied by this proposal. Petitioner has adduced evidence to indicate that the public interest would be furthered if a first local aural service were available at Bullhead City. The Director of the County's Emergency Services Division stated in a letter that the FM assignment is necessary in order that natural and attack emergency bulletins can be broadcast to the community. Presently Bullhead City receives local news from daytime-only AM Station KSFE, Needles, California, approximately 20 miles away. Approval of the Mexican authorities has been secured with respect to petitioner's proposal.

3. We believe that Channel 272A should be assigned to Bullhead City, Arizona. Such an assignment is technically feasible and in the public interest.

4. In view of the foregoing and pursuant to authority contained in sections

4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective May 30, 1975, the FM Table of Assignments, § 73.202(b) of the rules is amended to read as follows for the city listed below:

City:	*Channel No.*
Bullhead City, Ariz.	272A

(Secs. 4, 303, 307, 48 Stat., as amended, 1068, 1082, 1083; (47 U.S.C. 154, 303, 307))

5. *It is further ordered*, that this proceeding is terminated.

Adopted: April 17, 1975.

Released: April 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-10993 Filed 4-25-75;8:45 am]

[Docket No. 20186; RM-1979, 2047; FCC 75-428]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignment

1. On September 9, 1974, in response to a petition filed by Mr. Lee K. Shoblom requesting the assignment of FM Channel 257A to Parker, Arizona, and a petition filed by Mr. Rick Murphy (supplemented) requesting the assignment of FM Channel 258 to Parker, Arizona, the Commission adopted a Notice of Proposed Rule Making (39 FR 33240) in the above-entitled matter which proposed to assign FM Channel 257A or, in the alternative, FM Channel 258 to Parker, Arizona. Timely comments were received from both Mr. Shoblom and Mr. Murphy.[1]

2. Parker, Arizona (pop. 1,948)[2] is located in Yuma County (pop. 60,827). It has one daytime-only AM station, KZUL, which is licensed to Mr. Murphy through O M Broadcasting, Inc. No FM channel is assigned to the community although provision is made for the use of educational FM Channel 211A in Parker in the U.S.-Mexico FM Agreement.

3. Parker is approximately 100 miles north of the U.S.-Mexico border and 140 miles west-northwest of Phoenix. It is located within the Colorado River Indian Reservation and acts as a support community for Parker Dam on the Colorado River. The pleadings indicate that the community's economy is basically made up of funds from recreational activities (on Lake Havasu and Lake Moovalya) and agriculture (on 51,000 of the 100,000 acres of the Indian Reservation). Community facilities include a museum, a library, 21 motels, 19 churches, three elementary schools and one high school.[3]

4. Our Notice stated that because of the U.S.-Mexico FM Agreement both proposed channel assignments for Parker would be submitted to the Mexican Government for its concurrence in their assignment. By letter of January 28, 1975, the Mexican Government has advised us that it has no objection only to the assignment of Channel 257A to Parker. Because of this, most of the material presented by Mr. Murphy on behalf of the assignment of Channel 258 to Parker has been made moot and therefore is not discussed herein.

5. In light of the presentations of both Mr. Shoblom and Mr. Murphy, as well as the absence of any contradictory pleadings, we find that Parker, Arizona, is a community which can support and profit from a first local FM service. Such a station will be able to provide entertainment, news and public affairs programming, both in daytime and nighttime hours, to an area which clearly can benefit from such local presentations.

6. Authority for the action taken herein is contained in Sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing facts and findings *it is ordered*, That effective May 30, 1975, the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, is amended, insofar as the city listed below is concerned, to read as follows:

City	*Channel No.*
Parker, Arizona	257A

8. *It is further ordered*, That the petition of Mr. Rick Murphy requesting the assignment of Channel 258 to Parker, Arizona, RM-2047, is denied.

9. *It is further ordered*, That this proceeding (Docket No. 20186, RM-1979 and RM-2047) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 16082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: April 17, 1975.

Released: April 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-10994 Filed 4-25-75;8:45 am]

[Docket No. 20049; RM-2158; FCC 75-429]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignment

1. The Commission has before it for consideration the notice of proposed rulemaking and order to show cause adopted May 9, 1974 (39 FR 17866), proposing that the FM Table of Assignments (§ 73.202 of the Commission's Rules and Regulations) be amended by deleting Channel 240A at Falmouth, Massachusetts, assigning Channel 240A to Marshfield, Massachusetts, and assigning Channel 224A to Tisbury, Massachusetts. The commenting parties are petitioner Marshfield Broadcasting Company (Marshfield) and Wasque Corporation (Wasque), licensee of WVOI-FM, Tisbury, Massachusetts.

2. Marshfield, Massachusetts (pop. 15,223),[1] is located in Plymouth County (pop. 333,314), 32 miles southeast of Boston. Marshfield has no local broadcast facilities. Plymouth County is served by three AM stations (one daytime-only and two unlimited-time), and three FM stations—WBET-FM, Brockton, Mass., Channel 249A; WPLM-FM, Plymouth, Mass., Channel 256; WBIM-FM, Bridgewater, Mass., educational channel 218.

3. Petitioner urges the assignment of Channel 240A to Marshfield, Mass., as a first FM channel assignment. To accomplish this, petitioner proposes the deletion of Channel 240A, presently occupied by the Wasque Corp. operating at Tisbury,[2] and assigning Channel 224A to Tisbury as a replacement. Petitioner avers that Marshfield needs a local aural facility in order to coalesce its largely commuter work force. Some 80 percent of the Marshfield workers are described as being employed in and around the Boston area. Petitioner would like to improve communication of local events. Only one weekly newspaper is available to residents of Marshfield covering its activities.[3]

4. The Notice suggested that before Wasque initiate operations on Channel 240A,[4] it consider the instant proposal

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[1] On February 5, 1975, Mr. Murphy late filed supplemental pleadings which bring to our attention a letter of Mr. Shoblom to Mr. Charles Clark of Western Cable TV dated November 14, 1974. Mr. Murphy maintains that because that letter indicates an interest by Mr. Shoblom in the establishment of an FM translator at Parker it proves Mr. Shoblom has misrepresented to the Commission by making the statement in his pleadings, that he would apply for the use of Channel 257A on its assignment to Parker and construct a station if granted a construction permit. Mr. Shoblom's responses of February 20 and February 21, 1975, indicate that he is clearly interested in applying for Channel 257A on its assignment to Parker and that he was only exploring the possibility of establishing a FM translator in the community in the event the Commission did not find it in the public interest to assign FM Channel 257A to Parker. Mr. Shoblom is licensee of FM Station KBAS and AM Station KFWJ both at Lake Havasu City, Arizona. It is our finding that both Mr. Shoblom and Mr. Murphy are acting in good faith in this proceeding and that they are both eligible to apply for FM Channel 257A assigned today to Parker.

[2] Population figures cited are from the 1970 U.S. Census.

[3] For a more detailed descriptive presentation of Parker and its surrounding area see the Notice of Proposed Rule Making in this proceeding and the pleadings of Mr. Shoblom and Mr. Murphy.

[1] All population figures are from the 1970 U.S. Census.

[2] Channel 240A is assigned to Falmouth, Mass. but under the 10-mile rule (Section 73.203(b) of the Commission's Rules), Wasque was given permission to construct its station at a site in Tisbury, Mass., 8 miles away. Channel 270, also assigned to Falmouth, is licensed to serve Falmouth.

[3] Marshfield has more than doubled its 1960 U.S. Census total of 6,748 and claims to have over 21,000 persons at present.

[4] A construction permit was issued January 16, 1974. Subsequently, Wasque commenced operation on July 19, 1974.

although it need not await the outcome of this proceeding and any cost required for a change in channels would be absorbed by the petitioner. Further, Wasque was asked to show cause why its permit should not be modified to specify operation on Channel 224A at Tisbury to implement the instant proposal.

5. Wasque opposes the proposal herein and wishes full reimbursement for all reasonable costs incurred in the change of channels.[6] However, it waives its right to a hearing on the proposed modification. Petitioner asserts that because it filed its petition well before Wasque became a permittee of Station WVOI–FM and because Wasque's opposition to the instant proposal delayed its disposition, greater conversion costs have been incurred. Hence, it suggests that Wasque be required to bear half of the costs. However, petitioner has announced that it stands ready to pay the entire amount of reimbursement if required to do so by the Commission. We note and petitioner acknowledges that at the time its petition was originally filed (March 1973) Wasque was on file as an applicant for Channel 240A. Thus, equitable considerations favor Wasque, which has acted in accordance with Commission rules by proceeding to construct its station while maintaining its opposition to the instant petition. We adhere to our statements in the Notice and shall expect the benefitting permittee of the assignment of Channel 240A to Marshfield, Mass., to reimburse Wasque for legitimate and necessary out-of-pocket expenses.[6]

6. Wasque expresses some doubt as to the availability of sites for a transmitter in the Marshfield area due to local zoning laws, environmental impact considerations, and its own experiences in securing a site, and requests that petitioner demonstrate that a site is available before its petition is approved. However, the Commission policy in this regard, as petitioner correctly points out in its reply comments, is to avoid involvement in local zoning matters absent a showing that no transmitter site is available by reason of an adverse zoning decision. Cf. *Southold, N.Y.*, 39 FR 40171 (1974).

7. We note that the assignment of Channel 240A to Marshfield can be made consistent with our mileage separation requirements provided the transmitter site is located at least one and one-half miles southeast of Marshfield on Black Mountain. Likewise Channel 224A may be assigned to Tisbury without short spacing if the present site is retained or optional sites to the south or southeast are secured. Petitioner has reaffirmed its intention to apply for a construction permit if the proposed channel is assigned to Marshfield.

8. Assignment of Channel 240A to Marshfield rather than to Tisbury would represent a more efficient utilization of the frequency spectrum. It is the only channel that can be assigned to Marshfield under the present Table of Assignments while several channels remain available for assignment to Tisbury. By deleting Channel 240A from Falmouth, Channel 242 becomes available for assignment in Southeastern Massachusetts as an additional Class B channel. Channel 242 is presently precluded from use in this area. The preclusive effect of assigning Channel 240A to Marshfield is considerably less. Although co-channel preclusion would affect 28 communities in the area, 21 have at least three alternate channels available. Of the remaining seven communities, Marshfield is the largest. No preclusion occurs on the six adjacent channels. At Tisbury, the assignment of Channel 224A will only have preclusive effect on the co-channel—its use will be precluded in 14 communities, all of which have alternate channels available for assignment. Furthermore, due to the existence of a Class B channel assignment to Falmouth, intermixture will be eliminated there if Channel 240A is deleted. We are informed that Canada has no technical objections to the proposed assignments.

9. Accordingly, in view of the foregoing, and pursuant to authority contained in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That, effective May 30, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations is amended as concerns Marshfield, Falmouth, and Tisbury, Massachusetts to read as follows:

City:	*Channel No.*
Marshfield, Mass	240A
Falmouth, Mass	270
Tisbury, Mass	224A

10. *It is further ordered*, That effective May 30, 1975, and pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by the Wasque Corporation for Station WVOI–FM, Tisbury, Massachusetts, is modified to specify operation on Channel 224A in lieu of Channel 240A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than May 30, 1975, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by June 20, 1975, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WVOI–FM on Channel 224A at Tisbury, Massachusetts.

(c) The licensee may continue to operate on Channel 240A under its outstanding authorization until it is ready to operate on Channel 224A, or the Commission sooner directs. Ten days prior to commencing operation on Channel 224A, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 224A until the Commission specifically authorizes him to do so.

11. *It is further ordered*, That the Secretary of the Commission is directed to send a copy of this *Report and Order* by certified mail, return receipt requested, to the Wasque Corporation, licensee of WVOI–FM.

12. Authority for the actions taken herein is found in Sections 4(i), 303(g) and (r), 307(b) and 310(a) of the Communications Act of 1934, as amended.

13. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307.))

Adopted: April 17, 1975.

Released: April 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-10995 Filed 4-25-75;8:45 am]

[6] Wasque's license, issued August 8, 1974, was conditioned upon "* * * whatever action the Commission takes concerning rule making petition RM-2158." (BLH-6321). Its license renewal date was April 1, 1975.

[6] See *Circleville, Ohio*, 8 F.C.C. 2d 159 (1967); *Kenton and Bellefontaine, Ohio*, 3 F.C.C. 2d 598 (1966).

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1159; Amdt. 3]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co.

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 22nd day of April, 1975.

Upon further consideration of Service Order No. 1159 (38 FR 30559; 39 FR 15131 and 38381), and good cause appearing therefor:

It is ordered, That § 1033.1159 *Service Order No. 1159*. (Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company).

Service Order No. 1159 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., October 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-11069 Filed 4-25-75;8:45 am]

Title 7—Agriculture

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

[Navel Orange Regulation 348, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 18–24, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 348 (40 FR 17149). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.648 (Navel Orange Regulation 348 (40 FR 17149) are hereby amended to read as follows:

(i) District 1: 1,488,000 cartons;
(ii) District 2: 262,000 cartons.

* * * * *

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

Dated: April 23, 1975.

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

[FR Doc.75-10977 Filed 4-25-75;8:45 am]

[Valencia Orange Regulaton 494, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 18–24, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 494 (40 FR 17150). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1)(iii) of § 908.794 (Valencia Orange Regulation 494 (40 FR 17150)) are hereby amended to read as follows:

(1) * * *

(iii) District 3: 275,000 cartons.

* * * * *

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

Dated: April 23, 1975.

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

[FR Doc.75-10978 Filed 4-25-75;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 79—SCRAPIE IN SHEEP

Area Released From Quarantine

This amendment eliminates De Kalb County in Illinois as an area quarantined because of the existence of scrapie in sheep under the regulations in 9 CFR Part 79, as amended. Therefore, the restrictions pertaining to the interstate movement of sheep from and through quarantined areas, as contained in 9 CFR Part 79, as amended, will not apply to

this area. No area in Illinois remains under quarantine.

Accordingly, Part 79, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

§ 79.2 [Deleted]

(Secs. 6 and 7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3, 4 and 11, 76 Stat. 130, 132; (21 U.S.C. 111, 115, 117, 120, 121, 123–126, 134b, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141.))

Effective date. The foregoing amendment shall become effective April 23, 1975.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of scrapie in sheep, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 23rd day of April 1975.

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

[FR Doc.75-11045 Filed 4-25-75;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On March 12, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 11587.

These amendments either clarify, correct, or eliminate where justified, certain Standard Requirements for evaluating live virus biological products containing live avian encephalomyelitis virus, avian pox virus, bronchitis virus, fowl laryngotracheitis virus, Newcastle disease virus, and Marek's disease virus prescribed in §§ 113.160, 113.161, 113.162, 113.163, 113.164, and 113.165. These changes are being made in response to a review of the Standard Requirements in these regulations by a joint committee composed of Veterinary Services personnel and representatives of poultry biologics producers.

A comment was received objecting to the challenge procedure for testing Newcastle Disease Vaccine. This comment was in direct conflict with the recommendations of the joint committee, other poultry biologics producers, and Veterinary Services personnel. Therefore, the comment was not accepted.

One suggestion received would limit the number of embryos in the virus-recovery test used to evaluate bronchitis virus. Another would limit the type of chickens to be used in the safety test for laryngotracheitis vaccine. Both suggestions would impose unwarranted restrictions and were not considered acceptable.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of Part 113 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted printing errors:

The true names of biological products in the headings for §§ 113.160, 113.161, 113.162, 113.163, 113.164, and 113.165 should be capitalized.

The fifth and sixth line in § 113.163(b) should be reversed. The spelling of laryngotracheitis should be corrected in § 113.163(d)(2)(iv).

The size of type used in the last part of § 113.164(d)(2)(iv) should be the same as the rest of the regulations.

1. § 113.160 is amended by revising paragraphs (b), (c)(1), (c)(2)(i), and (ii), and (d); by revising the introductory portion of paragraph (e); by revising paragraph (e)(1)(i); and by adding paragraph (e)(3) to read:

§ 113.160 Avian Encephalomyelitis Vaccine.

* * * * *

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(c) * * *

(1) Avian encephalomyelitis susceptible chickens all of the same age (eight weeks or older) and from the same source, shall be used. Twenty or more chickens shall be used as vaccinates for each method of administration recommended on the label. Ten additional chickens of the same age and from the same source shall be held as unvaccinated controls.

(2) * * *

(i) For each dilution, inoculate at least 10 embryos, 5 or 6 days old, in the yolk sac with 0.2 ml each. Twenty similar embryos obtained from the same source shall be kept as uninoculated negative controls. Disregard all deaths during the first 48 hours post-inoculation.

(ii) Eggs for each dilution shall be kept in separate containers and allowed to hatch. Sufficient precaution shall be taken to assure that chickens from each dilution remain separated. To be a valid test, at least 75 percent of the uninoculated eggs shall hatch.

* * * * *

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements in § 113.135 and the requirements prescribed in this paragraph.

(1) Final container samples from each serial shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

(2) *Safety test.* Final container samples of completed product shall be tested for safety as follows:

(i) At least 25 AE susceptible birds (6 to 10 weeks of age) shall be vaccinated with the equivalent of 10 doses by each of all routes recommended on the label and be observed each day for 21 days.

(ii) If unfavorable reactions attributable to the biological product occur during the observation period, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated, except that, if the test is not repeated, the serial shall be unsatisfactory.

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{2.5}$ EID_{50} per dose.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section. Each serial and subserial shall meet the applicable requirements prescribed in § 113.135, except paragraph (c), in paragraph (d)(1) of this section, and in this paragraph.

(1) *Virus titration.* * * *

(i) For release, desiccated samples shall be incubated at 37° C for not less than 7 days before preparation for use in the virus titration test. A serial or subserial which does not contain at least $10^{2.5}$ EID_{50} per dose of avian encephalomyelitis virus shall not be released.

* * * * *

(3) *Safety test.* The prechallenge portion of the immunogenicity test in this paragraph shall be the safety test. If unfavorable reactions occur which are attributable to the vaccine, the serial or subserial is unsatisfactory.

2. § 113.161 is amended by revising paragraphs (a), (c)(2), and (d)(1); by adding paragraphs (d)(1)(i) and (ii); by revising paragraph (d)(2) and the

introductory portion of paragraph (e); and by adding paragraph (e)(3) to read:

§ 113.161 Avian Pox Vaccine.

* * * * *

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135, except paragraph (c) and shall meet the requirements prescribed in this section.

* * * * *

(c) * * *

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each bird used in the test. At least three appropriate (not to exceed tenfold) dilutions shall be used and the test conducted as follows:

* * * * *

(d) * * *

(1) *Safety test.* Final container samples of completed product shall be tested for safety as follows:

(i) At least 25 fowl pox susceptible birds shall be vaccinated with the equivalent of 10 doses by each of all routes recommended on the label and be observed each day for 14 days.

(ii) If unfavorable reactions attributable to the biological product occur during the observation period, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated, except that, if the test is not repeated, the serial shall be unsatisfactory.

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{2.5}$ EID_{50} per dose.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements prescribed in § 113.36, § 113.135, except paragraph (c), and in this paragraph.

* * * * *

(3) *Safety test.* The pre-challenge period of the immunogenicity test provided in paragraph (e)(2) of this section shall be the safety test. If any of the chickens become sick or die due to causes attributable to the product, the serial is unsatisfactory.

3. Section 113.162 is amended by revising the introductory portion of § 113.162; by revising paragraphs (b) and (c); by revising the introductory portion of paragraph (d); and by revising paragraph (d)(1), the introductory portion of (d)(3); and by revising paragraph (d)(3)(iii) to read:

§ 113.162 Bronchitis Vaccine.

Bronchitis Vaccine shall be prepared from virus-bearing cell culture fluids or embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe, and immunogenic in accordance with the requirements in paragraphs (a), (b), and (c) of this section shall be used for preparing the production seed virus for vaccine production. All serials shall be prepared from the first through the fifth passage from the Master Seed Virus.

* * * * *

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity and the selected virus dose to be used shall be established as follows:

(1) Bronchitis susceptible chickens, all of the same age and from the same source, shall be used in the virus-recovery test. For each method of administration recommended on the label for each serotype against which protection is claimed, twenty or more chickens shall be used as vaccinates. Ten additional chickens for each serotype against which protection is claimed shall be held as unvaccinated controls.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity tests are conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each chicken used in such tests. At least three appropriate (not to exceed tenfold) dilutions shall be used and the test conducted as follows:

(i) For each dilution, inject at least five embryos, 9 to 11 days old, in the allantoic cavity with 0.1 ml each. Deaths occurring during the first 24 hours shall be disregarded, but at least four viable embryos in each dilution shall survive beyond 24 hours of a valid test. After 5 to 8 days incubation, examine the surviving embryos for evidence of infection.

(ii) A satisfactory titration shall have at least one dilution with between 50 and 100 percent positives and at least one dilution with between 50 and 0 percent positives.

(iii) Calculate the EID_{50} by the Spearman-Karber or Reed-Muench method.

(3) Twenty-one to twenty-eight days post-vaccination, all vaccinates and controls shall be challenged by eye-drop with virulent bronchitis virus. A separate set of vaccinates and controls shall be used for each serotype against which protection is claimed. Each challenge virus shall be approved or provided by Veterinary Services and shall titer at least $10^{4.5}$ EID_{50} per ml.

(i) Tracheal swabs shall be taken once, 5 days post-challenge, from each control and vaccinate. Each swab shall be placed in a test tube containing 3 ml of tryptose phosphate broth and antibiotics. The tube and swab shall be swirled thoroughly and if they are to be stored, be immediately frozen and be stored at below —40° C pending egg evaluation. For each chicken swab, at least five chicken embryos 9 to 11 days old shall be inoculated in the allantoic cavity with 0.2 ml each of broth from each tube.

(ii) All embryos surviving the third day post-inoculation shall be used in the evaluation, except that, if a swab is not represented by at least four embryos, the test of that swab is invalid and the results inconclusive. A tracheal swab shall be positive for virus recovery when any of the embryos in a valid test show typical infectious bronchitic virus lesions, such as but not limited to, stunting, curling, kidney urates, clubbed down, or death during the 4 to 7 day post-inoculation period. If less than 20 percent of the embryos which survive the third day post-inoculation die during the 4 to 7 day post-inoculation period and show no gross lesions typical of infectious bronchitis, they may be disregarded.

(iii) If less than 90 percent of the controls are positive for virus recovery, the test is inconclusive and may be repeated.

(iv) If less than 90 percent of the vaccinates are negative for virus recovery, the Master Seed Virus is unsatisfactory.

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements in § 113.135 and the requirements prescribed in this paragraph, except that, if the vaccine contains more than one virus type, bulk samples taken from each type prior to mixing shall be used in the virus identity tests prescribed in § 113.135(c). The additional requirements in this paragraph shall also be met.

(1) Final container samples from each serial shall be tested for pathogens by

the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

* * * * *

(3) *Virus titer requirements.* A virus titration shall be conducted on final container of completed product from each serial and subserial using the procedure prescribed in paragraph (c)(2) of this section, and in this paragraph.

* * * * *

(iii) To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{4.9}$ EID_{50} per dose.

4. § 113.163 is amended by revising the introductory portion of paragraph (b); by revising paragraph (d), and the introductory portion of paragraph (e); and by revising paragraph (e)(3) to read:

§ 113.163 Fowl Laryngotracheitis Vaccine.

* * * * *

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly. Each lot shall also be tested for safety as follows:

* * * * *

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements in § 113.135 and the requirements prescribed in this paragraph.

(1) Final container samples from each serial shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

(2) *Safety test.* Live virus vaccines prepared under special license shall be tested for safety as provided in the filed Outline of Production. Final container samples of completed product from each serial of modified live virus vaccine shall be tested for safety as provided in this paragraph.

(i) Twenty-five 3 to 4 week old laryngotracheitis susceptible chickens shall be injected intratracheally with 0.2 ml of vaccine rehydrated at the rate of 30 mls for 1,000 doses. Chickens shall be observed each day for 14 days. Deaths shall be counted as failures. Two-stage sequential testing may be conducted if the first test (which then becomes stage one) has five, six, or seven failures.

(ii) The results shall be evaluated according to the following table:

Cumulative totals

Stage	Number of chickens	Failures for satisfactory serials	Failures for unsatisfactory serials
1	25	4 or less	8 or more.
2	50	10 or less	11 or more.

(iii) If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated or in lieu thereof, the serial declared unsatisfactory.

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method provided in paragraphs (c) (2) or (3) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{4.9}$ EID_{50} per dose for chicken embryo origin vaccine and $10^{6.9}$ EID_{50} or $10^{2.9}$ $TCID_{50}$ per dose for tissue culture origin vaccine.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements prescribed in § 113.135, except paragraph (c), in paragraph (d)(1) of this section and the requirements prescribed in this paragraph.

* * * * *

(3) *Safety test.* Live virus vaccines prepared under special license shall be tested for safety as provided in the filed Outline of Production. Final container samples of completed product from each serial or one subserial of modified live virus vaccine shall be tested for safety in ten or more susceptible chickens obtained from the same source and hatch as those used in the immunogenicity test prescribed in paragraph (e)(2) of this section. Each shall be injected intratracheally with 0.2 ml of the vaccine prepared for use as recommended on the label and observed each day for 14 days. If more than 20 percent of the chickens die during the observation period the serial or subserial is unsatisfactory.

5. § 113.164 is amended by revising paragraphs (b), (c)(3), (d), and the introductory portion of paragraph (e); by revising paragraphs (e)(2)(iii) and (e)(3)(i) and (ii); and by deleting paragraphs (e)(3)(iii) and (iv) to read:

§ 113.164 Newcastle Disease Vaccine.

* * * * *

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reasons, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(c) * * *

(3) Twenty to twenty-eight days postvaccination, all vaccinates and controls shall be challenged intramuscularly with at least $10^{4.9}$ EID_{50} of virus per chicken and observed each day for 14 days. Challenge virus shall be provided or approved by Veterinary Services.

* * * * *

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements in § 113.135, except § 113.34, and the requirements prescribed in this paragraph.

(1) Final container samples from each serial shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

(2) Safety test: Final container samples of completed product from each serial shall be tested to determine whether the vaccine is safe for use in susceptible young chickens. Vaccines recommended for use in chickens 10 days of age or younger shall be tested in accordance with paragraphs (d)(2)(i), (ii), and (iii) of this section.

(i) Twenty-five susceptible chickens, 5 days of age or younger, properly identified and obtained from the same source and hatch, shall be vaccinated by the eye drop method with the equivalent of 10 doses of vaccine and the chickens observed each day for 21 days. Severe respiratory signs or death shall be counted as failures. Two-stage sequential testing may be conducted if the first test (which then becomes stage one) has 3 failures.

(ii) The results shall be evaluated according to the following table:

Cumulative totals

Stage	Number of chickens	Failures for satisfactory serials	Failures for unsatisfactory serials
1	25	2 or less	4 or more.
2	50	5 or less	6 or more.

(iii) If unfavorable reactions occur which are not attributable to the prod-

uct, the test shall be declared inconclusive and may be repeated.

(iv) Vaccines not recommended for use in chickens 10 days of age or younger shall be tested for safety as follows:

Each of twenty-five 3 to 5 week old Newcastle disease susceptible chickens shall be vaccinated as recommended on the label with the equivalent of ten doses and observed each day for 21 days. If any of the birds show severe clinical signs of disease or death during the observation period due to causes attributable to the product, the serum is unsatisfactory.

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c) (2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{6.5}$ EID_{50} per dose.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements prescribed in § 113.135, except paragraph (c) and § 113.34, in paragraphs (d) (1) and (2) of this section and the requirements prescribed in this paragraph.

* * * * *

(2) * * *

(iii) Twenty to twenty-eight days postvaccination, the vaccinates and the controls shall be challenged intramuscularly with at least $10^{4.5}$ EID_{50} Newcastle disease virus provided or approved by Veterinary Services. The chickens shall be observed each day for 14 days.

* * * * *

(3) * * *

(i) Vaccines recommended for use in chickens 10 days of age or younger shall be tested in accordance with paragraphs (d) (3) (i), (ii), and (iii) of this section.

(ii) For vaccines not recommended for use in chickens 10 days of age or younger, the pre-challenge period of the immunogenicity test provided in subparagraph (e) (2) of this section shall be the safety test. If any of the birds show severe clinical signs of disease or death during the observation period due to causes attributable to the product, the serial is unsatisfactory.

6. Paragraph (d) of § 113.165 is revised to read:

§ 113.165 Marek's Disease Vaccine.

* * * * *

(d) Test requirements for release: Except for the virus identity tests in § 113.135(c), each serial and subserial shall meet the applicable requirements prescribed in § 113.135. Final container samples of completed product shall also meet the requirements in paragraphs (d) (1), (2), and (3) of this section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(37 Stat. 9 CFR, 151–158 U.S.C.)

Effective date. These amendments take effect May 30, 1975.

Done at Washington, D.C., this 21st day of April 1975.

J. M. Hejl,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-11046 Filed 4-25-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 207—COLLECTION OF INFORMATION

Authorized Energy Information; Collection and Procedure

On January 6, 1975, the Federal Energy Administration issued a notice of proposed rulemaking (40 FR 2212, January 10, 1975) to establish Subpart A of Part 207 of Chapter II of Title 10 of the Code of Federal Regulations, which would set forth the manner in which energy information that the FEA is authorized to obtain by the Energy Supply and Environmental Coordination Act of 1974 (ESECA) will be collected.

Fifteen written comments were received in response to the notice of proposed rulemaking. All comments received have been considered, and several modifications to the proposed regulations have been made that reflect FEA's consideration of these comments as well as other information available to FEA.

Section 207.3(f), as proposed, would require FEA officers or employees, prior to entering a business premise or facility to inspect the facility, or to examine books or records, to present appropriate credentials and a written notice from the Administrator. That section has been amended to make explicit that the notice must "reasonably describe" the premise or facility to be inspected, the stock to be inventoried or sampled, or the books, records, papers or other documents to be examined or copied.

Several comments requested that the regulations specify procedures by which confidentiality of energy information would be determined. Section 207.4(b) has been amended to require the Administrator, to the maximum extent practicable, by ruling or otherwise, to inform respondents who provide energy information to FEA under this subpart as to whether such information will be made available to the public pursuant to requests under the Freedom of Information Act, 5 U.S.C. 552.

Several comments addressed the issue of how requests for exceptions and similar requests should be filed. A new § 207.9 has been added which specifically references the provisions of Part 205 relating to filing of applications for exceptions and exemptions, and requests for interpretations, as well as those provisions relating to rulings and rulemakings.

In addition, a new § 207.6 has been added providing that FEA may issue notices of probable violation, remedial orders and remedial orders for immediate compliance in the event that it has reason to believe, or finds that a violation of the requirements of the subpart has occurred, is occurring, or is about to occur.

A number of comments were received which requested FEA to coordinate data gathering on the petroleum industry between federal agencies, in order to reduce the reporting burden on individual companies. The Federal Reports Act (Chapter 35 of Title 44, United States Code) provides procedures for reviewing reporting requirements imposed by federal agencies to reduce unnecessary, duplicative reporting burdens; this authority is placed in the Office of Management and Budget and the General Accounting Office. In addition, pursuant to FEA's legislative mandate under the Federal Energy Administration Act of 1974 to collect and evaluate energy information, FEA has been providing assistance to other federal agencies to attempt to ensure that Federal energy data requirements are not unnecessarily burdensome, and to improve the quality and timeliness of energy data.

Several comments requested that the regulations require reasonable notice be given before FEA inspection of facilities and records. While FEA will give reasonable notice where feasible, such notice may be inconsistent in some instances with the purposes of the inspection. This amendment has, therefore, not been adopted.

One comment requested that costs for collecting and reporting energy information be included in product cost. The regulations contained in Part 207 do not deal with calculation of product cost and therefore do not provide an appropriate vehicle for consideration of such an amendment.

Several comments stated that the regulations were excessively general, and that terms should be defined more specificity will be provided in individual rules, orders, questionnaires and other means of gathering information concerning, for example, the type of information required, the showing of confidentiality that must be made, and the method by which the information will be gathered.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Subpart A of Part 207 of Chapter II, Title 10 of the Code of Federal Regulations is established as set forth below, effective immediately.

Issued in Washington, D.C. April 23, 1975.

Robert E. Montgomery, Jr.,
General Counsel.

Part 207 is added to read as follows:

Subpart A—Collection of Information Under the Energy Supply and Environmental Coordination Act of 1974

Sec.
207.1 Purpose.
207.2 Definitions.
207.3 Method of collecting energy information under ESECA.
207.4 Confidentiality of energy information.
207.5 Violations.
207.6 Notice of probable violation and remedial order.
207.7 Sanctions.
207.8 Judicial actions.
207.9 Exceptions, exemptions, interpretations, rulings and rulemakings.

AUTHORITY: Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319; E.O. 11790, 39 FR 23185.

Subpart A—Collection of Information Under the Energy Supply and Environmental Coordination Act of 1974

§ 207.1 Purpose.

The purpose of this subpart is to set forth the manner in which energy information which the Administrator is authorized to obtain by sections 11 (a) and (b) of ESECA will be collected.

§ 207.2 Definitions.

As used in this subpart:

"Administrator" means the Federal Energy Administrator of his delegate.

"Energy information" includes all information in whatever form on (1) fuel reserves, exploration, extraction, and energy resources (including petrochemical feedstocks) wherever located; (2) production, distribution, and consumption of energy and fuels, wherever carried on; and (3) matters relating to energy and fuels such as corporate structure and proprietary relationships, costs, prices, capital investment, and assets, and other matters directly related thereto, wherever they exist.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"EPAA" means the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159).

"FEA" means the Federal Energy Administration.

"Person" means any natural person, corporation, partnership, association, consortium, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States.

"United States," when used in the geographical sense, means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

§ 207.3 Method of collecting energy information under ESECA.

(a) Whenever the Administrator determines that:

(1) Certain energy information is necessary to assist in the formulation of energy policy or to carry out the purposes of the ESECA of the EPAA; and

(2) Such energy information is not available to FEA under the authority of statutes other than ESECA or that such energy information should, as a matter of discretion, be collected under the authority of ESECA;

He shall require reports of such information to be submitted to FEA at least every ninety calendar days.

(b) The Administrator may require such reports of any person who is engaged in the production, processing, refining, transportation by pipeline, or distribution (at other than the retail level) of energy resources.

(c) The Administrator may require such reports by rule, order, questionnaire, or such other means as he determines appropriate.

(d) Whenever reports of energy information are requested under this Subpart, the rule, order, questionnaire, or other means requesting such reports shall contain (or be accompanied by) a recital that such reports are being requested under the authority of ESECA.

(e) In addition to requiring reports, the Administrator may, at his discretion, in order to obtain energy information under the authority of ESECA:

(1) Sign and issue subpoenas in accordance with the provisions of § 205.8 of this chapter for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(2) Require any person, by rule or order, to submit answers in writing to interrogatories, requests for reports or for other information, with such answers or other submissions made within such reasonable period as is specified in the rule or order, and under oath; and

(3) Administer oaths.

Any such subpoena or rule or order shall contain (or be accompanied by) a recital that energy information is requested under the authority of ESECA.

(f) For the purpose of verifying the accuracy of any energy information requested, acquired, or collected by the FEA, the Administrator, or any officer or employee duly designated by him, upon presenting appropriate credentials and a written notice from the Administrator to the owner, operator, or agent in charge, may—

(1) Enter, at reasonable times, any business premise of facility; and

(2) Inspect, at reasonable times and in a reasonable manner, any such premise or facility, inventory and sample any stock of energy resources therein, and examine and copy books, records, papers, or other documents, relating to any such energy information.

Such written notice shall reasonably describe the premise or facility to be inspected, the stock to be inventoried or sampled, or the books, records, papers or other documents to be examined or copied.

§ 207.4 Confidentiality of energy information.

(a) Information obtained by the FEA under authority of ESECA shall be available to the public in accordance with the provisions of Part 202 of this chapter. Upon a showing satisfactory to the Administrator by any person that any energy information obtained under this subpart from such person would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such information, or portion thereof, shall be deemed confidential in accordance with the provisions of section 1905 of title 18, United States Code; except that such information, or part thereof, shall not be deemed confidential pursuant to that section for purposes of disclosure, upon request, to (1) any delegate of the FEA for the purpose of carrying out ESECA or the EPAA, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office, when necessary to carry out those agencies' duties and responsibilities under ESECA and other statutes, and (3) the Congress, or any Committee of Congress upon request of the Chairman.

(b) Whenever the Administrator requests reports of energy information under this subpart, he may specify (in the rule, order or questionnaire or other means by which he has requested such reports) the nature of the showing required to be made in order to satisfy FEA that certain energy information contained in such reports warrants confidential treatment in accordance with this section. He shall, to the maximum extent practicable, either before or after requesting reports, by ruling or otherwise, inform respondents providing energy information pursuant to this subpart of whether such information will be made available to the public pursuant to requests under the Freedom of Information Act (5 U.S.C. 552).

§ 207.5 Violations.

Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of this subpart or any order issued pursuant thereto is a violation of the FEA regulations stated in this subpart.

§ 207.6 Notice of probable violation and remedial order.

(a) *Purpose and scope.* (1) This section establishes the procedures for determining the nature and extent of violations of this subpart and the procedures for issuance of a notice of probable violation, a remedial order or a remedial order for immediate compliance.

(2) When the FEA discovers that there is reason to believe a violation of any provision of this subpart, or any order issued thereunder, has occurred, is continuing or is about to occur, the FEA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The FEA may commence such proceeding by serving a notice of probable violation or by issuing a remedial order for immediate compliance.

(b) *Notice of probable violation.* (1) The FEA may begin a proceeding under this subpart by issuing a notice of probable violation if the FEA has reason to

believe that a violation has occurred, is continuing, or is about to occur.

(2) Within 10 days of the service of a notice of probable violation, the person upon whom the notice is served may file a reply with the FEA office that issued the notice of probable violation at the address provided in § 205.12 of this chapter. The FEA may extend the 10-day period for good cause shown.

(3) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of probable violation. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, it appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant documents shall be submitted with the reply.

(4) The reply shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations, and decisions on appeals and exceptions relied upon to support the particular position taken.

(5) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of Subpart M of Part 205 of this chapter.

(6) If a person has not filed a reply with the FEA within the 10-day period provided, and the FEA has not extended the 10-day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of probable violation.

(7) If the FEA finds, after the 10-day period provided in § 207.6(b)(2), that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a remedial order would not be appropriate, it shall notify, in writing, the person to whom a notice of probable violation has been issued that the notice is rescinded.

(c) *Remedial order.* (1) If the FEA finds, after the 10-day period provided in § 207.6(b)(2), that a violation has occurred, is continuing, or is about to occur, the FEA may issue a remedial order. The order shall include a written opinion setting forth the relevant facts and the legal basis of the remedial order.

(2) A remedial order issued under this subpart shall be effective upon issuance, in accordance with its terms, until stayed, suspended, modified or rescinded. The FEA may stay, suspend, modify or rescind a remedial order on its own initiative or upon application by the person to whom the remedial order is issued. Such action and application shall be in accordance with the procedures for such proceedings provided for in Part 205 of this chapter.

(3) A remedial order may be referred at any time to the Department of Justice for appropriate action in accordance with § 207.7.

(d) *Remedial order for immediate compliance.* (1) Notwithstanding paragraphs (b) and (c) of this section, the FEA may issue a remedial order for immediate compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds:

(i) There is a strong probability that a violation has occurred, is continuing or is about to occur;

(ii) Irreparable harm will occur unless the violation is remedied immediately; and

(iii) The public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under paragraphs (b) and (c) of this section.

(2) A remedial order for immediate compliance shall be served promptly upon the person against whom such order is issued by telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the relevant facts and the legal basis for the remedial order for immediate compliance, including the findings required by subparagraph (1) of this paragraph.

(3) The FEA may rescind or suspend a remedial order for immediate compliance if it appears that the criteria set forth in subparagraph (1) of this paragraph are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under paragraph (b) of this section.

(4) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in subparagraph (1) of this paragraph are satisfied, the FEA may issue a remedial order for immediate compliance, even if the 10-day period for reply specified in § 207.6(b)(2) of this part has not expired.

(5) At any time after a remedial order for immediate compliance has become effective the FEA may refer such order to the Department of Justice for appropriate action in accordance with § 207.7 of this part.

(e) *Remedies.* A remedial order or a remedial order for immediate compliance may require the person to whom it is directed to take such action as the FEA determines is necessary to eliminate or to compensate for the effects of a violation.

(f) *Appeal.* (1) No notice of probable violation issued pursuant to this subpart shall be deemed to be an action of which there may be an administrative appeal.

(2) Any person to whom a remedial order or a remedial order for immediate compliance is issued under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with the procedures for such appeal provided in subpart H of Part 205 of this chapter. The appeal must be filed within 10 days of service of the order from which the appeal is taken.

§ 207.7 Sanctions.

(a) *General.* (1) Penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of this subpart or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this subpart relating to criminal fines and civil penalties.

(b) *Criminal penalties.* Any person who willfully violates any provision of this subpart or any order issued pursuant thereto shall be subject to a fine of not more than $5,000 for each violation. Criminal violations are prosecuted by the Department of Justice upon referral by the FEA.

(c) *Civil penalties.* (1) Any person who violates any provision of this subpart or any order issued pursuant thereto shall be subject to a civil penalty of not more than $2,500 for each violation. Actions for civil penalties are prosecuted by the Department of Justice upon referral by the FEA.

(2) When the FEA considers it to be appropriate or advisable, the FEA may compromise and settle, and collect civil penalties.

§ 207.8 Judicial actions.

(a) *Enforcement of subpoenas; contempt.* Any United States district court within the jurisdiction of which any inquiry is carried on may, upon petition by the Attorney General at the request of the Administrator, in the case of refusal to obey a subpoena or order of the Administrator issued under this subpart, issue an order requiring compliance. Any failure to obey such an order of the court may be punished by the court as contempt.

(b) *Injunctions.* Whenever it appears to the Administrator that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order issued under this subpart, the Administrator may request the Attorney General to bring a civil action in the appropriate district court of the United States to enjoin such acts or practices and, upon a proper showing, a temporary restraining order or preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any provision of such order or regulation, the violation of which is prohibited by section 12(a) of ESECA, as implemented by this subpart.

§ 207.9 Exceptions, exemptions and interpretations, rulings and rulemaking.

Applications for exceptions, exemptions or requests for interpretations relating to this subpart shall be filed in accordance with the procedures provided in Subparts D, E and F, respectively, of Part 205 of this chapter. Rulings shall

be issued in accordance with the procedures of Subpart K of Part 205 of this chapter. Rulemakings shall be undertaken in accordance with the procedures provided in Subpart L of Part 205 of this chapter.

[FR Doc.75-11012 Filed 4-23-75;3:50 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 70-27; Notice 14]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Brake Systems

This notice amends Standard No. 105-75, *Hydraulic brake systems*, 49 CFR 571.105-75, to make it applicable only to passenger cars equipped with hydraulic brake systems. This amendment has the effect of withdrawing the standard's applicability to multipurpose passenger vehicles (MPV's), trucks, and buses equipped with hydraulic brake systems.

The National Highway Traffic Safety Administration (NHTSA) proposed a 4-month delay of the standard as it applies to passenger cars and indefinite delay as it applies to other hydraulic-braked vehicles (40 FR 10483, March 6, 1975). Manufacturers responded to the proposed 4-month delay for passenger cars with objections to technical features of the standard, the costs of mid-year changes, and NHTSA's estimate of the standard's safety benefits. While consideration of these issues continues, a decision has been made to withdraw the standard's applicability to trucks, buses, and MPV's.

NHTSA proposed withdrawal of the standard because of uncertainty that the particular performance levels established for trucks, MPV's, and buses by Standard No. 105-75 were justified in view of their costs. It is clear that truck braking is in many cases substantially poorer than passenger car braking, and that the generally longer stopping distances and the greater severity of truck accidents justify a safety standard for these vehicles. At the same time, the costs of meeting Standard No. 105-75 in all truck, bus, and MPV model lines are substantial and NHTSA is not prepared to conclude that they are justified in view of achievable safety benefits.

The Center for Auto Safety (CFAS) questioned NHTSA's right to propose withdrawal of a promulgated rule in response to manufacturer cost objections without publication of the agency's evaluation of the submitted cost data. As authority, CFAS cites the newly-enacted cost information provisions of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1402).

In this case manufacturers submitted costs for light- to medium-duty trucks that ranged from $54 to $775 per unit (depending on model configuration) to attain compliance with the standard. NHTSA compared these figures with independently-gathered detailed cost and mark-up information and substantiated that the manufacturer's estimates were accurate. This material has been formally compiled as required by the Act and has been made public in the docket (70-27; Notice 12).

CFAS, the Consumer's Union, Ms. Susan P. Baker of Johns Hopkins University, the Insurance Institute for Highway Safety, and the Permanente Medical Group stressed the importance of a brake standard for these vehicles. NHTSA agrees and intends to issue interim requirements for MPV's, trucks, and buses equipped with hydraulic brake systems. However, NHTSA concludes that the Standard 105-75 requirements in their present form cannot be justified for trucks, buses, and MPV's on the basis of the data available at this time.

In consideration of the foregoing, Standard No. 105-75 (49 CFR 571.105-75) is amended so that S3, *Application*, reads as follows:

§ 571.105-75 Standard No. 105-75; Hydralic brake systems (Effective Sept. 1, 1975).

* * * * *

S3. *Application.* This standard applies to passenger cars equipped with hydraulic service brake systems.

* * * * *

Effective date: September 1, 1975. Because the effective date of the standard for trucks, buses, and MPV's was less than 180 days after the date of publication of this amendment in the FEDERAL REGISTER, it is found for good cause shown that an effective date less than 180 days from the date of publication 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 25, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-11228 Filed 4-25-75;11:09 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75-331]

PART 563—OPERATIONS

Documentation of Loans to One Borrower

APRIL 10, 1975.

The following outline regarding the amendment adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions in the regulations.

I. *Present Regulation.* Requires that records be maintained by an insured institution whenever a real estate loan to any one borrower is made in an amount which, when added to the total outstanding balance of its other loans to the borrower, exceeds $100,000.

II. *Amended Regulation.* Increases the amount of real estate loans to one borrower that may be outstanding before records must be maintained by an insured institution from $100,000 to $250,000 or 2% of the institution's net worth, whichever is greater, but in all cases where such outstanding loans exceed $1,000,000.

III. *Reason for the Amendment.* The increase will help alleviate the record keeping burden of insured institutions.

The Federal Home Loan Bank Board considers it desirable to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by revising § 563.9-3(c) for the purpose of alleviating the record keeping burden imposed upon insured institutions.

The present § 563.9-3(c) requires that records be maintained by an insured institution whenever a real estate loan to any one borrower is made in an amount which, when added to the total outstanding balance of its other loans to the borrower, exceeds $100,000. Such records include documentation showing the loan was made within the regulatory limitation of being the lesser of 10% of the institution's withdrawable accounts or an amount equal to the institution's net worth.

Under this amendment the amount of real estate loans to one borrower that may be outstanding before the maintenance of records and documentation becomes necessary is increased from $100,000 to $250,000 or 2% of net worth, whichever is greater. However, in all cases where the total balance of loans outstanding to one borrower exceeds $1,000,000, the records of the insured institution must include documentation showing that subsequent loans to such borrower were within the regulation limitation of being the lesser of 10% of the institution's withdrawable accounts or an amount equal to the institution's net worth.

Accordingly, the Board hereby amends said § 563.9-3 by revising paragraph (c) thereof to read as set forth below, effective April 28, 1975.

Since the above amendments relieve restrictions, the Board hereby finds that notice and public porcedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendments will become effective as hereinbefore set forth.

§ 563.9-3 Loans to one borrower.

* * * * *

(c) *Determination by institution; maintenance of records.* If an insured institution or service corporation affiliate thereof make a loan to any one borrower, as defined in paragraph (a) of this section, in an amount which, when added to the total balances of all outstanding loans on the security of real estate owed to such institution and its service corporation affiliates by such borrower, exceeds $250,000 or 2% of the net worth of

such institution, whichever is greater, but in all cases where such outstanding loans exceed $1,000,000, the records of such institution or its service corporation affiliate with respect to such loan shall include documentation showing that such loan was made within the limitations of paragraph (b) of this section; for the purpose of such documentation such institution or service corporation affiliate may require, and may accept in good faith, a certification by the borrower identifying the persons, entities, and interests described in the definition of one borrower in paragraph (a) of this section.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726. 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.75-10989 Filed 4-25-75;8:45 am]

[Reg. M]

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Interpretation of Foreign Bank

Under section 25 of the Federal Reserve Act (12 U.S.C. 601), member banks may, with prior Board permission, directly or indirectly acquire and hold stock or other evidences of ownership in one or more foreign banks, and, notwithstanding the provisions of section 23A of the Federal Reserve Act (12 U.S.C. 371c), make loans or extensions of credit to or for the account of such banks in the manner and within the limits prescribed by the Board of Governors by general or specific regulation or ruling.

In several recent applications filed with the Board by member banks under section 25 of the Federal Reserve Act, the issue has arisen as to whether particular foreign institutions can be considered as foreign banks for the purposes of section 25 of the Act and §§ 213.4 and 213.5 of this part (Regulation M) which implement the relevant provisions of section 25. In the Board's judgment, a foreign bank for purposes of section 25 of the Act should be interpreted to mean, with certain limited exceptions described in the following interpretation, foreign institutions that are principally engaged in a commercial banking business. In applying this test, however, the Board has adopted certain minimum criteria which have to be met in every case under section 25 unless a specific exception adopted by the Board applies.

Part 213 of Title 12 is amended by adding the following new section:

§ 213.105 Interpretation of foreign bank for purposes of section 25 of the Federal Reserve Act.

(a) Under the third paragraph of section 25 of the Federal Reserve Act, as amended (12 U.S.C. 601), any national banking association[1] possessing a capital and surplus of $1,000,000 or more may file application with the Board for permission, upon such conditions and under such regulations as may be prescribed by the Board, "to acquire and hold, directly or indirectly, stock or other evidences of ownership in one or more banks organized under the law of a foreign country or a dependency or insular possession of the United States and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board shall be incidental to the international or foreign business of such foreign bank; and, notwithstanding the provisions of section 23A of the Federal Reserve Act (12 U.S.C. 371c), to make loans or extensions of credit to or for the account of such bank in the manner and within the limits prescribed by the Board by general or specific regulation or ruling."

(b) Pursuant to its authority under the third paragraph of section 25 of the Federal Reserve Act, the Board has promulgated § 213.4 of this part (Regulation M), which sets forth appropriate conditions and limitations on a member bank's acquisition and holding, directly or indirectly, of the stock or other evidences of ownership in one or more foreign banks, and § 213.5 of this part which allows a member bank, which holds directly or indirectly[2] stock or other evidences of ownership in a foreign bank, to make loans or extensions of credit to or for the account of such foreign bank without regard to the provisions of section 23A of the Federal Reserve Act (12 U.S.C. 371c).

(c) In several recent applications filed with the Board by member banks under section 25 of the Act, the issue has arisen as to whether particular foreign institutions can be considered as foreign banks for the purposes of section 25 of the Act and §§ 213.4 and 213.5 of this part. While the Board has by regulation defined the term "foreign bank" to mean a bank organized under the law of a foreign country and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board, shall be incidental to the international or foreign business of such foreign bank,[3] such definition imposes the statutory limitation on activities in the United States that can be conducted by a foreign bank, the shares of which are owned by a member bank, and does not define as a threshold matter which foreign institutions can be considered as foreign banks eligible for investment and Board exemption from the provisions of section 23A under section 25 of the Act.

(d) Congress in the third paragraph of section 25 of the Act has imposed incorporation and other requirements intended to ensure that a foreign bank acquired under that section is not engaged in a domestic banking business. Congress did not, however, specify in section 25 the criteria a foreign institution must satisfy in order to be considered a foreign bank for purposes of that section.[4] The third paragraph of section 25 was enacted in 1966 in order to give member banks organizational flexibility in conducting their banking operations abroad. Prior to its enactment, the Board had interpreted the "stock purchase" prohibitions of section 5136 of the Revised Statutes as preventing member banks from acquiring directly the shares of foreign banks. Thus, until that time, member banks were limited to conducting their banking operations abroad either through branches established under section 25 or through agencies, branches or subsidiaries of their Edge or Agreement Corporations established, respectively, under section 25(a) or section 25 of the Federal Reserve Act. Because the laws of some foreign countries prevented the establishment of branches and because the holding of shares of foreign banks through Edge or Agreement Corporation subsidiaries resulted in an unnecessary layering of organizational relationships, the enactment of the third paragraph of section 25 essentially was intended to allow member banks to hold directly the shares of foreign banks, instead of holding them indirectly through their Edge or Agreement Corporation subsidiaries.[5] The provision in that paragraph which gives the Board the power to waive the restrictions of section 23A on loans or extensions of credit from a member bank to its foreign bank affiliate was supported by the Board because section 23A in such circumstance tends to restrict normal correspondent banking relationships between banks and their foreign bank affiliates.

(e) In the Board's judgment, a foreign bank for purposes of section 25 of the Act and §§ 213.4 and 213.5 of this part should be interpreted to mean, with certain limited exceptions hereinafter de-

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[1] Paragraph 20 of section 9 of the Federal Reserve Act (12 U.S.C. 335) also makes the provisions of section 25 applicable to State member banks.

[2] Whether through a corporation operating under section 25 of the Act or organized under section 25(a) of the Act, or otherwise.

[3] Section 213.2 of this part.

[4] While the term "bank" is defined in section 1 of the Federal Reserve Act (12 U.S.C. 221), that definition "* * * State bank, banking association, and trust company" is not applicable in the context of section 25.

[5] See 112 Cong. Rec. 11866 (1966) (remarks of Senator Robertson).

scribed, a foreign institution that is principally engaged in a commercial banking business. The Board believes that such an interpretation is consonant with the limited purposes of section 25 and accords with Congress' intent in enacting that section. This interpretation will apply both for purposes of determining permissible investments for member banks under § 213.4 of this part and for purposes of the regulatory exemption from the provisions of section 23A under § 213.5 of this part. In adopting this interpretation, however, the Board has determined that, in general, certain minimum criteria should be met in every case. Accordingly, in order for a foreign institution to be considered as principally engaged in a commercial banking business, the institution must, at least, receive deposits to a substantial extent in the regular course of its business, and also have the power to accept deposits that the depositor has a legal right to withdraw on demand. In addition, the Board believes that for a foreign institution to be considered as a foreign bank under section 25, the institution should also be supervised, regulated, examined or otherwise recognized as a commercial bank by the appropriate bank supervisory or monetary authority of either the country of its organization or the country of its principal banking operations.

(f) The Board has also determined, however, that notwithstanding the above test and minimum criteria, foreign institutions organized for the sole purpose of holding the shares of a foreign bank, or organized for the sole purpose of performing nominee, fiduciary, or other banking services incidental to the activities of a foreign branch or banking affiliate of a member bank may be considered as foreign banks for purposes of section 25 and §§ 213.4 and 213.5 of this part. The Board may recognize other exceptions to the criteria adopted in this general interpretation if it determines that any such exception would not be inappropriate under section 25 of the Federal Reserve Act and this part (Regulation M).

(Interprets and applies 12 U.S.C. 601)

By order of the Board of Governors, April 21, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-11031 Filed 4-25-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-WE-29-AD; Amdt. 39-2191]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Hughes 369H Series Helicopters

The "four-on-the-floor" passenger interior of the Hughes Model 369H Series Helicopters defined by Hughes Drawing 369H90035 has provisions for two aft facing seats which are not designed to adequately protect the occupants from injury in accordance with Civil Air Regulation 6.26(a), effective December 20, 1956 (re-codified as FAR 27.561(b)(1)). Since this condition is likely to exist in other helicopters of the same type design, an airworthiness directive is being issued to require installation of a head restraint and protective padding to protect the occupant in a minor crash landing.

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

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

HUGHES. Applies to Model 369H Series Helicopters certificated in all categories, configured with "four-on-the-floor" passenger interior in accordance with Hughes Drawing 369H90035.

Compliance required as indicated unless already accomplished.

To provide adequate protection for the occupants of the aft facing seats, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this ad, install two conspicuous placards worded, "DO NOT OCCUPY FOR TAKEOFF AND LANDING". The placards must be located on the aft face of the forward divider, facing aft, centered on divider, above each seat cushion.

(b) Placards may be removed upon installation of a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region, which provides the required occupant head and back support.

This amendment becomes effective May 2, 1975.

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

Issued in Los Angeles, California on April 17, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-10967 Filed 4-25-75;8:45 am]

[Airworthiness Docket No. 75-WE-30-AD; Amdt. 39-2192]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed L-1011-385-1 Series Airplanes

The hydraulic dampers on the flight control surfaces of elevator, outboard allerons and the rudder on Lockheed-California Company L-1011-385-1 airplanes have experienced loss of hydraulic fluid which could result in degradation to the required damping levels. When any of the above control surfaces become unrestrained as a result of hydraulic or mechanical failures this degradation to the required damping levels could result in dangerous flutter causing a possible damage or loss of the control surface and/or the associated lifting surface. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections, servicing and replacement of the hydraulic dampers on Lockheed-California Company L-1011-385-1 Series airplanes, incorporating hydraulic dampers identified by Part Number 672470-101, -103, -105.

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

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

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L-1011-385-1 series airplanes certificated in all categories with hydraulic dampers identified by Part Number 672470-101, -103, -105.

To prevent occurrence of dangerous flutter which could result in damage or loss of elevators, outboard allerons and rudder control surfaces, and/or the associated lifting surface accomplish the following:

(a) Within 300 flight hours of the effective date of this AD unless previously accomplished within 200 hours flight time prior to the effective date of this AD, and at intervals not to exceed 500 flight hours thereafter, accomplish the inspections, servicing and replacement of dampers if required, on the elevators of aircraft with Serial Number 193X-1102 and subsequent, per Lockheed Alert Service Bulletin 093-27-A126, dated March 28, 1975 or later FAA-approved revisions.

(b) Within 500 flight hours of the effective date of this AD, and at intervals not to exceed 500 flight hours thereafter, accomplish the inspections, servicing and replacement of dampers as required on the outboard allerons per Lockheed Alert Service Bulletin 093-27-A126, dated March 28, 1975, or later FAA-approved revisions.

(c) Within 1500 flight hours after the effective date of this AD, and at intervals not to exceed 1500 flight hours thereafter, accomplish the inspections, servicing and replacement of dampers as required on the rudder per Lockheed Alert Service Bulletin 093-27-A126, dated March 28, 1975, or later FAA-approved revisions.

(d) If damper replacement is required per instructions of above Lockheed Alert Service Bulletin 093-27-A126, dated March 28, 1975, or later FAA-approved revisions, replace the damper with (-105) damper configuration only, as defined in the Lockheed Service Bulletin 093-27-088, Revision No. 1 dated February 28, 1974, or later FAA-approved revisions.

(e) Equivalent inspections and replacements may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Airplanes may be flown to a base for the accomplishment of the inspections required by the AD, per FAR's 21.197 and 21.199.

This amendment becomes effective May 2, 1975.

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

Issued in Los Angeles, California on April 17, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-10968; Filed 4-25-75;8:45 am]

[Airspace Docket No. 75-SO-8]

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

Alteration of Federal Airways; Addendum

On April 14, 1975, Federal Register Document 75-9561 was published in the FEDERAL REGISTER (40 FR 16650) amending Part 71 of the Federal Aviation Regulations effective 0901 GMT, June 19, 1975, by amending V-179 airway north of Dublin, Ga. The alignment of this airway until June 19, 1975, is from Dublin via Sinclair, Ga., to Hampton, Ga. FEDERAL REGISTER Document 75-9561 amends the airway as proposed in the notice of proposed rule making on February 25, 1975 (40 FR 8108) from Dublin to Sinclair, but retention of the existing segment without change from Sinclair to Hampton was inadvertently omitted. In addition, the Atlanta, Ga., VORTAC radial to describe the airway turning point at Sinclair was incorrectly specified as the Atlanta 116° radial, when it should have been the Atlanta 117° radial. Action to make these corrections is taken herein. The retention of that portion of V-179 between Sinclair and Hampton does not require notice and public procedure since no change to the airway configuration is made or intended, and none was proposed in the notice of proposed rule making. Since the airway change of one degree at Sinclair is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. Since it is necessary that aeronautical charts reflect these changes on the original effective date of FEDERAL REGISTER Document 75-9561, this amendment is being made effective April 28, 1975.

In consideration of the foregoing, effective April 28, 1975, F.R. Doc. 75-9561 is amended, as hereinafter set forth.

§ 71.121 [Amended]

In § 71.121, item 3 is revised to read as follows:

"V-129 is revised to read: 'From Dublin, Ga., via INT of Dublin 312° and Atlanta, Ga., 117° radials; to INT of Atlanta 117° and Macon, Ga., 331° radials.'"

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

Issued in Washington, D.C., on April 22, 1975.

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

[FR Doc.75-10969 Filed 4-25-75;8:45 am]

[Airspace Docket No. 73-WA-11]

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

Designation of Terminal Control Area at Kansas City, Missouri

On November 29, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 41539) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Kansas City, Mo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Several comments were received and given due consideration.

The United States Air Force objected to the proposed establishment of a TCA at Kansas City. The basis for their objection was that aircraft would fly south of the proposed TCA airspace and thus overfly Richards-Gebaur Air Force Base GCA traffic pattern. The GCA traffic pattern to Runway 18 at Richards-Gebaur has a 2600-foot MSL altitude for the downwind leg and the base leg altitude is 2,300 feet MSL. This traffic pattern extends seven to nine miles north-northeast of the Air Force Base. Although the 20-mile radius of the Kansas City International Airport crosses approximately 8 miles north of the Richards-Gebaur Runway 18 extended center line, the floor of this TCA airspace is 4,000 feet MSL. Additionally, the surface area proposed for the Kansas City TCA only extends 6 miles south of Kansas City International Airport; therefore, an aircraft could overfly the GCA traffic pattern by 1,400 feet or fly up to 13 miles north of the GCA traffic pattern without penetrating the proposed Kansas City TCA.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. Notice 73-WA-11 asked for input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. Several comments received opposed the TCA concept and not the design of a TCA airspace configuration.

One of the major objections received to the Kansas City TCA was that the purchase of the equipment required to fly in TCA airspace would create a financial burden on air taxi and commuter airlines operating into Kansas City International Airport. In response to similar objections we have eliminated the requirement for altitude encoding equipment within Group II TCAs. Additionally, ATC authorization is feasible for occasional individual or continuing operations by advance coordination with the control facility.

The owner of the private-use Humphrey Airport asked to be excluded from the TCA surface area. Due to the low volume of traffic and closeness of Humphrey Airport to Kansas City International Airport an exclusion would be impracticable; however, the Kansas City approach control will issue authorization to operate within the TCA surface area under the provisions of FAR 91.24(c)(2) on a continuing basis outlined in a Letter of Agreement.

A fixed base operator at Farris Airport stated that the TCA will deny use of airspace that they have used for years. However, no recommended changes were made to the proposed configuration. The Farris Airport is approximately 17 NM N.W. of Kansas City International Airport and underlies the TCA by approximately three miles. The base of the TCA in this area is 4,000 feet MSL. For training operations requiring flight above 4,000 feet MSL it is not considered that a flight of slightly more than three miles to avoid the TCA is unreasonable.

The compression of the airspace over Fairfax, Kansas City Municipal, and Noah's Ark Airports was the major objection stated in one letter. The base of Area C is approximately 2,200 feet above Kansas City Municipal and Fairfax Airports. This is considered adequate for traffic pattern requirements. The base of Area B over Noah's Ark Airport provides approximately 1,700 feet of clearance between the TCA base and the surface. An average 800-foot (above ground level) traffic pattern would be about 900 feet below the base of the TCA.

The Air Transport Association (ATA) endorsed the adoption of the TCA as proposed in the notice of proposed rule making.

In consideration of the foregoing, § 71.401(b) (40 FR 640) of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 1, 1975, by adding the Kansas City Group II Terminal Control Area as follows:

KANSAS CITY, MISSOURI, TERMINAL CONTROL AREA

Primary Airport

Kansas City International Airport (Lat. 39° 18'18" N., Long. 94°42'40" W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of the Noah's Ark Airport (Lat. 39°13'50" N., Long. 94°48' 15" W.).

Area B. That airspace extending upward from 2,400 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding Area A, that airspace within a 2-mile radius of the Fairfax Airport (Lat. 39°08'49" N., Long. 94°36'09" W.) and that airspace within a 1½-mile radius of the Sherman Army Airfield (Lat. 39°22'15" N., Long. 94°54'45" W.).

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding Area A and Area B.

Area D. That airspace extending upward from 4,000 feet MSL to an including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport excluding Area A, Area B and Area C.

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

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

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

[FR Doc.75-10970 Filed 4-25-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-904, Amdt. 5]

SUBCHAPTER A—ECONOMIC REGULATIONS

PART 224—ACCESS TO AIRCRAFT FOR SAFETY PURPOSES; FREE TRANSPORTATION FOR SECURITY GUARDS AND FOR CERTAIN FEDERAL AVIATION ADMINISTRATION, NATIONAL TRANSPORTATION SAFETY BOARD AND NATIONAL WEATHER SERVICE EMPLOYEES

Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 22, 1975.

By ER-903, issued contemporaneously, the Board is, among other things, consolidating Part 224 into Part 223.[1] Part 224 is, therefore, being repealed.

Since repeal is nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary, and repeal may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby repeals Part 224 of the Economic Regulations (14 CFR Part 224), effective April 22, 1975.

(Sec. 204 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-11024 Filed 4-25-75;8:45 am]

[Reg. ER-903]

PART 223—FREE AND REDUCED-RATE TRANSPORTATION

Consolidation, Recodification, and Revision

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. April 22, 1975.

At present there are four parts of the Board's Economic Regulations governing free and reduced-rate transportation: Part 223,[1] Part 224,[2] Part 227,[3] and Part 233.[4] Despite its title, Part 223, like Parts 224 and 233 and unlike Part 227, does not deal with tariffs concerning free or reduced-rate transportation. As a step toward reducing the number of parts in the regulations and composing the regulations into a more logical arrangement, the Board is hereby consolidating Parts 224 and 233 into Part 223. This is being accomplished by designating the present provisions of Part 223, as amended herein,[5] as Subpart A, the provisions of Part 224 as Subpart B, and the provisions of Part 233 as Subpart C. In addition, the title of Part 223 is being revised to reflect the fact that it does not deal with tariffs. Editorial changes are also being made in the titles of certain sections of former Part 224.

In addition, the title and content of § 223.9 (Effect on other regulations) is being deleted as superfluous. The new § 223.9 (Free transportation on inaugural flights) constitutes a revision of § 399.34 (Free transportation on inaugural flights in overseas and foreign air transportation with "new type" aircraft). Section 399.34 is being deleted from Part 399 (Statements of General Policy) and transferred to § 223.9, since the provision constitutes particular policy under § 223.8, rather than general policy. The revision of former § 399.34 as set forth in new § 223.9 is nonsubstantive in nature. Essentially, it merely deletes reference to examples of "new type" aircraft appearing in §§ 399.34(b) (1) and (2).

There follows a cross-reference table showing the relationship between former sections of Parts 224 and 233 and the new sections as they appear in Subparts B and C.

Former sec.:	*New sec.*
224.1	223.22
224.2	223.23
224.2a	223.21
224.3	223.24
224.4	223.25
233.1	223.31
233.2	223.32

Since the amendments to Part 223 being made herein are nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary, and the amendments may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby recodifies, revises, and republishes Part 223 (14 CFR Part 223), as set forth below, effective April 22, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[1] Retitled "Free and Reduced-Rate Transportation."

[1] Tariffs of Air Carriers: Free and Reduced-Rate Transportation.

[2] Access to Aircraft for Safety Purposes; Free Transportation for Security Guards and for Certain Federal Aviation Administration, National Transportation Safety Board, and National Weather Service Employees.

[3] Tariffs of Air Carriers and Foreign Air Carriers: Reduced Rate for Furloughed Military Personnel and Immediate Families of Military Personnel.

[4] Transportation of Mail: Free Travel for Postal Employees.

[5] In addition to the revision noted subsequently, § 223.1 (Definitions) is being rearranged to place the definitions in alphabetical order without paragraph designations and a definition of "air carrier" has been added. And former § 223.2a is redesignated § 223.10.

Subpart A—General Provisions

Sec.
223.1 Definitions.
223.2 Persons to whom free and reduced-rate transportation may be furnished.
223.3 Passes to be issued.
223.4 Form of pass.
223.5 Carrier's records.
223.6 Carrier's rules.
223.7 Filing of list of affiliates.
223.8 Application for authority to carry other persons.
223.9 Free transportation on inaugural flights.
223.10 Transportation of empty mail bags.

Subpart B—Free Transportation for Security Guards and for Certain Federal Aviation Administration, National Transportation Safety Board, and National Weather Service Employees

223.21 Security guards.
223.22 Safety inspectors.
223.23 Traffic controllers, aircraft communicators and aviation weather forecasters.
223.24 Requests for access to aircraft and free transportation.
223.25 Responsibility of agencies.

Subpart C—Free Travel for Postal Employees

223.31 Postal employees to be carried free.
223.32 Issuance of credentials and authorization of travel by Postal Service.

AUTHORITY: Secs. 204, 403, 404, 405(j), 407, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445), 760, 766 (as amended by 83 Stat. 103), 771; 49 U.S.C. 1324, 1373, 1374, 1375, 1377, 1386; sec. 2 of the Postal Reorganization Act, 84 Stat. 767, 39 U.S.C. 5007.

Subpart A—General Provisions

§ 223.1 Definitions.

As used in this part, unless the context otherwise requires:

An "affiliate" of a carrier means a person:

(a) Who controls such carrier, or is controlled by such carrier or by another person who controls or is controlled by such carrier, and

(b) Whose principal business in purpose or in fact is:

(1) The holding of stock in one or more carriers, or

(2) Transportation by air or the sale of tickets therefor, or

(3) The operation of one or more airports, one or more of which are used by such carrier or by another carrier who controls or is controlled by such carrier or who is under common control with such carrier by another person, or

(4) Activities devoted to the transportation by air conducted by such carrier

or by another carrier which controls or is controlled by such carrier or which is under common control with such carrier by another person.

"Air carrier" means the holder of a certificate of public convenience and necessity issued pursuant to section 401 of the Act.

"Carrier" means: (a) An air carrier or (b) a foreign air carrier which holds a permit issued under section 402 of the Act.

"Control," within the meaning of this section, means the beneficial ownership of more than 40 percent of outstanding voting capital stock unless as to the specific case, the Board shall have determined in a proceeding pursuant to section 408 of the Act that control does not exist; such control may be direct or by or through one or more intermediate subsidiaries likewise controlled or controlling through beneficial ownership of more than 40 percent of outstanding voting capital stock.

"Domestic group familiarization tour" means a tour organized and controlled by one or more air carriers for the purpose of promoting the sale of air transportation by familiarizing a group of travel agents with tourist attractions, accommodations, and recreational facilities in a particular area within the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands.

"Free transportation" means the carriage by a carrier of any person or property (other than property owned by such carrier) in air transportation without compensation therefor; "reduced-rate transportation" means such carriage for a compensation less than that under the rate, fare, or charge published in the tariffs of such carrier, on file with the Board and otherwise applicable to such carriage.

"Pass" means a written authorization issued by a carrier for free or reduced-rate transportation of persons or property; "term pass" means such an authorization effective for a designated period, not to exceed three years; "trip pass" means such an authorization for a single one-way trip or round trip (whether the return trip is made via the same route as the outbound trip or a different one) between designated points.

"Travel agent" means a person (a) who is employed full time in a travel agency, (b) who has been in the continuous employment of such agency at least 12 months, and (c) who devotes his employment time in the agency primarily to the promotion and sale of transportation and related services.

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

In addition to the persons specified in subparts B and C of this part:

(a) Any carrier may provide free or reduced-rate transportation to any or all classes of persons specifically mentioned in section 403(b) of the Act;

(b) Any carrier engaged in overseas or foreign air transportation may provide free or reduced-rate overseas or foreign air transportation to:

(1) Directors, officers, and employees and members of their immediate families, of any affiliate of such carrier, the name of which affiliate currently is included in the list of affiliates filed by such carrier pursuant to § 223.7 of this part;

(2) Directors, officers, and employees and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mail by air, or conducting transportation by air, in a foreign country; and

(3) Other persons to whom such carrier is required to furnish free or reduced-rate transportation by law or government directive or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest: *Provided, however,* That the foregoing provision shall not be applicable to free or reduced-rate overseas or foreign air transportation pursuant to a law or government directive that requires the furnishing of such transportation to the general public or any segment thereof, and that the Board may without prior notice direct the carrier to file a tariff covering such transportation if the Board finds that the law or government directive in question requires the provision of such transportation.

(c) Any carrier authorized to carry persons in overseas or foreign air transportation may provide such authorized transportation free of charge to bona fida technical representatives of companies which have been engaged in the manufacture and/or development and/or testing of a particular type of aircraft or aircraft equipment, on condition that: [1]

(1) Such transportation is for purposes of technical in-flight observation of such aircraft or equipment necessary in the interest of safety and/or improved efficiency and reliability of the operation of such aircraft or equipment;

(2) Such transportation is provided only when such representatives are engaged in specific technical in-flight observation of the carrier's aircraft or equipment or is provided by the same carrier for the purpose of necessary transit incidental to such duty; and

(3) Such transportation is reported in a statement addressed to the attention of the Bureau of Economics, Civil Aeronautics Board, Washington, D.C. 20428, and forwarded so as to be received by the Board within ten (10) days after the end of the calendar month in which such transportation took place. Such statement shall list the name of each person provided such free transportation, his company affiliation, the specific nature of the observations made, the particular equipment or component of the aircraft observed, the reasons in-flight observation was deemed necessary, and the dates, flights and points between which such free transportation was provided.

(d) Any carrier authorized to engage in interstate transportation is hereby exempted from section 403 of the Act to the extent necessary to enable it to provide such transportation free of charge for the persons and purposes described in paragraph (c) of this section in accordance with the conditions and requirements set forth therein.[1]

(e) Any air carrier not otherwise authorized to carry persons is hereby exempted from the provisions of section 401 of the Act to the extent necessary to enable it to carry persons in accordance with paragraphs (c) and/or (d) of this section.[1]

(f) Any air carrier authorized to engage in interstate or overseas air transportation of passengers or foreign air transportation of passengers to points in Canada is hereby exempted from section 403 of the Act and Part 221 of the Board's Economic Regulations to the extent necessary to enable it to provide free or reduced-rate transportation to travel agents on domestic group familiarization tours between points on its certificated routes within the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands, or from points on its certificated routes in Canada to points on its certificated routes within the stated domestic areas, subject to the following conditions:

(1) The tour shall provide a specific group orientation program, shall include familiarization meetings with local tourist-promotion agencies such as chambers of commerce or tourist bureaus, and may include sightseeing tours of the area and trips by surface transportation as part of the overall familiarization tour of the area.

(2) The tour shall be limited to a minimum of 1 day in addition to time spent in air transportation and a maximum of 7 days' total time, and no more than 4 days shall be spent at any point; *Provided, however,* That tours to the Trust Territory of the Pacific Islands which originate in the continental United States, Puerto Rico, the Virgin Islands, or Canada shall be limited to a maximum of 12 days' total time.

(3) No stopovers shall be permitted except as part of the overall group familiarization tour.

(4) No part of the tour shall consist of transportation by any means to, be directed toward promoting travel to, or in any manner include or provide for visits to, points outside the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam,

[1] Every carrier providing such transportation should also comply with applicable regulations of the Federal Aviation Administration, e.g., regulations pertaining to admission of persons to the aircraft flight deck.

or the Trust Territory of the Pacific Islands.

(5) The group shall consist of not less than 15 travel agents.

(6) Substantially all of the group's time during normal working hours shall be devoted to the basic familiarization program, and no more than 10 percent of the group's time may be devoted to familiarization with the carrier's facilities.

(7) The carrier shall file with the Board's Bureau of Economics 20 days before commencement of the tour a notice setting forth the number of travel agents participating, the routings over which the agents will travel, a full description of ground arrangements, and the program of activities scheduled.

(8) The carrier shall file with the Board's Bureau of Economics 30 days after completion of the tour a notice setting forth the names of the travel agents who participated in the tour and the names and addresses of the agencies they represent, and a statement:

(i) That all the conditions of § 223.2 (f) and of a domestic group familiarization tour, as defined in § 223.1, have been complied with;

(ii) That the tour was conducted in accordance with information contained in the notice pursuant to § 223.2(f)(7); and

(iii) That each travel agent participating met the requirements of a travel agent, as defined in § 223.1 of this part.

§ 223.3 Passes to be issued.

No carrier shall furnish any free or reduced-rate transportation unless a pass therefor has been issued, except that passes need not be issued:

(a) For necessary free transportation of the carrier's own flight personnel in the performance of their official duties;

(b) For free or reduced-rate transportation of persons injured in aircraft accidents or physicians and nurses attending such persons, or traveling with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation;

(c) For the free transportation of persons pursuant to subparts B or C of this part.

§ 223.4 Form of pass.

No carrier shall issue any form of pass other than a "term" or "trip" pass. Every pass shall be issued upon the express condition that it is subject to suspension or cancellation for the abuse of the privileges accorded thereunder, and must show on its face, at least, the name of the person or persons who, or whose property, is entitled to receive free or reduced-rate transportation. Each pass must bear either the signature in ink of an official whose title is contained in the list referred to in § 223.6(a), or the facsimile signature of such an official and the countersignature and title in ink of some other official or responsible subordinate whose title is contained in the list referred to in § 223.6(b), who is authorized by said official to countersign passes on his behalf, and before it is presented for transportation such pass must bear the signature in ink of the person to whom issued: *Provided*, That regular tickets or bills of lading, stamped with a suitable notation, may be used as trip passes, and when so used need not conform to the provisions of this section as to form.

§ 223.5 Carrier's records.

Each carrier shall maintain in its general offices a record of all passes issued by it and used for transportation over its routes and shall comply with the applicable record-retention provisions of Parts 214 and 249 of this subchapter, as amended. Such record shall be maintained in the form of a register, freely accessible and convenient for examination, and shall contain the following information: The type of pass; dates of issuance and expiration; number; to whom issued, including name, address, and eligibility under the Act and under this part; privileges accorded thereunder; points between which transportation is authorized, or in the case of "term" passes, the route number of system or particular points, as may be appropriate; and the name of the official upon whose authorization the pass was issued. Regular tickets or bills of lading, under certain conditions, may be used as trip passes and need not conform to the provisions of § 223.4 as to form. However, records of such tickets or bills of lading, when used as trip passes for free or reduced-rate transportation, shall be kept in accordance with the above provisions of this section. All correspondence or memoranda relating to free or reduced-rate transportation shall be retained and made a part of the carrier's records. In the case of the reduced-rate transportation, the records shall show the amount of the charged assessed or assessable.

§ 223.6 Carrier's rules.

Each carrier shall file with the Board three copies of all instructions to its employees, and of all company rules and regulations, governing its practices in connection with the issuance and interchange of passes. If no instructions, rules, or regulations are in effect, then three copies of a general statement by an appropriate official of the carrier, comprehensively describing its practices in connection with the issuance and interchange of passes must be filed. Each carrier's rules and regulations or statement referred to in this section shall include lists showing (a) the titles of its officials upon whose authorizations passes may be issued, (b) the title of other officials or responsible subordinates who are authorized by said officials to countersign passes on their behalf and the extent of the authority granted them, and (c) the titles of persons who are authorized to request passes from other carriers. Three copies of any change in any such instructions, rules, regulations, or statement of practices must be filed with the Board within 30 days after the effective date of such change.

§ 223.7 Filing of list of affiliates.

Before issuing any pass to directors, officers, employees, or members of their immediate families, of any of its affiliates, each carrier shall file with the Board a list containing all of such carrier's affiliates and showing the exact relationship of each such affiliate to such carrier as respects control and principal business. Any change in such list must be filed with the Board within 15 days after such change is effective: *Provided*, That an affiliate not previously included in any list filed with the Board must be included in a new list prior to the issuance of any pass to any person authorized to receive such pass by reason of such affiliation.

§ 223.8 Application for authority to carry other persons.

Any carrier desiring special authorization under section 403(b) of the Act to furnish free or reduced-rate overseas or foreign air transportation to a person or persons to whom the carrier would not otherwise be authorized to furnish such transportation under section 403(b) or this part, or who are not listed in the carrier's rules filed with the Board pursuant to § 223.6, may apply to the Board, by letter or other writing, for such authorization. The application shall state the identity of the person or persons to whom, and the points between which, such transportation is to be furnished, the time or approximate time of departure, and the carrier's reasons for desiring to furnish such transportation. The application shall contain a definite statement that the carrier is willing and intends to furnish such transportation if authority to do so is granted by the Board. No transportation for which approval is requested therein shall be furnished by the carrier unless and until such approval is received by the carrier.

§§ 223.9 Free transportation on inaugural flights.

The following general standards will be used in deciding applications, under § 223.8 of this part, for permission to furnish free transportation in overseas and foreign air transportation on so-called "inaugural flights" with a new type of aircraft.

(a) *Free transportation permissible.* Free transportation may be authorized on an aircraft type that is being introduced for the first time by a carrier on its system of routes or a part thereof as hereinafter set forth. Free transportation on such flights may be authorized even though the type of aircraft involved may have been on the market and in use by other carriers for a number of years.

(b) *Types of aircraft.* (1) For purposes of this section, aircraft are classified according to the aircraft type certificate issued by the Administrator of the Federal Aviation Administration pursuant to section 603(a) of the Act. Variations of a basic model of aircraft covered by a single type certificate are considered a single type.

(2) With respect to aircraft for which the Administrator may issue type certificates in the future, all aircraft covered by a single type certificate will be regarded as of the same type in the Board's consideration of proposals to furnish

free transportation on inaugural flights.

(3) With respect to aircraft of foreign manufacture not certificated by the Administrator, each basic type of aircraft and all its variations shall be regarded as one type.

(c) *Geographical areas.* (1) Some carrier's operations are virtually worldwide in scope and these carriers generally maintain operating divisions or areas. For equitable reasons, therefore, the Board is establishing three "geographical areas" and will consider a carrier's system having routes in more than one of these areas to be divided into separate parts coincident with such areas.

(2) In the case of a carrier having a multi-area system, as above described, inaugural flights may be permitted in each geographical area at the time a new type of aircraft is introduced in service by the carrier in such area. If an inaugural flight is operated over routes of the carrier in two or more geographical areas, such flight will be considered as a separate inaugural flight in each of the geographical areas in which such flight is operated.

(3) A carrier having both overseas and foreign routes in the same area will be permitted inaugural flights in such area to the same extent as a carrier having only overseas, or only foreign, routes in such area.

(4) "Geographical areas" shall be considered to be as follows:

Area 1. The area encompassed by the routes of any given carrier between:

(a) Points in any State of the United States, or the District of Columbia, on the one hand, and points in Puerto Rico, the Virgin Islands, or the Canal Zone, on the other;

(b) Points in one and points in any other of the following territories and possessions: Puerto Rico, Virgin Islands, and the Canal Zone;

(c) Points in any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone, on the one hand, and any other points outside thereof on the North American and South American continents, Greenland, Bermuda, Cuba, Haiti, Dominican Republic, Jamaica, Netherlands Antilles, Trinidad and Tobago, Bahamas, Leeward Islands, or Windward Islands, on the other.

Area 2. The area encompassed by the routes of any given carrier between:

Points in any State of the United States, the District of Columbia, or any territory or possession of the United States, on the one hand, and

(a) points in Europe, Africa, Iceland, Ascension Island, Azores, Canary Islands, and Madeira, and

(b) points beyond Europe or Africa in Asia or Australasia, involving transportation over the Atlantic Ocean, on the other.

Area 3. The area encompassed by the routes of any given carrier between:

(a) Points in any State of the United States, the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Asia or Australasia and points intermediate thereto that are not in the United States, or a territory or possession thereof, on the other hand, involving transportation over the Pacific Ocean; or

(b) Points in any State of the United States, or the District of Columbia, on the one hand, and points in a territory or possession of the United States located in the Pacific Ocean, on the other, which involves transportation over the Pacific Ocean; or

(c) Points in a territory or possession of the United States, on the one hand, and points in any other territory or possession of the United States located in the Pacific Ocean, on the other, which involves transportation over the Pacific Ocean.

§ 223.10 Transportation of empty mail bags.

Any carrier authorized to engage in foreign air transportation may transport in foreign air transportation empty air mail bags from any country to the country of origin of such bags, free of charge, on a voluntary, space available basis.

Subpart B—Free Transportation for Security Guards and for Certain Federal Aviation Administration, National Transportation Safety Board, and National Weather Service Employees

§ 223.21 Security guards.

Every air carrier shall carry, without charge, on any aircraft which it operates any duly authorized person who has been assigned to the duty of guarding such aircraft against unlawful seizure, sabotage or other unlawful interference.

§ 223.22 Safety inspectors.

Every air carrier shall carry, without charge, on any aircraft which it operates any duly authorized official or employee of the National Transportation Safety Board or of the Federal Aviation Administration who has been assigned to the duty of inspecting during flight such aircraft, its engines, propellers, appliances, route facilities, operational procedures, or airman competency.

§ 223.23 Traffic controllers, aircraft communicators, and aviation weather forecasters.

Any air carrier may carry without charge on any aircraft which it operates any traffic controller or aircraft communicator of the Federal Aviation Administration or any aviation weather forecaster of the National Weather Service (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with the problems affecting inflight use of air traffic control and communications and weather forecast services provided by the U.S. Government: *Provided, however*, That no request for free transportation under this section shall be made for the same individual upon any one air carrier more than once in each calendar year (round trips are regarded as one trip for the purposes of this section) unless the individual is an air traffic controller who is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration or unless the request for such additional transportation is accompanied by the statement in writing prescribed in § 223.24(c).

§ 223.24 Requests for access to aircraft and free transportation.

Access to aircraft and free transportation shall not be granted to persons eligible under this part unless the following conditions have been complied with: *Provided, however*, That such conditions shall not apply to security guards referred to in § 223.21, who shall only be required to present to the appropriate agents of the air carrier such credentials as may be prescribed by the Administrator of the Federal Aviation Administration.

(a) The person to be transported shall present to the appropriate agents of the air carrier credentials or a certificate indicating that he is entitled to request access to aircraft or free transportation and signed by the Chairman, National Transportation Safety Board, the Administrator of the Federal Aviation Administration, or the Director, National Weather Service, or any official on their staff they may designate, and signed also by the person presenting such credentials or certificate.

(b) The person to be transported shall deliver to the appropriate agents of the air carrier, in duplicate, a properly executed "Request for Access to Aircraft or Free Transportation" (U.S. Government Standard Form No. 160).

(c) When free transportation requested pursuant to § 223.23 involves more than one free trip within a calendar year by the same individual on the same carrier, the person to be transported, unless he is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration, shall, at the time of performance of each such additional trip, present to the appropriate agent of the air carrier a statement in writing by the Administrator of the Federal Aviation Administration, or the Director, National Weather Service, or any official on their staff they may designate, that the additional trip or trips by the person named, between the points designated and on the type of aircraft specified therein, is solely for the purpose specified in § 223.23 and is essential to the effective performance of Federal Aviation Administration or National Weather Service functions.

(d) The air carrier shall insert the tariff value of the transportation to be furnished on each "Request for Access to Aircraft or Free Transportation," shall retain one copy of each such request, and on or before the 10th day of each month each air carrier shall forward one copy of all such requests received by it during the second preceding calendar month to the Bureau of Economics, Civil Aeronautics Board, Washington, D.C. 20428.

§ 223.25 Responsibility of agencies.

The Federal Aviation Administration, the National Transportation Safety Board, and the National Weather Service shall be responsible for:

(a) The issuance of proper credentials or certificates to personnel eligible thereunder; and

(b) The promulgation of such internal rules as may be required to obtain compliance by such personnel with this part.

Subpart C—Free Travel for Postal Employees

§ 223.31 Postal employees to be carried free.

Every air carrier transporting the mails shall carry, on any flight that it operates and without charge therefor, persons on duty in charge of the mails or traveling to or from such duty, upon the exhibition of their credentials.

§ 223.32 Issuance of credentials and authorization of travel by Postal Service.

With regard to free air travel by the persons described in § 223.31, the Postmaster General shall be responsible for:

(a) The issuance of proper credentials for such persons and

(b) the authorization of travel by such persons, subject to such rules and regulations as he may prescribe.

[FR Doc.75-11023 Filed 4-25-75;8:45 am]

[Reg. ER-905]

PART 233—TRANSPORTATION OF MAIL; FREE TRAVEL FOR POSTAL EMPLOYEES

Repeal of Part

By ER-903, issued contemporaneously, the Board is, among other things, consolidating Part 233 into Part 223.[1] Part 233 is, therefore, being repealed.

Since repeal is nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary, and repeal may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby repeals Part 233 of the Economic Regulations (14 CFR Part 233), effective April 22, 1975.

(Sec. 204 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-11025; Filed 4-25-75;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-65; Amdt. 44]

PART 399—STATEMENTS OF GENERAL POLICY

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. April 22, 1975.

In ER-903, issued contemporaneously, the Board is amendeding Part 223[1] of the Economic Regulations. Included in the amendments is the revision of § 399.34[2] and its transfer to new § 223.9. Section 399.34 is, therefore, being deleted.

Since this amendment is nonsubstantive in nature, the Board find that notice and public procedure thereon are unnecessary, and the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 (14 CFR Part 399)

1. Amend the Table of Sections as follows:

Subpart C—Policies Relating to Rates and Tariffs

* * * * *

Sec.
399.33 Domestic coach policy.
399.34 [Reserved]
399.35 Free or reduced-rate transportation of persons in foreign air transportation by United States flag air carriers.

* * * * *

2. Delete and reserve § 399.34 as follows:

§ 399.34 [Reserved]

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-11026 Filed 4-25-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER XX—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Trade Policy Committees

Regulations regarding the Office of the Special Representative for Trade Negotiations, describing the Trade Policy Committee, creating and setting out the functions of the trade Policy Committee Review Group and the Trade Policy Staff Committee, and establishing rules which govern the submission of information to and the conduct of public hearings by that committee.

Regulations are promulgated herein which supersede and replace those currently set forth at 15 CFR Ch. XX, Parts 2001, 2002, and 2003.[1] These regulations set out certain terms of reference for the Office of the Special Representative for Trade Negotiations, describe the functions of the Trade Policy Committee which was created by Executive Order 11846[2] pursuant to the authority of section 242(a) of the Trade Expansion Act of 1962, as amended,[3] create and set out the functions of the Trade Policy Committee Review Group which replaces the Trade Executive Committee, create and set out the functions of the Trade Policy Staff Committee which replaces the Trade Staff Committee and the Trade Information Committee, and establish the rules which govern the conduct of public hearings and the receipt of information by the Trade Policy Staff Committee. The Office of the Special Representative for Trade Negotiations considers these regulations to be procedural in nature and, hence, exempt from the requirements of 5 U.S.C. 553. Accordingly, the regulations are final as published herein. The Office of the Special Representative for Trade Negotiations nevertheless invites comments on the regulations on or before May 28, 1975, and will consider carefully any comments received.

These provisions supersede the regulations currently set forth at 15 CFR 2001 through 2003 and Appendix A.

PART 2001—CREATION, ORGANIZATION, AND FUNCTIONS

Sec.
2001.0 Scope and purpose.
2001.1 Creation and location.
2001.2 Organization.
2001.3 Functions.

AUTHORITY: The provisions set forth herein are issued under Pub. L. 93-618, 88 Stat. 1978; 76 Stat. 902, 19 U.S.C. 1872, as amended; E.O. 11846 of March 27, 1975, 40 FR 14291, March 31, 1975.

§ 2001.0 Scope and purpose.

This chapter sets out terms of reference of the Office of the Special Representative for Trade Negotiations (hereinafter the "Office"), and the procedures whereby it carries out its general responsibilities under the trade agreements program.

One of the primary purposes of these regulations is to inform the public of the unit known as the Trade Policy Staff Committee, which replaces and assumes the functions formerly performed by The Trade Staff Committee and the Trade Information Committee. One of the functions of the Trade Policy Staff Committee is to afford an opportunity for interested parties to present oral and written statements concerning the trade agreements program and related matters.

§ 2001.1 Creation and location.

(a) The Office was established as an agency in the Executive Office of the President by Executive Order 11075 of January 15, 1963 (28 FR 473), as amended by Executive Order 11106 of April 18, 1963 (28 FR 3911), and Executive Order 11113 of June 13, 1963 (28 FR 6183). The Office subsequently was reestablished as an agency in the Executive Office of the President by section 141 of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978, hereinafter referred to as the "Trade Act"), and was delegated certain functions under the Trade Act by Executive Order 11846 of March 27, 1975.[4]

(b) The Office is located at 1800 G Street NW., Washington, D.C. 20506.

§ 2001.2 Organization.

(a) The Office is headed by the Special Representative for Trade Negotiations (hereinafter, the "Special Representative") as provided in section 141(b)(1) of the Trade Act. The Special Representative reports directly to the President and the Congress as described in §2001.3 (a)(2) below, and has the rank of Ambassador Extraordinary and Plenipotentiary.

(b) The Office also consists of two Deputy Special Representatives for Trade Negotiations (hereinafter "Deputy Special Representatives") as provided in section 141(b)(2) of the Trade Act, each of whom holds the rank of Ambassador, and of a professional and nonprofessional staff.

(c) The Trade Policy Committee, an interagency committee composed of the

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[1] Retitled "Free and Reduced-Rate Transportation."

[2] Free transportation on inaugural flights in overseas and foreign air transportation with "new type" aircraft.

[1] 36 FR 23620, December 11, 1971.

[2] March 27, 1975, 40 FR 14291, March 31, 1975.

[3] 76 Stat. 902, 19 U.S.C. 1872; Pub. L. 93-618, 88 Stat. 1978, section 602(b).

[4] 40 FR 14291, March 31, 1975.

[5] 76 Stat. 902, 19 U.S.C. 1872; Pub. L. 93-618, 88 Stat. 1978, section 602(b).

heads of specified Executive departments and offices, was established by section 3 of Executive Order 11846 (see Appendix), as authorized by section 242(a) of the Trade Expansion Act of 1962, as amended,[2] under the chairmanship of the Special Representative for Trade Negotiations, as provided by section 141(c)(1)(E) of the Trade Act. Two subordinate bodies of the Trade Policy Committee, the Trade Policy Committee Review Group, and the Trade Policy Staff Committee, provided for in §§ 2002.1 and 2002.2 respectively, are established by, and under the direction and administrative control of the Special Representative.

§ 2001.3 Functions.

(a) The Special Representative:

(1) except where otherwise provided by statute, Executive order, or instructions of the President, is the chief representative of the United States for each negotiation under the trade agreements program as defined in Section 1 of Executive Order 11846, and participates in other negotiations which may have a direct and significant impact on trade;

(2) reports directly to the President and the Congress, and is responsible to the President and the Congress, with respect to the administration of the trade agreements program as defined in section 1 of Executive Order 11846;

(3) advises the President and the Congress with respect to tariff and nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements program;

(4) performs the functions of the President under section 102 of the Trade Act concerning notice to, and consultation with, Congress, in connection with agreements on nontariff barriers to, and other distortions of, trade, and prepares for the President's transmission to Congress all proposed legislation and other documents necessary or appropriate for the implementation of, or otherwise required in connection with, trade agreements (except that where implementation of an agreement on nontariff barriers to, and other distortions of trade requires a change in a domestic law, the department or agency having the primary interest in the administration of such domestic law prepares and transmits to the Special Representative any proposed legislation necessary for such implementation);

(5) is responsible for making reports to Congress with respect to the matters set forth in (1) and (2) above and prepares, for the President's transmission to Congress, the annual report on the trade agreements program required by section 163(a) of the Trade Act;

(6) is chairman of the Trade Policy Committee, and designates the chairman of the Trade Policy Committee Review Group and the Trade Policy Staff Committee, which are provided for in part 2002 of these regulations;

(7) is responsible for the preparation and submission of any Proclamation which relates wholly or primarily to the trade agreements program;

(8) performs the functions of the President under section 131(c) of the Trade Act concerning requests for, and receipt of, advice from the International Trade Commission with respect to modifications of barriers to (and other distortions of) international trade;

(9) performs the functions of the President under section 132 of the Trade Act with respect to advice of departments of the Federal Government and other sources, and under section 133 of the Trade Act with respect to certain public hearings;

(10) performs the functions of the President under section 135 of the Trade Act with respect to advisory committees, (including functions under the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, which are applicable to such committees, except that of reporting annually to Congress), and, acting through the Secretaries of Commerce, Labor, and Agriculture, as appropriate, performs the functions of the President in establishing and organizing general policy advisory committees and sector advisory committees under section 135(c) of the Trade Act;

(11) determines ad valorem amounts and equivalents pursuant to sections 601(3) and (4) of the Trade Act, taking into account advice from the International Trade Commission and in consultation with the Trade Policy Committee;

(12) requests, where appropriate, information from the International Trade Commission in connection with import relief findings or actions under sections 202(d) and 203(i)(1) and (2) of the Trade Act;

(13) acting through the Trade Policy Staff Committee provided for in part 2002.2, as appropriate, provides opportunities for the presentation of views, under sections 301(d)(1) and 301(e)(1) of the Trade Act, with respect to unfair or unreasonable foreign trade practices and United States actions in response thereto;

(14) at the request of a complainant, made in accordance with part 2003.3 of these regulations, under section 301(d)(2) of the Trade Act, or of an interested person under section 301(e)(2), provides for appropriate public hearings by the Trade Policy Staff Committee on alleged foreign restrictions, acts, policies, or practices under section 301(d)(2), and on any action by the United States with respect to the import treatment of any foreign product or the treatment of any foreign service under section 301(e)(2);

(15) requests, where appropriate, the views of the International Trade Commission as to the probable impact on the economy of the United States of any action under section 301(a) of the Trade Act;

(16) is responsible, in consultation with the Secretary of State, for the administration of the generalized system of preferences under Title V of the Trade Act;

(17) is responsible for such other functions as the President may direct.

(b)(1) each Deputy Special Representative shall have as his principle function the conduct of trade negotiations under this Act, and shall have such other functions as the Special Representative may direct;

(2) a Deputy Special Representative, designated by the Special Representative, is chairman of the Trade Policy Committee Review Group provided for in part 2002.1;

(3) a Deputy Special Representative, designated by the Special Representative, is chairman of the Adjustment Assistance Coordinating Committee established by section 281 of the Trade Act.

PART 2002—OPERATION OF COMMITTEES

Sec.

2002.0 Trade Policy Committee.
2002.1 Trade Policy Committee Review Group.
2002.2 Trade Policy Staff Committee.
2002.3 Participation by other agencies.

AUTHORITY: The provisions set forth herein are issued under Pub. L. 93-618, 88 Stat. 1978; 76 Stat. 902, 19 U.S.C. 1872, as amended; E.O. 11846 of March 27, 1975, 40 FR 14291, March 31, 1975.

§ 2002.0 Trade Policy Committee.

(a) The Trade Policy Committee was created by section 3 of Executive Order 11846 of March 27, 1975 (40 FR 14291, March 31, 1975), as authorized by section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872), as amended by section 602(b) of the Trade Act.

(b) The Trade Policy Committee is composed of:

(1) The Special Representative for Trade Negotiations, Chairman;
(2) The Secretary of State;
(3) The Secretary of the Treasury;
(4) The Secretary of Defense;
(5) The Attorney General;
(6) The Secretary of the Interior;
(7) The Secretary of Agriculture;
(8) The Secretary of Commerce;
(9) The Secretary of Labor;
(10) The Assistant to the President for Economic Affairs;
(11) The Executive Director of the Council on International Economic Policy.

In addition, the Committee may invite the participation in its activities of any agency or office not listed above when matters of interest to such agency or office are under consideration.

(c) The Trade Policy Committee meets at such times and with respect to such functions as the President or the Chairman of the Committee directs. It has the functions conferred by the Trade Expansion Act of 1962, as amended, upon the interagency organization referred to in section 242 thereof, as amended, the functions delegated to it by the provisions of Executive Order 11846 (see Appendix), and such other functions as the President or the chairman may from time to time direct. Recommendations and advice of the Committee are submitted to the President by the chairman.

§ 2002.1 Trade Policy Committee Review Group.

(a) The Trade Executive Committee, established by regulations appearing at 36 FR 23620, December 11, 1971 (15 CFR 2002.1), is abolished and there is hereby established as a subordinate body of the Trade Policy Committee the Trade Policy Committee Review Group (hereinafter

referred to as the "Review Group"). The Review Group consists of a Deputy Special Representative, designated by the Special Representative, as chairman, and of high level officials designated from their respective agencies or offices by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State and Treasury. The Special Representative or the Deputy Special Representative, as appropriate, and each head of an agency or office, may designate from his respective agency or office high level officials to serve as alternate members of the Review Group in the event the regular member is unable to attend any meeting of the Review Group.

(b) The Review Group performs the following functions unless such functions are assigned to a different body by the Special Representative or his designee:

(1) coordinates interagency activities concerning the trade agreements program and related matters;

(2) recommends policies and actions, and transmits appropriate materials, to the Special Representative concerning the trade agreements program and related matters, or, when appropriate, approves such policies and actions; and

(3) as appropriate, reviews and approves recommendations of the Trade Policy Staff Committee on policies and actions concerning any proposed trade agreements, the trade agreements program, and related matters.

(4) performs such other functions as the Special Representative or a Deputy Special Representative may from time to time direct.

§ 2002.2 Trade Policy Staff Committee.

(a) The Trade Staff Committee and the Trade Information Committee, established by regulations appearing at 36 FR 23620, December 11, 1971 (15 CFR 2002.2, and 2002.3, respectively) are abolished and there is hereby established as a subordinate body of the Trade Policy Committee and the Trade Policy Review Group the Trade Policy Staff Committee (hereinafter referred to as "the Committee"). The Committee consists of a chairman designated by the Special Representative from his Office, and of senior trade policy staff officials designated from their respective agencies or offices by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury and by the Chairman of the International Trade Commission. Each Secretary or head of an agency or office and the Chairman of the Commission may designate from his respective agency officials to serve as alternate members of the Committee in the event the regular member is unable to attend any meeting of the Committee. The Special Representative may from time to time designate officials from his agency other than the chairman, to serve as acting chairmen of the Committee. The representative of the International Trade Commission shall be a nonvoting member of the Committee.

(b) The Committee performs the following functions unless such functions are assigned to a different body by the Special Representative or his designee:

(1) monitors the trade agreements program, reviews the information received pursuant to subparagraphs 2 through 7 below, and transmits summaries of such information together with recommendations of action to the Special Representative, or through him to the Trade Policy Review Group or the Trade Policy Committee, concerning the trade agreements program and related matters, or when appropriate approves such policies and actions.

(2) obtains information and advice from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State and the Treasury, from the Office of the Special Representative for Trade Negotiations, and from such other sources as the Special Representative, a Deputy Special Representative, or the Chairman of the Committee may deem appropriate concerning any proposed trade agreement and other aspects of the trade agreements program and related matters, and concerning the Generalized System of Preferences in accordance with Title V of the Trade Act;

(3) provides an opportunity, by the holding of public hearings and by such other means as the Special Representative, the Deputy Special Representative or the Chairman of the Committee deems appropriate, for interested persons to present their views concerning any article on a list published pursuant to section 131 of the Trade Act, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to a proposed trade agreement.

(4) provides an opportunity, by the holding of public hearings and by such other means as the Special Representative, a Deputy Special Representative, or the Chairman of the Committee deems appropriate, for any interested party to present by oral or written statement his views concerning articles being considered for designation as eligible articles for purposes of the Generalized System of Preferences;

(5) provides an opportunity, by the holding of public hearings upon request by an interested party, and by such other means as the Special Representative, a Deputy Special Representative or the Chairman of the Committee deems appropriate, for any interested party to present by oral or written statement his views concerning foreign trade restrictions, acts, policies, and practices, and United States actions in response thereto;

(6) provides an opportunity where deemed appropriate by the Special Representative, the Deputy Special Representative, or the Chairman, by the holding of public hearings upon request by an interested party, and by such other means as the Special Representative, the Deputy Special Representative or the Chairman deems appropriate, for any interested party to present an oral or written statement concerning any other aspect of the trade agreements program and related matters;

(7) Reviews all materials required to be furnished by the International Trade Commission to the President through the Special Representative, and transmits such materials, together, where appropriate with recommendations of action with respect thereto, to the Special Representative or a Deputy Special Representative.

(8) issues regulations governing the conduct of its public hearings and the performance of such of its other functions as it deems necessary;

(9) performs such other functions as the Special Representative or the Deputy Special Representative may from time to time direct.

§ 2002.3 Participation by other agencies.

The chairman of the Trade Policy Committee, the Trade Policy Committee Review Group, and the Trade Policy Staff Committee may invite the participation in the activities of their committees of any other agencies when matters of interest to such agencies are under consideration.

PART 2003—REGULATIONS OF TRADE POLICY STAFF COMMITTEE

Sec.

2003.0 Office, mailing address, telephone number, and hours.
2003.1 Notice of public hearings.
2003.2 Testimony and submission of written briefs.
2003.3 Requests for public hearings under section 301(d) or section 301(e).
2003.4 Presentation of oral testimony at public hearings.
2003.5 Information open to public inspection.
2003.6 Information exempt from public inspection.

AUTHORITY: The provisions set forth herein are issued under Pub. L. 93-618, 88 Stat. 1978; 76 Stat. 902, 19 U.S.C. 1872, as amended; E.O. 11846 of March 27, 1975, 40 FR 14291, March 31, 1975.

§ 2003.0 Office, mailing address, telephone number, and hours.

(a) The office of the Committee is at Room 729, 1800 G Street NW, Washington, D.C. 20506.

(b) All communications to the Committee should be addressed to the "Secretary, Trade Policy Staff Committee, Office of the Special Representative for Trade Negotiations, Room 729, 1800 G Street, NW, Washington, D.C. 20506."

(c) The telephone number of the office of the Committee is (202) 395-3395.

(d) The regular hours of the office of the Committee are from 9 a.m. to 5:30 p.m. on each business day, Monday through Friday.

§ 2003.1 Notice of public hearings.

The Committee shall publish in the FEDERAL REGISTER a notice of a proposed public hearing, the subject matter of the proposed public hearing, the period during which written briefs may be submitted, the period during which requests may be submitted to present oral testimony, and the time and place of the proposed public hearing, in the following instances:

(a) Upon publication of lists of articles by the President under section 131(a), or sections 503(a) and 131(a), of the Trade Act as a result of which public hearings are required to be held by section 133 of the Trade Act with respect to any matter relevant to a proposed trade agreement, or with respect to any matter relevant to the granting of generalized tariff preferences for the listed articles;

(b) Upon the receipt by the Committee of a request, made by an interested party in accordance with part 2003.3, for a public hearing under sections 301(d)(2), 301(e)(2), or the last paragraph of 301(e) of the Trade Act with respect to certain trade practices of foreign governments, or actions in response to such foreign trade practices;

(c) Upon instructions of the Special Representative.

§ 2003.2 Testimony and submission of written briefs.

(a) Participation by an interested party in a public hearing announced under part 2003.1 shall require the submission of a written brief before the close of the period announced, in the public notice for its submission. Such brief may be, but need not be, supplemented by the presentation of oral testimony in accordance with part 2003.4.

(b) A written brief by an interested party concerning any aspect of the trade agreements program or any related matter not subject to paragraph (a) of this section, and submitted pursuant to a public notice shall be submitted before the close of the period announced in the public notice for its submission.

(c) A written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position. It shall be submitted in not less than twenty (20) copies which shall be legibly typed, printed, or duplicated.

(d) In order to assure each party an opportunity to contest the information provided by other interested parties, the Committee will entertain rebuttal briefs filed by any party within a time limit specified by the Committee. Rebuttal briefs shall conform, in form and number, to the provisions of paragraph (c) of this section. Rebuttal briefs should be strictly limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing and should be as concise as possible.

(e) A written brief by an interested party concerning restrictions, acts, policies, or practices of foreign governments referred to in section 301(a) of the Trade Act, or concerning any other aspect of the trade agreements program or any related matter not subject to paragraph (a) or paragraph (b) of this section may be submitted at any time.

(f) The requirements in subparts (a) through (d) may be waived by the Special Representative, the Deputy Special Representative, or the Chairman of the Committee for reasons of equity and the public interest.

§ 2003.3 Requests for public hearings under sections 301(d) or 301(e).

(a) A request by a complainant for a public hearing under section 301(d)(2) of the Trade Act may be submitted in writing concurrently with or subsequent to the submission of a written brief as described in part 2003.2(e).

(b) A request by an interested person for a public hearing under section 301(e)(2) may be made in writing at any time following the publication in the FEDERAL REGISTER of a notice of intention by the President to take action under section 301(a) of the Trade Act;

(c) A request by an interested person for a public hearing under the last paragraph of section 301(e) of the Trade Act may be made in writing within a reasonable time following the taking of an action by the President under section 301(a) of the Trade Act, or following an announcement in the FEDERAL REGISTER that such action has been taken, whenever the President has taken such action prior to the conduct of public hearings as authorized by the last paragraph of section 301(e).

(d) A request for a public hearing under sections 301(d) or 301(e) shall state briefly the interest of each applicant and the position to be taken by each applicant. It shall be submitted in not less than twenty (20) copies which shall be legibly typed, printed, or duplicated.

(e) After receipt of a request for a public hearing under sections 301(d) or 301(e) of the Trade Act, the Secretary of the Committee will notify the applicant whether his request meets the requirements of this part, and if so, the time and place for the public hearing and for his appearance, and the amount of time allotted for his oral testimony. If the request does not meet the requirements of this part, the Secretary of the Committee will so notify the applicant together with the reasons therefor.

§ 2003.4 Presentation of oral testimony at public hearings.

(a) A request by an interested party to present oral testimony at a public hearing shall be submitted in writing before the close of the period announced in the public notice for its submission, and shall state briefly the interest of the applicant and the position to be taken by the applicant. Such request will be granted only if a written brief has been prepared and submitted in accordance with §§ 2003.2 and 2033.3. The requirements of this subpart may be waived by the Special Representative, the Deputy Special Representative or the Chairman of the Committee for reasons of equity and the public interest.

(b) After receipt and consideration of a request to present oral testimony at a public hearing, the Secretary of the Committee shall notify the applicant whether the request conforms to the requirements of § 2003.4(a), and if so, the time and place for the hearing and for his appearance, and the amount of time allotted for his oral testimony, and if not, will give the reasons why the request does not conform to the requirements.

(c) In presenting testimony, the interested party should supplement the information contained in the written brief, and should be prepared to answer questions relating to such information.

(d) A stenographic record shall be made of every public hearing.

§ 2003.5 Information open to public inspection.

With the exception of information subject to part 2003.6, an interested party may, upon request, inspect at the office of the Committee:

(1) Any written request, brief, or similar submission of information;

(2) Any stenographic record of a public hearing;

(3) Other public written information concerning the trade agreements program and related matters.

§ 2003.6 Information exempt from public inspection.

(a) The Committee shall exempt from public inspection business information submitted by an interested party if the Committee determines that such information concerns or relates to trade secrets and commercial and financial information the disclosure of which is not authorized by the interested party furnishing such information and is not required by law.

(b) A party requesting that the Committee exempt from public inspection business information submitted in writing shall clearly mark each page "BUSINESS CONFIDENTIAL" at the top.

(c) The Committee may deny a request that it exempt from public inspection any particular business information if it determines that such information is not entitled to exemption under § 2003.6(a). In the event of such denial, the party submitting the particular business information will be notified of the reasons for the denial and will be permitted to withdraw his submission.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

APPENDIX A

ADMINISTRATION OF THE TRADE AGREEMENTS PROGRAM

Text of Executive Order No. 11846 of March 27, 1975 (40 FR 14291).

By virtue of the authority vested in me by the Trade Act of 1974, hereinafter referred to as the Act (Public Law 93-618, 88 Stat. 1978), the Trade Expansion Act of 1962, as amended (19 U.S.C. 1801), Section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *The Trade Agreements Program.* The "trade agreements program" includes all activities consisting of, or related to, the negotiation or administration of international agreements which primarily concern trade and which are concluded pursuant to the authority vested in the President by the Constitution, Section 350 of the Tariff Act of 1930, as amended, the Trade Expansion Act of 1962, as amended, or the Act.

SEC. 2. *The Special Representative for Trade Negotiations.*

(a) The Special Representative for Trade Negotiations, hereinafter referred to as the Special Representative, in addition to the functions conferred upon him by the Act, including Section 141 thereof, and in addition to the functions and responsibilities set forth in this Order, shall be responsible for such other functions as the President may direct.

(b) The Special Representative, except where otherwise expressly provided by statute, Executive order, or instructions of the President, shall be the chief representative of the United States for each negotiation under the trade agreements program and shall participate in other negotiations which may have a direct and significant impact on trade.

(c) The Special Representative shall prepare, for the President's transmission to Congress, the annual report on the trade agreements program required by Section 163(a) of the Act. At the request of the Special Representative, other agencies shall assist in the preparation of that report.

(d) The Special Representative, except where expressly otherwise provided or prohibited by statute, Executive order, or instructions of the President, shall be responsible for the proper administration of the trade agreements program, and may, as he deems necessary, assign to the head of any Executive agency or body the performance of his duties which are incidental to the administration of the trade agreements program.

(e) The Special Representative shall consult with the Trade Policy Committee in connection with the performance of his functions, including those established or delegated by this Order, and shall, as appropriate, consult with other Federal agencies or bodies. With respect to the performance of his functions under Title IV of the Act, including those established or delegated by this Order, the Special Representative shall also consult with the East-West Foreign Trade Board.

(f) The Special Representative shall be responsible for the preparation and submission of any Proclamation which relates wholly or primarily to the trade agreements program. Any such Proclamation shall be subject to all the provisions of Executive Order No. 11030, as amended, except that such Proclamation need not be submitted to the Director of the Office of Management and Budget.

(g) The Secretary of State shall advise the Special Representative, and the Committee, on the foreign policy implications of any action under the trade agreements program. The Special Representative shall invite appropriate departments to participate in trade negotiations of particular interest to such departments, and the Department of State shall participate in trade negotiations which have a direct and significant impact on foreign policy.

SEC. 3. *The Trade Policy Committee.* (a) As provided by Section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872), as amended by Section 602(b) of the Act, there is established the Trade Policy Committee hereinafter referred to as the Committee. The Committee shall be composed of:

(1) The Special Representative, who shall be Chairman.
(2) The Secretary of State.
(3) The Secretary of the Treasury.
(4) The Secretary of Defense.
(5) The Attorney General.
(6) The Secretary of the Interior.
(7) The Secretary of Agriculture.
(8) The Secretary of Commerce.
(9) The Secretary of Labor.
(10) The Assistant to the President for Economic Affairs.
(11) The Executive Director of the Council on International Economic Policy.

Each member of the Committee may designate an officer of his agency, whose status is not below that of an Assistant Secretary, to serve in his stead, when he is unable to attend any meetings of the Committee. The Chairman, as he deems appropriate, may invite representatives from other agencies to attend the meetings of the Committee.

(b) The Committee shall have the functions conferred by the Trade Expansion Act of 1962, as amended, upon the inter-agency organization referred to in Section 242 thereof, as amended, the functions delegated to it by the provisions of this Order, and such other functions as the President may from time to time direct. Recommendations and advice of the Committee shall be submitted to the President by the Chairman.

(c) The recommendations made by the Committee under Section 242(b)(1) of the Trade Expansion Act of 1962, as amended, with respect to basic policy issues arising in the administration of the trade agreements program, as approved or modified by the President, shall guide the administration of the trade agreements program. The Special Representative or any other officer who is chief representative of the United States in a negotiation in connection with the trade agreements program shall keep the Committee informed with respect to the status and conduct of negotiations and shall consult with the Commitee regarding the basic policy issues arising in the course of negotiations.

(d) Before making recommendations to the President under Section 242(b)(2) of the Trade Expansion Act of 1962, as amended, the Committee shall, through the Special Representative, request the advice of the Adjustment Assistance Coordinating Committee, established by Section 281 of the Act.

(e) The Committee shall advise the President as to what action, if any, he should take under Section 337(g) of the Tariff Act of 1930, as amended by Section 341 of the Act, relating to unfair practices in import trade.

(f) The Trade Expansion Act Advisory Committee established by Section 4 of Executive Order No. 11075 of January 15, 1963, is abolished and all of its records are transferred to the Trade Policy Committee.

SEC. 4. *Trade Negotiations Under Title I of the Act.*

(a) The functions of the President under Section 102 of the Act concerning notice to, and consultation with, Congress, in connection with agreements on nontariff barriers to, and other distortions of, trade, are hereby delegated to the Special Representative.

(b) The Special Representative, after consultation with the Committee, shall prepare, for the President's transmission to Congress, all proposed legislation and other documents necessary or appropriate for the implementation of, or otherwise required in connection with, trade agreements; provided, however, that where implementation of an agreement on nontariff barriers to, and other distortions of, trade requires a change in a domestic law, the department or agency having the primary interest in the administration of such domestic law shall prepare and transmit to the Special Representative the proposed legislation necessary or appropriate for such implementation.

(c) The functions of the President under Section 131(c) of the Act with respect to advice of the International Trade Commission and under Section 132 of the Act with respect to advice of the departments of the Federal Government and other sources, are delegated to the Special Representative. The functions of the President under Section 133 of the Act with respect to public hearings in connection with certain trade negotiations are delegated to the Special Representative, who shall designate an interagency committee to hold and conduct any such hearings.

(d) The functions of the President under Section 135 of the Act with respect to advisory committees and, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (86 Stat. 770, 5 U.S.C. App. I), except that of reporting annually to Congress, which are applicable to advisory committees under the Act are delegated to the Special Representative. In establishing and organizing general policy advisory committees or sector advisory committees under Section 135(c) of the Act, the Special Representative shall act through the Secretaries of Commerce, Labor and Agriculture, as appropriate.

(e) The functions of the President with respect to determining ad valorem amounts and equivalents pursuant to Sections 601 (3) and (4) of the Act are hereby delegated to the Special Representative. The International Trade Commission is requested to advise the Special Representative with respect to determining such ad valorem amounts and equivalents. The Special Representative shall seek the advice of the Commission and consult with the Committee with respect to the determination of such ad valorem amounts and equivalents.

(f) Advice of the International Trade Commission under Section 131 of the Act, and other advice or reports by the International Trade Commission to the President or the Special Representative, the release or disclosure of which is not specifically authorized or required by law, shall not be released or disclosed in any manner or to any extent not specifically authorized by the President or by the Special Representative.

SEC. 5. *Import Relief and Market Disruption.*

(a) The Special Representative is authorized to request from the International Trade Commission the information specified in Sections 202(d) and 203(1) (1) and (2) of the Act.

(b) The Secretary of the Treasury, in consultation with the Secretary of Commerce or the Secretary of Agriculture, as appropriate, is authorized to issue, under Section 203(g) of the Act, regulations governing the administration of any quantitative restrictions proclaimed in order to provide import relief and is authorized to issue, under Section 203(g) of the Act or 352(b) of the Trade Expansion Act of 1962, regulations governing the entry, or withdrawal from warehouses for consumption, of articles pursuant to any orderly marketing agreement.

(c) The Secretary of Commerce shall exercise primary responsibility for monitoring imports under any orderly marketing agreement.

SEC. 6. *Unfair Trade Practices.*

(a) The Special Representative, acting through an interagency committee which he shall designate for such purpose, shall provide the opportunity for the presentation of views, under Sections 301(d)(1) and 301(e)(1) of the Act, with respect to unfair or unreasonable foreign trade practices and with respect to the United States response thereto.

(b) The Special Representative shall provide for appropriate public hearings under Section 301(e)(2) of the Act; and, shall issue regulations concerning the filing of requests for, and the conduct of, such hearings.

(c) The Special Representative is authorized to request, pursuant to Section 301(e)(3) of the Act, from the International Trade Commission, its views as to the probable im-

pact on the economy of the United States of any action under Section 301(a) of the Act.

SEC. 7. *East-West Foreign Trade Board.* (a) In accordance with Section 411 of the Act, there is hereby established the East-West Foreign Trade Board, hereinafter referred to as the Board. The Board shall be composed of the following members and such additional members of the Executive branch as the President may designate:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of Agriculture.
(4) The Secretary of Commerce.
(5) The Special Representative for Trade Negotiations.
(6) The Director of the Office of Management and Budget.
(7) The Executive Director of the Council on International Economic Policy.
(8) The President of the Export-Import Bank of the United States.
(9) The Assistant to the President for Economic Affairs.

The President shall designate the Chairman and the Deputy Chairman of the Board. The President may designate an Executive Secretary, who shall be Chairman of a working group which will include membership from the agencies represented on the Board.

(b) The Board shall perform such functions as are required by Section 411 of the Act and such other functions as the President may direct.

(c) The Board is authorized to promulgate such rules and regulations as are necessary or appropriate to carry out its responsibilities under the Act and this Order.

(d) The Secretary of State shall advise the President with respect to determinations required to be made in connection with Sections 402 and 409 of the Act (dealing with freedom of emigration) and Section 403 (dealing with United States personnel missing in action in Southeast Asia), and shall prepare, for the President's transmission to Congress, the reports and other documents required by Sections 402 and 409 of the Act.

(e) The President's Committee on East-West Trade Policy, established by Executive Order No. 11789 of June 25, 1974, as amended by Section 6(d) of Executive Order No. 11808 of September 30, 1974, is abolished and all of its records are transferred to the Board.

SEC. 8. *Generalized System of Preferences.*

(a) The Special Representative, in consultation with the Secretary of State, shall be responsible for the administration of the generalized system of preferences under Title V of the Act.

(b) The Committee, through the Special Representative, shall advise the President as to which countries should be designated as beneficiary developing countries, and as to which articles should be designated as eligible articles for the purposes of the system of generalized preferences.

SEC. 9. *Prior Executive Orders.* (a) Executive Order No. 11789 of June 25, 1974, and Section 6(d) of Executive Order No. 11808 of September 30, 1974, relating to the President's Committee on East-West Trade Policy are hereby revoked.

(b)(1) Sections 5(b), 7, and 8 of Executive Order No. 11075 of January 15, 1963, are hereby revoked effective April 3, 1975; (2) the remainder of Executive Order No. 11075, and Executive Order No. 11106 of April 18, 1963 and Executive Order No. 11113 of June 13, 1963, are hereby revoked.

GERALD R. FORD

THE WHITE HOUSE,
March 27, 1975.

[FR Doc.75-1101 Filed 4-25-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-11368, IA-455 File No. S7-560]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Adoption of Temporary Exemption From the Advisers Act and the Rules and Regulations Thereunder for Certain Brokers and Dealers (S7-560)

Notice is hereby given that the Securities and Exchange Commission hereby adopts temporary Rule 206A-1(T) [17 CFR 275.206A-1(T)] under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 et seq.] ("Advisers Act") to exempt until August 31, 1975, certain registered brokers and dealers from the provisions of the Advisers Act and the rules and regulations thereunder. The temporary rule, which will become effective on May 1, 1975, the effective date of Rule 19b-3 [17 CFR 240.19b-3] under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.] ("Exchange Act"),[1] is adopted pursuant to the authority granted to the Commission by sections 206A, 202(a)(11), 211(a) and 211(b) [15 U.S.C. 80b-6A, 80b-2(a)(11), 80b-11(a) and 80b-11(b)] of the Advisers Act.[2]

Rule 19b-3 under the Exchange Act will prohibit any national securities exchange from adopting or retaining any rule that requires, or from otherwise requiring, its members to charge fixed rates of commission for transactions executed on, or by the use of the facilities of, such exchange after the applicable effective dates. As a result of the elimination of fixed commission rates on exchange transactions, some broker-dealers may determine that one appropriate response to the new competitive environment would be to charge separately for research and other investment advice furnished to customers. Excluded from the definition of investment adviser is "any broker or dealer whose performance of such [investment advisory] services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor." Separate charges for research and other investment advice, however, would clearly constitute "special compensation" within the meaning of section 202(a)(11)(C) [15 U.S.C. 80b-2(a)(11)(C)] so that such brokers and dealers would become "investment advisers," as defined in section 202(a)(11) of the Advisers Act.[3] Unless otherwise exempt, an investment adviser who makes "use of the mails or any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser" must register with the Commission and comply with the provisions of the Advisers Act.

In the course of the Commission's consideration of Rule 19b-3 under the Exchange Act, comments were directed to the possible impact of competitive rates on brokers and dealers. There was little public comment, however, with regard to the application of the Advisers Act to brokers and dealers. Furthermore, comments can more readily and more usefully be made in light of some experience with the actual implementation of competitive rates.

The Commission also is aware that those brokers and dealers who have long relied on the exclusion provided by section 202(a)(11)(C) of the Advisers Act may not be familiar with the provisions of the Advisers Act or its possible impact upon their advisory activities. In any event, it is appropriate temporarily to relieve brokers and dealers from dealing simultaneously with new business and

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[1] Securities Exchange Act Release No. 11203 (Jan. 23, 1975) [40 FR 7394 (Feb. 20, 1975)].

[2] Section 206A of the Advisers Act provides as follows:

The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Section 202(a)(11) of the Advisers Act provides, in relevant part, as follows:

"Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities; but does not include * * * (C) any broker or dealer whose performance of such services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor * * * or (F) such other persons not within the intent of this paragraph, as the Commission may designate by rules and regulations or order.

Section 211 (a) and (b) of the Advisers Act provides as follows:

(a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in this title. For the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters.

(b) Subject to the provisions of the Federal Register Act and regulations prescribed under the authority thereof, the rules and regulations of the Commission under this title, and amendments thereof, shall be effective upon publication in the manner which the Commission shall prescribe, or upon such later date as may be provided in such rules and regulations.

[3] *See* Investment Advisers Act Release No. 2 (Oct. 28, 1940).

regulatory environments.[4] Therefore, in order to provide for a thorough consideration by the Commission and by the public of questions related to the applicability of the Advisers Act of brokers and dealers, the Commission has determined to exempt temporarily certainly brokers and dealers from the provisions of the Advisers Act for a period extending from May 1, 1975, to August 31, 1975. That period should be sufficient to allow such brokers and dealers to develop and test new pricing practices after May 1, 1975, without need to comply with the Advisers Act, and to become familiar with the provisions of that Act and interpretations thereunder and to consider their possible interaction with brokerage practices. The Commission welcomes suggestions for further action.[5]

The Commission does not believe that the temporary exemptive rule being adopted is necessary or appropriate with respect to broker-dealers who are already registered under the Advisers Act, since no adjustment period would be needed by those already subject to that Act; nor will the rule be applicable to any broker-dealer who is an investment adviser to an investment company registered or required to be registered under the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq.]. Similarly, any person who becomes registered as a broker-dealer after May 1, 1975 (except as a successor pursuant to Rule 15b1–3 [17 CFR 240.15b1–3] under the Exchange Act) should be able to comply at the same time with all applicable requirements of both the Exchange Act and Advisers Act without undue difficulty.[6]

Of course, the exemption would terminate prior to August 31, 1975, as to any person who chooses to effect voluntary registration under the Advisers Act as an investment adviser.

Broker-dealers entitled to the temporary exemption afforded by Rule 206A–1(T) would not be subject to the antifraud provisions of the Advisers Act and the rules thereunder. Nevertheless, notwithstanding the temporary exemption, as a result of a broker-dealer's providing investment advisory services to a customer, there may arise a relationship of special trust and confidence which, under applicable law, would impose upon the broker-dealer the high standards inherent in a fiduciary relationship.[7]

The text of Rule 206A–1(T) [Sec. 275.-206A–1(T)] is as follows:

Sec. 275.206A–1(T), Temporary Exemption for Certain Broker-Dealer/Investment Advisers.

Any person who is registered as a broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934 on May 1, 1975, and is not then registered as an investment adviser pursuant to section 203 of the Investment Advisers Act of 1940 (or any successor, within the meaning of Rule 15b1–3 under the Securities Exchange Act of 1934, to such broker or dealer) shall be temporarily exempt from the provisions of the Act and the rules and regulations thereunder until August 31, 1975; *Provided, however*, That this exemption shall not be applicable to any such person (a) whose broker-dealer registration is withdrawn, suspended, cancelled or revoked, or (b) who acts as an investment adviser, as defined in section 2(a)(20) of the Investment Company Act of 1940, to any investment company registered or required to be registered under that Act.

The Commission finds that the adoption of Rule 206A–1(T) is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act since it will provide an exemption from a statutory requirement for a class of persons registered under and subject to the provisions of the Exchange Act. The Commission further finds, in accordance with the requirements of the Administrative Procedure Act,[8] that notice of Rule 206A–1(T) prior to its adoption and public procedure thereon are impracticable and unnecessary and publication for 30 days prior to its effective date may be omitted, since the rule grants an exemption from statutory requirements which otherwise would be applicable and since it is in the public interest to facilitate the transition to competitive public commission rates on May 1, 1975, pursuant to Rule 19b–3 under the Exchange Act. Accordingly, Rule 206A–1(T) shall become effective on May 1, 1975.

Any communications and suggestions to the Commission concerning the performance of advisory services by broker-dealers should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All communications should refer to File No. S7–560, and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 23, 1975.

[FR Doc.75–11205 Filed 4–25–75;8:45 am]

[4] For example, if a broker-dealer determines to charge separately for investment advice on or shortly after May 1, 1975, the time required for the preparation and filing of Form ADV (the application for registration as an investment adviser), as well as the thirty day period which must elapse, in the absence of acceleration, before registration becomes effective, might impede prompt implementation of the broker-dealer's decision. Similarly, a reasonable period may be necessary to permit the broker-dealer to institute internal procedures to facilitate compliance with those recordkeeping and other regulatory requirements under the Advisers Act which are different from those imposed by the Exchange Act.

[5] The Commission pointed out in Securities Exchange Act Release No. 11203 (Jan. 23, 1975), at page 42, that as a result of implementing Rule 19b–3 under the Exchange Act, "Questions relating to the definition of investment adviser under the Investment Advisers Act of 1940 may require analysis based on experience with competitive commission rates."

[6] The Commission also has proposed Rule 206(3)–1 [17 CFR 275.206(3)–1] (Investment Advisers Act Release No. 448 (Mar. 31, 1975) [40 FR 14782 (Apr. 2, 1975)]) which would exempt under certain circumstances dually registered investment advisers/broker-dealers from Section 206(3) with respect to publicly distributed written materials, publicly made oral statements, or responses to specific requests for statistical information where no opinions or estimates are given. The adoption of Rule 206A–1(T) does not affect the Commission's consideration of proposed Rule 206(3)–1. The proposed rule would apply to investment adviser/broker-dealers who will not qualify for the temporary exemption under Rule 206A–1(T). It also would continue to apply after the temporary exemption expires.

[7] *See, e.g., Chasins v. Smith, Barney & Co., Inc.*, 438 F. 2d 1167 (2d Cir. 1971); *In the Matter of Arleen W. Hughes*, 27 S.E.C. 629 (1948), *aff'd sub nom. Hughes v. S.E.C.*, 174 F. 2d 969 (D.C. Cir. 1949); *Cant v. A. G. Becker & Co., Inc.*, 374 F. Supp. 36 (N.D. Ill. 1974).

[8] 5 U.S.C. 551 et seq. (1970).

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOOD

French Dressing Standard of Identity; Optional Use of Colorants and Declaration of Optional Ingredients; Confirmation, Extension of Effective Date

The Food and Drug Administration issued an order, published in the FEDERAL REGISTER of November 8, 1974 (39 FR 39554) amending the standard of identity for french dressing (21 CFR 25.2) to allow optional use of any safe and suitable color additive(s) which will impart the traditionally expected color to the dressing. On the initiative of the Commissioner of Food and Drugs, the order also included a provision that all optional ingredients must be declared by their common or usual name on the label, thereby providing consumers with more complete knowledge of what the food contains.

In this order, the Commissioner is confirming the January 7, 1975 effective date for the part of the order allowing optional use of color additives in french dressing. However, he is extending the effective date to June 30, 1975 for the labeling requirements.

An inquiry was received concerning the January 7, 1975 effective date of the new labeling requirement for this standard. Since the standard now requires all ingredients to be declared in the ingredient statement, thereby necessitating significant label revisions, and only 60 days were provided to effect this change, the Commissioner of Food and Drugs is of the opinion that it would be in keeping with the "Uniform Effective Date for New Food Labeling Regulations" notice, published in the FEDERAL REGISTER of November 14, 1974 (39 FR 40184), to provide for the effective date of the label changes made to comply only with § 25.2(e) of the french dressing standard to be extended to June 30, 1975. The labeling of french dressings that are reformulated to incorporate safe and suitable color ad-

ditives (other than paprika) pursuant to § 25.2(d)(2) shall declare such color additives at the time the product is first introduced in interstate commerce.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective January 7, 1975.

In regard to compliance with the order, if labeling changes are to be made to comply only with § 25.2(e) the time for compliance is extended to June 30, 1975. However, a manufacturer who has changed his formulation to take advantage of the new safe and suitable color additive provision (§ 25.2(d)(2)) shall declare such color additives on the label of the newly formulated product in accordance with the applicable sections of 21 CFR Part 1 at the time such product is first introduced in interstate commerce.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10960 Filed 4-25-75;8:45 am]

SUBCHAPTER G—COSMETICS

PART 701—COSMETIC LABELING

Designation of Ingredients on Packaged Labels; Correction

In FR Doc. 75-5330 appearing in the FEDERAL REGISTER for Monday, March 3, 1975, § 701.3(o)(3) in the third column of page 8923 is corrected in the 14th line by adding the word "not" between "that are" and "misleading". As corrected, the line reads: "that are not misleading, declaring the other".

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10961 Filed 4-25-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Peyote; Statement of Policy and Interpretation

"Peyote," as it is used in the "Comprehensive Drug Abuse Prevention and Control Act of 1970," section 202(c), Schedule I (c)(12); 21 USC 812 (hereinafter the "Act"); and as used in 21 CFR 1308.11(d)(12), is the common name of the plant presently classified botanically as *Lophophora Williamsii Lemaire*.

Specialized findings of fact describing the plant, its chemical constituents, its method of use, and its potential for abuse, have been published in the Federal Register (35 FR 14789, September 23, 1970).

Consistent with those findings, it has been, and it continues to be the policy of the Administrator, that all parts of the plant *Lophophora Williamsii Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or extracts, fall within the meaning of the term "peyote" as used in the Act and in 21 CFR 1308.11(d)(12).

Therefore, in furtherance of this interpretation, and in accordance with section 552(a)(1)(D) of the Administrative Procedure Act (5 USC 552 (a)(1)(D)); and under the authority vested in the Attorney General by section 201(a) of the Controlled Substances Act of 1970 (21 USC 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100(b) of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that § 1308.11 (d)(12) be revised to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(12) Peyote	7415

Meaning all parts of the plant presently classified botanically as *Lophophora Williamsii Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or extracts.

(Interprets 21 USC 812(c), Schedule I(c)(12))

Effective date. This order is effective on April 28, 1975.

Dated: April 22, 1975.

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

[FR Doc.75-10990 Filed 4-25-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

National Fire Protection Association; Mailing Address Change

Pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657), in Secretary of Labor's Order No. 12–71 (36 FR 8754), and in 29 CFR Part 1911, Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended as set forth below.

The correction is necessitated by a change of mailing address made by the National Fire Protection Association, which organization is referred to in several sections of Part 1910.

Since this correction makes no change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in the effective date under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or 5 U.S.C. 553.

Accordingly, Part 1910 is amended as follows:

§§ 1910.40, 1910.100, 1910.116, 1910.-165b, 1910.171, 1910.184, 1910.254 [Amended]

Sections 1910.40, 1910.100, 1910.116, 1910.165b, 1910.171, 1910.184, and 1910.-254 of Title 29 of the Code of Federal Regulations are hereby amended by correcting the address of the National Fire Protection Association to read as follows:

National Fire Protection Association
470 Atlantic Avenue
Boston, Massachusetts 02210

This amendment is effective April 26, 1975.

(Secs. 6, 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754)

Signed at Washington, D.C. this 18th day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10937 Filed 4-25-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

California Plan Supplements; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this title. On May 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and of the adoption of Subpart K of Part 1952 describing the plan. On December 7, 1973, and March 4, 1974,, the State of California submitted supplements to the plan involving developmental changes (see Subpart B of 29 CFR Part 1953 and State initiated changes (see Subpart E of 29 CFR Part 1953). On April 26, 1974, a notice was published in the FEDERAL REGISTER (39 FR 14723) concerning the submission of these supplements to the Assistant Secretary of Labor for Occupational Safety and Health and the fact that the question of approval was in issue before him.

The supplements include:

a. Legislation, "Assembly Bill No. 150," approved by the Governor and filed with the Secretary of State on October 2, 1973 authorizing complete implementation of the basic State plan;

b. Interagency agreements between the State's designated agency (the State Department of Industrial Relations) and

the State Department of Public Health and the State Fire Marshal to foster the accomplishment of the plan's objectives;

c. A description of the significant differences between the enacted legislation and the legislation originally proposed in the plan;

d. A description of the organization and operation of the State's consultative service program; and

e. A change in the State's developmental schedule for completion of a revision of its standards from May 1, 1974 to October 31, 1975.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning these supplements. Interested persons were also afforded an opportunity to request an informal hearing with respect to the supplements.

2. *Issues.* Comments were received from interested persons and organizations, including the California Chamber of Commerce, the California Manufacturers Association, the Pacific Gas and Electric Company, and Glen Springer Associates. There were no requests for a hearing.

The major substantive comments concerned the legislation (A.B. 150), insofar as it responded to a commitment by California to remove sanctions against employees for violations of standards from the current provisions of the California Labor Code (See California Approval Notice (38 FR 10717)). These general provisions were repealed (sections 6315 and 6414) insofar as they constituted broad employee sanctions for violations of standards or orders. California did retain a potential employee sanction against any person removing or interfering with safety devices. These provisions are not considered employee sanctions that would interfere with the effectiveness of the State's enforcement program. (See Oregon decision 38 FR 19368).

In addition, California amended its pre-existing criminal misdemeanor employee sanction so as to limit its applicability to knowing, negligent, willful and/or repeated violations of standards by employers and those employees functioning in management or supervisory positions (sections 6423 and 6425).

There were no other substantive comments relevant to the plan changes as submitted.

3. *Decision.* In order to maintain the effective enforcement program required by the Act and 29 CFR Part 1902, an employee sanction must meet the following requirements: (1) it must be applicable only in clearly defined situations, and (2) it must not relieve the employer of his primary responsibility for occupational safety and health, including his obligation to take all possible steps to insure that employees' actions do not violate the standards. (See Oregon decision, 37 FR 28628, and Iowa decision, 38 FR 9368).

California's employee sanction, as outlined above, meets these criteria. Charges would only be placed against those employees in a supervisory capacity and then only for knowing, negligent, willful and/or repeated violations of standards. The law also contains special discrimination protections for employees. Section 6311 of A.B. 150 prohibits employers from discharging employees who refuse to violate safety and health standards where there is a serious violation or a real and apparent hazard to employees.

In order to ensure that the employer's primary responsibility for safety and health is not diminished, California's legislation authorizes civil penalties as well as criminal misdemeanor charges against the employer. It is particularly important to retain the employer's overall obligation to protect employee safety and health in cases where supervisory employees are subject to prosecution so as not to shift the burden of compliance with standards to these employees. Such a result would be inconsistent with the implementation of the Federal Act where actions of supervisory employees are imputed to the employer because of his obligation to provide a safe place of employment. See generally "Secretary of Labor v. Cameron Brothers Construction Co." 3 CCH Para. 16,395 August 9, 1973; "Secretary of Labor v. Maher Distribution Center" 3 CCH Para. 16,814 October 25, 1973. Accordingly, by letter dated March 6, 1975, from Steven A. Jablonsky California has provided assurances that appropriate citations will be issued to employers even where a criminal prosecution against a supervisory employee is contemplated.

In light of the apparently limited and restricted scope of this sanction and the availability of employment discrimination protections to employees, its inclusion in the California plan is not considered to undermine the effectiveness of the State's program. The actual implementation of the criminal sanctions, particularly as they relate to the employers' responsibility and/or employee discrimination protections, will be carefully reviewed during the continuous evaluation of the State plan. In addition, records will be kept and evaluated on the impact of the 10-day notice to employer requirement of section 6311 on implementation of this employee protection contained in that section.

After careful consideration of the plan supplements and the comments submitted regarding them, the supplements incorporated as part of the approved plan and under which the State has been carrying on its approved plan, are hereby approved under 29 CFR Part 1953.

Accordingly, Subpart K of 29 CFR Part 1952 is hereby amended, effective immediately, as set forth below.

1. Paragraph (b) of § 1952.173 is revised as follows:

§ 1952.173 Developmental schedule.

* * * * *

(b) By October 31, 1975, present standards will be amended or new standards promulgated which are as effective and comprehensive as those set forth in Chapter XVII of this Title 29 of the Code of Federal Regulations;

* * * * *

2. A new § 1952.174 is added to Subpart K of Part 1952 to read as follows:

§ 1952.174 Completed developmental steps.

(a)(1) In accordance with § 1952.173 (a), the California Occupational Safety and Health Act (Assembly Bill No. 150) was enacted in September 1973 and filed with the California Secretary of State October 2, 1973.

(2) The following difference between the program described in § 1952.170(a) and the program authorized by the State law is approved: Authority to grant or deny temporary variances rests with the Division of Industrial Safety, and such authority for permanent variances is with the Occupational Safety and Health Standards Board. The Board hears appeals from the Division of Industrial Safety's decisions on temporary variances.

(b) In accordance with § 1952.173(d) formal interagency agreements were negotiated and signed between the Department of Industrial Relations and the State Department of Health (June 28, 1973) and between the State Department of Industrial Relations and the State Fire Marshal (August 14, 1973).

(c) In accordance with § 1952.173(f), a program of consultation with employers and employees was fully functioning in January 1974.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 18th day of April 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10938 Filed 4-25-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Oregon Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Under § 1954.3 of this chapter, guidelines and procedures are provided for the exercise of discretionary concurrent Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it meets the following requirements: enacted enabling legislation, approved State standards, has a sufficient number of qualified enforcement personnel, and provisions for review of enforcement actions. In making

determinations as to whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Under § 1954.3(f) of this chapter, notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities will be published in the FEDERAL REGISTER.

2. *Notice of Oregon operational agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that a determination has been made that Oregon has met the following conditions for operational status:

(1) Enactment of the Oregon Safe Employment Act of 1973 (hereinafter called OSEA) (Senate Bill No. 44, ORS Chapter 654, effective July 1, 1973) and proposed as completion of a developmental step September 17, 1974, (39 FR 33423);

(2) Promulgation of State standards covering all issues as defined by Subparts B through R of 29 CFR Part 1910 found by the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) to provide overall protection equal to the comparable Federal standards in such issues;

Promulgation of revisions and additions to existing State standards covering issues defined by Subparts F, I, K, M, and N of 29 CFR Part 1910 and approval by the Assistant Regional Director that the standards are at least as effective as the comparable Federal standards in accordance with 29 CFR 1953.4, effective October 25, 1974 (39 FR 38036);

Promulgation of State standards covering issues defined by Subpart S of 29 CFR Part 1910 and approval by the Assistant Regional Director, effective January 16, 1975 (40 FR 2885);

Promulgation of other necessary revisions and additions to State standards to cover all other issues was completed by October 4, 1974, including standards contained in 29 CFR Parts 1918 and 1926 and §§ 1910.109 and 1910.142 which in the professional judgment of the Assistant Regional Director provides overall protection equal to the comparable Federal standards in such issues.

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system; namely, seventy-seven (77) safety inspectors and eight (8) health inspectors as of July 1, 1974.

(4) A review and appeals system in the Hearing Division of the Workmen's Compensation Board, providing the mechanism for employer and employees to contest enforcement actions and/or abatement dates, in operation since December 20, 1973, under temporary rules and regulations promulgated effective that date, subsequently replaced by permanent rules promulgated effective April 15, 1974 (Oregon Administrative Rules, Chapter 436, sections 85–005 to 85–915).

(5) State enforcement since August 1, 1973, of the State standards, monitored under Subpart C of 29 CFR Part 1954, including two on-site evaluations;

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since July 1, 1974, of rights and responsibilities under OSEA by requiring display in all work places covered by the plan of a State poster recommended for approval by the Assistant Regional Director under Subpart F of 29 CFR Part 1953;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, effective July 1, 1974 (Oregon Administrative Rules, Chapter 436, Sections 46–700 to 46–750);

(3) Responding to complaints filed with or referred to the Oregon Workmen's Compensation Board for violation of the prohibition against employer discrimination against employees for exercising their rights under Oregon Safe Employment Act (Section 14, ORS 654.062(5)(a));

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective January 23, 1975, and incorporated as part of the Oregon plan has been entered into between M. Keith Wilson, Chairman, Oregon Workmen's Compensation Board, and James W. Lake, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement authority under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered by Subparts B through S of 29 CFR Part 1910, including 29 CFR Parts 1915 through 1918 and Part 1926, where State standards are in effect and operational, except those areas listed below retained and/or exercised by the Federal government under the Act.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards contained in the issues covered by Subpart B, Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States, including dry docks and marine railways; and investigation and inspection for the purpose of evaluation of the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of January 23, 1975, Subpart D of 29 CFR Part 1952 is hereby amended, as set forth below:

Section 1952.107 is revised to read as follows:

§ 1952.107 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Oregon effective January 23, 1975, and based on a determination that Oregon is operational in the issues covered by the Oregon occupational safety and health plan, the U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Federal standards promulgated subsequent to the agreement where necessary to protect employees as in the case of standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926, until such time as Oregon shall have adopted equivalent standards in accordance with 29 CFR Part 1953, Subpart C; Federal standards contained in the issues covered by Subpart B, Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including dry docks and marine railways; complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); and investigation and inspection for the purpose of evaluation of the Oregon plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make prompt recommendation for resumption of the appropriate level of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in the State of Oregon.

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 17th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–10940 Filed 4–25–75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina; Completion of Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On February 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina Plan for occupational safety and health and of the adoption of Subpart I of Part 1952 describing the plan and containing the approval decision. On May 3, 1973, and January 2, 1975, the State submitted supplements to the plan involving developmental changes, as provided for in Subpart B of 29 CFR Part 1953. The supplements contain the Occupational Safety and Health Act of North Carolina which was enacted by the General Assembly on May 1, 1973, and became effective on July 1, 1973, and the North Carolina Safety and Health poster for private employers which is to be posted at all covered workplaces in the State. In addition, a notice was published in the FEDERAL REGISTER on March 11, 1975, concerning the approval of the revised North Carolina standards by the Assistant Regional Director of the Occupational Safety and Health Administration, Region IV (40 FR 11420).

2. *Issues.* (a) *Legislation.* In accordance with commitments expressed in the approved plan and 29 CFR Part 1952.153 (a), the State's enabling legislation, the Occupational Safety and Health Act of North Carolina (S.B. 342, Chapter 295) (hereinafter referred to as OSHANC) was enacted by the General Assembly in a form identical to that proposed and approved in Subpart I of Part 1952. Subsequent implementation of OSHANC revealed a potentially critical problem in the interpretation of section 5(g) and section 11(d)(1) of OSHANC dealing with an employee's right to file a workplace complaint. Section 5(g) provides that any employee or "authorized representative of employees" who believes a workplace hazard to exist shall have the right to request an inspection by the Commissioner of Labor. Section 11(d)(1) provides that any employee or "an employee representative of employees" may request such an inspection. In practice, section 11(d)(1) was interpreted by the State to mean that complaints from employee representatives could be accepted only if the representative were actually an employee of the employer concerned, thus precluding a union representative not an employee or family member from filing a complaint on behalf of an employee. This interpretation severely limited the North Carolina employee complaint right and appeared not at least as effective as the Federal provision. By letter dated May 23, 1974, from W. C. Creel, North Carolina Commissioner of Labor, to John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, North Carolina provided assurance that section 5(g) of OSHANC would be interpreted as controlling and "all seemingly valid complaints submitted by employees or their representatives" would be honored. This assurance has been accepted subject to close monitoring of State performance to assure that full employee rights to file workplace complaints either individually or through an authorized representative are provided.

(b) *Poster.* The North Carolina Safety and Health poster contains provisions notifying employees of their obligations and protections under the OSHANC, their right to request inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under both Federal and State laws and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur. Since OSHANC section 23 extends coverage to State and local government employees in a manner at least as effective as but with somewhat different enforcement provisions than in the private sector, this poster is intended solely for the information of employers and employees in the private sector.

3. *Location of the plan and its supplements for inspection and copying.* A copy of these supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, North Carolina Department of Labor, 11 West Edenton Street, Raleigh, North Carolina 27611.

4. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that (1) the North Carolina enabling legislation was enacted in a form identical to that contained in the approved plan and does not constitute any change from the plan as approved, (2) the North Carolina poster incorporates all of the provisions required under 29 CFR 1952.10 (a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036, November 5, 1974). Accordingly, it is felt that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the North Carolina plan supplements outlined above are approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a)(2), posting of the North Carolina poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition Subpart I of 29 CFR Part 1952, for the reasons stated in 4 above, is hereby amended effective April 28, 1975, to reflect completion of several developmental steps by adding a new section, § 1952.154 as follows:

§ 1952.154 Completed developmental steps.

(a) In accordance with § 1952.153(a) the Occupational Safety and Health Act of North Carolina (S.B. 342, Chapter 295) was enacted by the State legislature on May 1, 1973, and became effective on July 1, 1973.

(b) In accordance with § 1952.153(b), the North Carolina occupational safety and health standards identical to Federal standards (thru 12-3-74) have been promulgated and approved, as revised, by the Assistant Regional Director on March 11, 1975 (40 FR 11420).

(c) In accordance with § 1952.153(p) and the requirements of 29 CFR 1952.10, the North Carolina poster for private employers was approved by the Assistant Secretary on April 17, 1975.

(Secs. 8(g), Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 17th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10939 Filed 4-25-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-241]

PART 82—BOUNDARY LINES OF INLAND WATERS

Strait of Juan de Fuca, Haro Strait and Strait of Georgia

Correction

In FR Doc. 75-9923, appearing at page 17023 in the issue of Wednesday, April 16, the last line of § 82.120(b) should read "32" W."

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 342-5]

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

Prohibitions and Requirements

Correction

In FR Doc. 75-9803 appearing at page 17124 in the issue for Wednesday, April

16, 1975, codification errors appear in references made to § 15.20 in paragraph (b)(5) of the preamble and in §§ 15.5(a)(4) and 15.20 (a)(2), (4), and (c).

These errors are due to the fact that the internal paragraphs of § 15.20 as published were edited to conform to the codification of the Code of Federal Regulations, but references to these internal paragraphs were overlooked. These references are corrected here to conform to the correct codification of § 15.20.

As corrected, paragraph (b)(5) of the preamble and §§ 15.5(a)(4) and 15.20 (a)(2), (4), and (c) should read as set forth below:

(5) A commenter suggested that where a facility is listed for reasons other than a court adjudication (§ 15.20(a)(1)(iii) or (vi)), the facility could be subjected to an indefinite listing. A provision was included under § 15.20(c) of the regulations limiting such listing to one year unless a basis for listing under § 15.20 (a)(1)(i), (ii), (iv), or (v) is established by the Director before the one year elapses.

§ 15.5 Exemptions.

(a) * * *

(4) *Exclusion.* The foregoing exemptions shall not apply to a proposed contractor whose facility is listed on the basis of § 15.20(a)(1)(i) and (iv). Utilization of such a facility through the award of a Federal contract is barred by section 306(a) of the Air Act and section 508(a) of the Water Act where a conviction has been obtained pursuant to section 113(c)(1) of the Air Act and section 309(c) of the Water Act.

* * * * *

§ 15.20 List of violating facilities.

(a) * * *

(2) *Listing proceedings.* No facility shall be listed until there has been notification to the owner, and where appropriate, the operator, by the Director of his intent to place the facility on the List and the basis therefor, and the representatives of the facility have been afforded an opportunity to confer with the Director and present orally or in writing, and with assistance of counsel, data or information relating to the proposed placement of the facility on the List. Prior to listing on the basis of § 15.20(a)(1)(ii), (iii), (v), or (vi) the Director must determine that there is adequate evidence of continuing or recurring noncompliance with clean air or water standards at the facility. Upon request from the Assistant Administrator for Enforcement, EPA, the Director shall defer listing of a facility. The Director's determination to list shall be in writing and shall summarize the basis for his action.

* * * * *

(4) *Effective date.* The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a)(1)(i) or (iv) effective immediately. The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a)(1)(ii), (iii), (v), (vi) effective July 1, 1975.

* * * * *

(c) *Removal of facility from List.* If a conviction, order, judgment, decree, other form of civil ruling, or finding which has constituted the basis for consideration of listing a facility is reversed or otherwise modified to remove such basis, or if the Assistant Administrator for Enforcement, EPA requests removal, the facility shall be removed promptly from such listing by the Director effective upon receipt of notification of the reversal, modification, or request. Requests for removal of facilities from the List for any other basis including a request from a Governor shall be addressed to the Director. Such request shall be in writing and must contain appropriate evidence that the condition which gave rise to the listing has been corrected. Alternatively, for facilities listed under §§ 15.20(a)(1)(ii), (iii), (v), and (vi) above, the written request to de-list may be based upon an approved plan of compliance which will ensure the condition which gave rise to the listing will be corrected. Facilities listed on the basis of § 15.20(a)(1)(iii) and (vi) shall be removed from the List one year after the initial date of the listing unless the Director determines theretofore that a basis for listing under § 15.20(a)(1)(i), (ii), (iv), or (v) has been established. In the event the request for removal is denied, a hearing pursuant to § 15.21 shall be granted by the Director, if requested within ten (10) days of receipt of a notice of denial.

SUBCHAPTER C—AIR PROGRAMS

[FRL 354-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Georgia: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On October 3, 1974 (39 FR 35681) the Administrator noted that the State had included in its submittal on August 2, 1974, a number of schedules which had not received a public hearing. These schedules, in the form of temporary operating permits, were subsequently resubmitted on November 7, 1974, after notice and public hearing; additional temporary operating permits were submitted for the first time on the date. On October 8, 1974, Georgia submitted a number of temporary operating permits for sources previously subject to consent orders. Their compliance schedules were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, notice of hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the Georgia implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on December 23, 1974 (39 FR 44239). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Georgia Air Quality Control Section in Atlanta, and at the Agency's Freedom of Information Center in Washington, D.C.; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The Georgia Air Quality Control Section provided information on a number of schedules which had been changed since the Administrator's proposal of December 23, 1974. Those for which final compliance dates had been extended have been deleted from the listing given below. Also, a number of minor corrections have been made in the listings.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, NE
Atlanta, Georgia 30309

Air Quality Control Section
Environmental Protection Division
Department of Natural Resources
270 Washington Street, SW
Atlanta, Georgia 30334

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air qaulity standards. Accordingly, they are hereby approved. (The date August 2 [1974] entered below under 40 CFR 52.-

570(c)(4) refers to schedules approved by the Administrator on January 22, 1975 (40 CFR 3413); through the Agency's error, no entry corresponding to this approval action was made under "Identification of Plan" at that time.)

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in the State of Georgia and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857-c5(a)))

Dated: April 18, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart L—Georgia

1. Section 52.570 is amended by adding paragraph (c)(4) as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(4) August 2, October 8, and November 7, 1974, by the Director of the Environmental Protection Division of the Department of Natural Resources.

2. Section 52.576 is amended by inserting new lines in the table of paragraph (a) as follows:

§ 52.576 Compliance schedules.

(a) * * *

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
American Coach Co., conical burner, permit No. 2451-005-1595-T.	Milledgeville, Baldwin County.	391-3-1-.02 (2)(L).	Oct. 29, 1974	Immediately	Dec. 31, 1974
American Cyanamid Co., kaolin clay processing facilities, permit No. 3295-094-1669-T.	Anderson, Sumter County.	391-3-1-.02 (2)(N).	do	do	Nov. 30, 1974
American Industrial Clay Co., kaolin clay processing facilities, permit No. 3295-150-1231-T.	Sandersville, Washington County.	391-3-1-.02 (2)(N), 391-3-1-.02 (2)(P).	do	do	Dec. 31, 1974
Associated Rubber Co., facility for the reclaiming of rubber, permit No. 3069-071-1259-T.	Tallapoosa, Haralson County.	391-3-1-.02 (2)(A).	do	do	July 1, 1975
Augusta Building Supply, ready mix concrete facility, permit No. 3273-121-1433-T.	Augusta, Richmond County.	391-3-1-.02 (2)(N).	do	do	Do.
Babcock and Wilcox Co., kaolin clay processing facility, permit No. 3295-121-1719-T.	Hephzibah, Richmond County.	391-3-1-.02 (2)(N).	do	do	Jan. 1, 1975
Bainbridge Tie & Lumber Co., lumber company—open burning of waste, permit No. 2421-043-1800-T.	Fowlstown, Decatur County.	391-3-1-.02 (2)(A).	do	do	Dec. 31, 1974
Balfour Lumber Co., conical burner only, permit No. 2421-136-1696-T.	Thomasville, Thomas County.	391-3-1-.02 (2)(L).	do	do	Do.
Bostwick Gin, cotton gin, permit No. 0724-104-1474-T.	Bostwick, Morgan County.	391-3-1-.02 (2)(Q).	do	do	Aug. 15, 1974
Burgess Pigment Co., kaolin clay processing facilities, permit No. 3295-150-1661-T.	Sandersville, Washington County.	391-3-1-.02 (2)(N), 391-3-1-.02 (2)(P).	do	do	Aug. 1, 1974
C. & S. Block, Inc., concrete block facility, permit No. 3271-155-1722-T.	Dalton, Whitfield County.	391-3-1-.02 (2)(N).	do	do	July 1, 1975
Cohutta Talc Co., Inc., talc processing facility, permit No. 3295-105-1682-T.	Chatsworth, Murray County.	391-3-1-.02 (2)(N).	do	do	Aug. 31, 1974
Collins Ready Mix Concrete, Inc., ready mix concrete facility, permit No. 3273-018-1345-T.	Jackson, Butts County.	391-3-1-.02 (2)(N).	do	do	Sept. 30, 1974
Columbia Nitrogen Corp., granular fertilizer manufacturing plant, permit No. 2871-011-1341-T.	Macon, Bibb County.	391-3-1-.02(2)(B), 391-3-1-.02(2)(N).	do	do	Dec. 31, 1974
Columbia Nitrogen Corp., sulfuric acid plant, permit No. 2871-035-1360-T.	Moultrie, Colquitt County.	391-3-1-.02(2)(N).	do	do	Do.
Coastal Timber Lands, Inc., conical burner, permit No. 2421-084-1598-T.	Gray-Jones County.	391-3-1-.02(2)(L).	do	do	Do.
Dave T. Brown Lumber Co., lumber wastes, open burning, permit No. 2421-041-1761-T.	Trenton, Dade County.	391-3-1-.02(2)(A).	do	do	Do.
E. C. Carter Gin Co., cotton gin, permit No. 0724-016-1587-T.	Portal, Bulloch County.	391-3-1-.02(2)(Q).	do	do	Aug. 15, 1974
J. U. Barber Lumber Co., Inc., conical burner, permit No. 2421-099-1587-T.	Luthersville, Meriwether County.	391-3-1-.02(2)(L).	do	do	Dec. 31, 1974
V. Albert Brown Lumber Co., conical burner, permit No. 2421-150-1610-T.	Warthen, Washington County.	391-3-1-.02(2)(L).	do	do	Do.
W. C. Bradley Co., cotton gin, permit No. 0724-128-1583-T. mix concrete facility, permit No. 3271-092-1708-T.	Omaha, Stewart County. Lowndes County.	391-3-1-.02(2)(Q). (N).	do	do	Aug. 15, 1974
Concrete Industries, Inc., concrete products facility, permit No. 3271-047-1709-T.	Albany, Dougherty County.	391-3-1-.02(2)-(N).	do	do	Do.
Cornell-Young Co., ready mix concrete facility, permit No. 3273-011-1602-T.	Macon, Bibb County.	391-3-1-.02(2)-(N).	do	do	Aug. 30, 1974
Cornell-Young Co., ready mix concrete facility, permit No. 3273-011-1601-T.	do	391-3-1-.02(2)-(N).	do	do	May 15, 1975
Damascus Lumber Co., lumber company—open burning of wastes, permit No. 2421-048-1789-T.	Damascus, Early County.	391-3-1-.02(2)-(A).	do	do	Dec. 31, 1974
Davis Lumber Co., lumber company—open burning of wastes, permit No. 2421-047-1744-T.	Albany, Dougherty County.	391-3-1-.02(2)-(A).	do	do	Do.
Day Co's., conical burner only, permit No. 2421-120-1607-T.	Cuthbert, Randolf County.	391-3-1-.02(2)-(L).	do	do	Dec. 15, 1974
Del-Cook Lumber Co., conical burner No. 1, conical burner No. 2, permit No. 2421-037-1736-T.	Adel, Cook County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Eagle-Picher Industries; zinc and manganous oxide line, permit No. 2875-115-1707-T.	Cedartown, Polk County.	391-3-1-.02 (2)(E)	do	do	Feb. 15, 1975
Espy Materials, Inc., ready mix concrete facility, permit No. 3273-025-1505-T.	Savannah, Chatham County.	391-3-1-.02 (2)(Q)	do	do	Jan. 31, 1975
Feed Seed and Farm Supplies, Inc., feed mill, permit No. 2048-124-1549-T.	Sylvania, Screven County.	391-3-1-.02 (2)(N)	do	do	Do.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
* *	*	*	*	*	*
Freeman Lumber Co., conical burner, permit No. 2448-158-1594-T.	Toomsboro, Wilkinson County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Freeport Kaolin Co., kaolin clay processing facilities, permit No. 3295-158-1672-T.	Gordon, Wilkinson County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
General American Transportation Corp., sandblasting of railroad cars, disposal of paint residue and spray painting of railroad cars, permit No. 3743-148-1622-T.	Waycross, Ware County.	391-3-1-0.2 (2)(N)	do	do	Dec. 15, 1974
General Refractories Co., kaolin clay processing facilities, permit No. 3295-005-1635-T.	Stevens Pottery, Baldwin County.	391-3-1-.02 (2)(P), 391-3-1-.02(2)(N)	do	do	Feb. 28, 1975
Georgia Crate and Basket, conical burner only, permit No. 2449-139-1702-T.	Thomasville, Thomas County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Georgia Kaolin Co., kaolin clay processing facilities, permit No. 3295-143-1244-T.	Dry Branch, Bibb County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N)	do	do	Dec. 1, 1974
Georgia Kaolin Co., kaolin clay bulk terminal facilities, permit No. 3295-025-1717-T.	Savannah, Chatham County.	391-3-1-.02 (2)(N)	do	do	July 31, 1975
Georgia Marble Co., calcium carbonate, permit No. 3281-081-1698-T.	Whitestone, Pickens County.	391-3-1-.02 (2)(N)	do	do	Do.
Georgia Talc Co., Inc., aluminum hydrate processing facility, permit No. 3295-105-1711-T.	Chatsworth, Murray County.	391-3-1-.02 (2)(N)	do	do	Sept. 30, 1974
Georgia Tennessee Mining & Chemical Co., fullers earth clay processing plant No. 8 facilities, permit No. 3295-081-1267-T.	Wrens, Jefferson County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N)	do	do	Sept. 1, 1974
Cold Kist Fertilizer, superphosphate and granular fertilizer manufacturing plant, permit No. 2871-040-1328-T.	Cordele, Crisp County.	391-3-1-.02 (2)(F), 391-3-1-.02(2)(N)	do	do	Dec. 31, 1974
Griffin Gin & Supply Co., Inc.; cotton gin, permit No. 0724-130-1581-T.	Meigs, Thomas County.	391-3-1-.02 (2)(Q)	do	do	Aug. 15, 1974
Hallman Wood Products, Inc., conical burner, permit No. 2411-117-1607-T.	Eatonton, Putnam County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Hardwoods of Georgia Inc., lumber company—open burning of wastes, permit No. 2421-038-1790-T.	Raymond, Coweta County.	391-3-1-.02 (2)(A)	do	do	Do.
Harris Cement Products, Inc., concrete products facility, permit No. 3272-008-1793-T.	Cartersville, Bartow County.	391-3-1-.02 (2)(N)	do	do	Sept. 30, 1974
Harris Lumber Co., conical burner, permit No. 2421-028-1586-T.	Ballground, Cherokee County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Harrison Lumber Co., conical burner, permit No. 2421-147-1585-T.	Monroe, Walton County.	391-3-1-.02 (2)(L)	do	do	Do.
Hatcher Feed Mills, Inc.; feed mill, permit No. 2048-102-1457-T.	Forsyth, Monroe County.	391-3-1-.02 (2)(N)	do	do	Jan. 31, 1975
Heart of Georgia Peanut & Gin Co., cotton gin, permit No. 0724-116-1567-T.	Hawkinsville, Pulaski County.	391-3-1-.02 (2)(Q)	do	do	Aug. 15, 1974
Hogan-Scarboro Corp., conical burner, permit No. 2434-87-1589-T.	Dudley, Laurens County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Homerville Pole Co., conical burner, permit No. 2411-32-1559-T.	Homerville, Clinch County.	391-3-1-.02 (2)(L)	do	do	Do.
Hopeful Peanut and Milling Co., feed mill, permit No. 2048-125-1551-T.	Camilla, Mitchell County.	391-3-1-.02 (2)(N)	do	do	Jan. 31, 1975
J. M. Huber Corp., kaolin clay processing facilities, permit No. 3295-081-1657-T.	Wrens, Jefferson County.	391-3-1-.02 (2)(N)	do	do	June 1, 1975
Irvin Lumber Co., lumber company—open burning of wastes, permit No. 2421-154-1745-T.	Cleveland, White County.	391-3-1-.02 (2)(A)	do	do	Dec. 31, 1974
Jackson Ready Mix Concrete, Inc., ready mix concrete facility, permit No. 3273-078-1627-T.	Commerce, Jackson County.	391-3-1-.02 (2)(N)	do	do	May 15, 1975
Jones Concrete Co., ready mix concrete facility, permit No. 3273-137-1626-T.	Tifton, Tift County.	391-3-1-.02 (2)(N).	do	do	Do.
M. C. Jones Lumber Co., Inc., conical burner only, permit No. 2421-134-1701-T.	Milan, Telfair County.	391-3-1-.02 (2)(L).	do	do	Dec. 31, 1974
Howard Q. Kennedy Co., feed mill, permit No. 2048-135-1537-T.	Parrott, Terrell County.	391-3-1-.02 (2)(N).	do	do	Jan. 31, 1975
Frank G. Lake Sawmill, conical burner, permit No. 2421-079-1616-T.	Monticello, Jasper County.	391-3-1-.02 (2)(L).	do	do	Dec. 31, 1974
Thiele Kaolin Co., kaolin clay processing facilities, permit No. 3295-063-1654-T.	Stapleton, Jefferson County.	391-3-1-.02 (2)(N).	do	do	June 1, 1975
Thiele Kaolin Co., kaolin clay processing facility, permit No. 3295-150-1640-T.	Sandersville, Washington County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N).	do	do	Dec. 31, 1974
Thomason Lumber Co., Inc., conical burner, permit No. 2421-153-1609-T.	Dalton, Whitfield County.	391-3-1-.02 (2)(L).	do	do	Do.
Thor Mining Co., fullers earth processing facilities, permit No. 3295-136-1716-T.	Ochlocknee, Thomas County.	391-3-1-.02(2)(P), 391-3-1-.02(2)(N)	do	do	Sept. 15, 1974

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
* *	*	*	*	*	*
Transweal Inc., cuprous chloride, Permit No. 2819-033-1564-T.	Powder Springs, Cobb County.	391-3-1-.02(2)(A)	do	do	June 16, 1975
Tucker Concrete Co. Inc., ready mix concrete facility, permit No. 3273-044-1752-T.	Tucker, Deklab County.	391-3-1-.02(2)(N)	do	do	June 15, 1975
Waverly Mineral Products Co., fullers earth processing facilities, permit No. 3295-136-1361-T.	Meigs, Thomas County.	391-3-1-.02(2)(P), 391-3-1-.02(2)(N)	do	do	Feb. 1, 1975
Wrightsville Lumber Co., lumber company—open burning of wastes, permit No. 2421-083-1743-T.	Wrightsville, Johnson County.	391-3-1-.02(2)(A)	do	do	Dec. 31, 1974
Young Harris College, 4-90 horsepower coal fired boilers. Permit No. 8221-139-1481-T.	Young Harris, Towns County.	391-3-1-.02(2)(D)	do	do	June 1, 1975
Wilson & Sons, ready mix concrete facility, permit No. 3273-033-1521-T.	Marietta, Cobb County.	391-3-1-.02(2)(N)	do	do	Apr. 30, 1975
Longleaf Industries Inc., conical burner only, permit No. 2421-128-1692-T.	Lumpkin, Stewart County.	391-3-1-.02(2)(L)	do	do	Dec. 31, 1974
Macon Prestressed Concrete Co., prestressed concrete facility, permit No. 3272-011-1710-T.	Macon, Bibb County.	391-3-1-.02(2)(N)	do	do	May 30, 1975
Mathis-Akins Concrete Block Co., concrete products facility, permit No. 3272-011-1713-T.	do	391-3-1-.02(2)(N)	do	do	Do.
Mathis-Akins Concrete Block Co., ready mix concrete facilities, permit No. 3273-076-1712-T.	Warner Robins, Houston County.	391-3-1-.02(2)(N)	do	do	Do.
Mayo Products Co., anhydrous sodium metasilicate products, permit No. 2819-033-1699-T.	Smyrna, Cobb County.	391-3-1-.02(2)(E), 391-3-1-.02(2)(N)	do	do	July 22, 1975
Meredith Pole and Timber Co., Inc., open burning of wastes, permit No. 2411-009-1741-T.	Fitzgerald, Ben Hill County.	391-3-1-.02(2)(A)	do	do	Dec. 31, 1974
NVF Co.—Hartwell Division, hemmade burner, permit No. 3441-073-1778-T.	Hartwell, Hart County.	391-3-1-.02(2)(L)	do	do	Do.
New Riverside Ochre Co., barite and ochre processing facility, permit No. 2816-008-1705-T.	Cartersville, Bartow County.	391-3-1-.02(2)(N)	do	do	Feb. 28, 1975
Norman Park Gin Warehouse, cotton gin, permit No. 0724-035-1573-T.	Norman Park, Colquitt County.	391-3-1-.02(2)(Q).	do	do	Aug. 15, 1974
Oil-Dri Corp. of Georgia, fullers earth processing facilities, permit No. 3295-136-1354-T.	Ochlocknee, Thomas County.	391-3-1-.02(2)(P), 391-3-1-.02(2)(N)	do	do	Aug. 1, 1974
Omega Farm Supply Inc., cotton gin, permit No. 0724-137-1645-T.	Omega, Tift County	391-3-1-.02(2)(Q)	do	do	Sept. 1, 1974
Putnam Lumber Co., conical burner, permit No. 2421-117-1608-T.	Eatonton, Putnam County.	391-3-1-.02(2)(L)	do	do	Dec. 31, 1974
Rockmart Gin Co., cotton gin, permit No. 0724-115-1605-T.	Rockmart, Polk County.	391-3-1-.02(2)(Q)	do	do	Aug. 15, 1974
Royster Co., superphosphate and granular fertilizer manufacturing plant, permit No. 2571-029-1343-T.	Athens, Clarke County.	391-3-1-.02(2)(N)	do	do	Dec. 31, 1974
Royster Co., granular fertilizer manufacturing plant, permit No. 2671-011-1342-T.	Macon, Bibb County.	391-3-1-.02(2)(N)	do	do	Do.
Sardis Lumber Co., open burning of wastes, permit No. 2421-017-1739-T.	Sardis, Burke County.	391-3-1-.02(2)(A)	do	do	Do.
R. D. Sharpe Lumber Co., open burning of wastes, permit No. 2421-083-1738-T.	Millen, Jenkins County.	391-3-1-.02(2)(A)	do	do	Do.
Shirley Feed & Seed Service, feed mill, permit No. 2018-078-1565-T.	Commerce, Jackson County.	391-3-1-.02(2)(N)	do	do	Jan. 31, 1975
Southeast Sehokbston Inc., concrete products facility, permit No. 3272-069-1532-T.	Lavonia, Franklin County.	391-3-1-.02(2)(N)	do	do	Sept. 1, 1974
Southern Crate and Veneer Co., conical burner only, permit No. 2449-011-1703-T.	Macon, Bibb County.	391-3-1-.02(2)(L)	do	do	Dec. 31, 1974
Southern Talc Co., tale, barite and aluminum hydrate processing facility, permit No. 3295-105-1644-T.	Chatsworth, Murray County.	391-3-1-.02(2)(N)	do	do	Aug. 15, 1974
Southwire Co., nickel sulfate plant, permit No. 3557-022-1639-T.	Carrollton, Carroll County.	391-3-1-.02(2)(A)	do	do	Oct. 15, 1974

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Southern Wood Piedmont Co., conical burner only, permit No. 2491-121-1715-T.	Augusta, Richmond County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Stowe-Woodward Co., open burning of solvents, permit No. 3552-126-1620-T.	Griffin, Spalding County.	391-3-1-.02 (2)(A)	do	do	Sept. 1, 1974
Sullivan Lumber Co., conical burner only, permit No. 2421-152-1085-T.	Preston, Webster County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Taylor Gin and Warehouse, cotton gin, permit No. 0524-035-1543-T.	Doerun, Colquitt County.	391-3-1-.02 (2)(Q)	do	do	Aug. 15, 1974
Continental Can Co. Inc., conical burner, permit No. 2421-557-1781-T.	Washington, Wilks County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Great Southern Paper Co., No. 2 lime kiln, permit No. 2631-049-2218-T.	Cedar Springs, Early County.	391-3-1-.02 (2)(E)	do	do	Nov. 1, 1974
Greater Southern Paper Co., No. 1 dissolving tank with gas reinjection, No. 2 dissolving tank with mesh pad, permit No. 2631-049-2216-T.	Cedar Springs, Early County.	393-3-1-.02 (2)(E)	do	do	Jan. 1, 1975
Greater Southern Paper Co., Nos. 1 and 2 recovery boiler and electrostatic precipitator, permit No. 2631-049-2215-T.	do	391-3-1-.02 (2)(E)	do	do	Oct. 31, 1974
Owens Illinois, Inc., Riley boiler, permit No. 2631-092-1861-T.	Valdosta, Lowndes County.	391-3-1-.02 (2)(D)	do	do	Jan. 1, 1975
Owens Illinois, Inc., No. 1 C.E. boiler, No. 2 C.E. boiler, permit No. 2631-092-1860-T.	do	391-3-1-.02 (2)(D)	do	do	Do.
Owens Illinois, Inc., Nos. 1, 2, and 3 lime kiln, permit No. 2631-092-1859-T.	do	391-3-1-.02 (2)(E)	do	do	Nov. 30, 1974
Owens Illinois, Inc., No. 3 dissolving tank, permit No. 2631-092-1858-T.	do	391-3-1-.02 (2)(E)	do	do	Do.
Owens Illinois, Inc., No. 3 recovery, permit No. 2631-092-1856-T.	do	391-3-1-.02 (2)(E).	do	do	Dec. 1, 1974
Owens Illinois, Inc., facility for the surface treatment of glass products with $SnCl_4$, permit No. 3221-060-1769-T.	Hapeville, Fulton County.	391-3-1-.02 (2)(E)	do	do	Dec. 1, 1974
Owens Illinois, Inc., glass furnace E, permit No. 3221-060-1768-T.	Hapeville, Fulton County.	391-3-1-.02 (2)(E)	do	do	Oct. 1, 1974
Engelhard Minerals & Chemicals Corp., sulphuric acid byproducts plant, permit No. 2819-043-2039-T.	Attapulgus, Decatur County.	391-3-1-.02 (2)(P), 391-3-1-.02(2)(N)	do	do	May 1, 1975
Engelhard Minerals & Chemicals Corp., fuller earth processing facilities, permit No. 3295-043-1723-T.	do	391-3-1-.02(2)(P), 391-3-1-.02(2)(N)	do	do	July 31, 1975
Southern States Phosphate & Fertilizer, 2 contact sulfuric acid plants, permit No. 2819-025-1446-T.	Savannah, Chatham County.	391-3-1-.02 (2)(J)	do	do	Dec. 31, 1974
Southern States Phosphate & Fertilizer, granular fertilizer manufacturing plant, normal superphosphate manufacturing plant, permit No. 2871-025-1445-T.	do	391-3-1-.02 (2)(R)	do	do	Do.
Cities Service Co., sulfuric acid plant, aluminum manufacturing plant, permit No. 2819-121-1443-T.	Augusta, Richmond County.	391-3-1-.02 (2)(J)	do	do	Do.
Anderson Construction Co., ready mix concrete facility, permit No. 3273-039-1504-T.	Fort Gaines, Clay County.	391-3-1-.02(2) (N).	Oct. 29, 1974	do	July 1, 1975
Augusta Foundry Inc., induction furnace, permit No. 3321-121-1550-T.	Augusta, Richmond County.	391-3-1-.02(2) (Q).	do	do	Apr. 30, 1975
Baxley Ready Mix, ready mix concrete facility, permit No. 3273-100-1529-T.	Baxley, Appling County.	391-3-1-.02(2) (N).	do	do	July 1, 1975
Brunswick Pulp and Paper Co., power boilers No. 1, 2, 3, and 4, permit No. 2631-063-1882-T.	Brunswick, Glynn County.	391-3-1-.02(2) (D).	do	do	Apr. 1, 1975
Brunswick Pulp and Paper Co., No. 4 lime kiln, permit No. 2631-063-1880-T.	do	391-3-1-.02(2) (E).	do	do	Jan. 1, 1975
Cedartown Block and Concrete Co., ready mix concrete facility, permit No. 3273-115-1971-T.	Cedartown, Glynn County.	391-3-1-.02(2) (N).	do	do	July 1, 1975
Concrete Industries Inc., ready mix concrete, permit No. 3273-137-1963-T.	Tifton, Tift County.	391-3-1-.02(2) (N).	do	do	Do.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Concrete Industries, Inc., ready mix concrete facility, permit No. 3273-136-1519-T.	Thomasville, Thomas County.	391-3-1-.02 (2)(N)	do	do	Do.
Cope Rendering Co., Inc., 1 rendering plant with the exception of fuel burning equipment covered under separate permits, permit No. 3077-035-1874-T.	Moultrie, Colquitt County.	391-3-1-.02 (2)(A))	do	do	Nov. 30, 1974
Costal Timberlands Inc., conical burner, permit No. 2421-084-1588-T.	Gray, Jones County.	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Creasy Brothers, Paving Contractors, hot mix asphalt plant, permit No. 2951-016-1798-T.	Statesboro, Bulloch County.	391-3-1-.02 (2)(K)	do	do	Oct. 1, 1974
Cyprus Industrial Minerals Co., Nos. 96 and 97 kaolin clay processing facilities, permit No. 3295-143-3029-T.	Jeffersonville, Twiggs County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N)	do	do	Jan. 1, 1975
Cyprus Industrial Minerals Co., kaolin clay No. 53 processing facilities, permit No. 3295-150-2331-T.	Sandersville, Washington County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N)	do	do	Dec. 15, 1974
Dekalb General Hospital, Morse Boulger heavy duty destructor, permit No. 8062-044-3096-T.	Decatur, Dekalb County.	391-3-1-.02 (2)(C)	do	do	May 1, 1975
Design Concrete, Inc., ready mix concrete facility, permit No. 3273-057-1694-T.	Rome, Floyd County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
Engelhard Minerals & Chemicals Inc., catalyst processing facilities, permit No. 2819-043-1991-T.	Attapulgus, Decatur County.	391-3-1-.02 (2)(P)	do	do	July 31, 1975
Engelhard Minerals and Chemicals Corp., kaolin clay processing facilities, permit No. 3295-150-1981-T.	Oconee, Washington County.	391-3-1-.02 (2)(P)(N)	do	do	July 31, 1975
Evans Concrete Products Co., Inc., ready mix concrete facility, permit No. 3273-054-1528-T.	Claxton, Evans County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
Georgia Dimension Co., conical burner only, permit No. 2426-053-1695-T.	Adrian, Johnson County	391-3-1-.02 (2)(L)	do	do	Dec. 31, 1974
Georgia Kraft Co., recovery No. 1 and 2 with electrostatic precipitator, permit No. 2631-011-1819-T.	Macon, Bibb County.	391-3-1-.02 (2)(E)	do	do	Feb. 28, 1975
Georgia Kraft Co., No. 4 smelt tank with demister pads, permit No. 2631-057-1809-T.	Rome, Floyd County.	391-3-1-.02 (2)(E)	do	do	May 1, 1975
Georgia Kraft Co., No. 2 smelt tank with demister pads, permit No. 2631-057-1807-T.	Rome, Floyd County.	391-3-1-.02(2)(E)	do	do	Do.
Georgia Kraft Co., No. 1 smelt tank with demister pads, permit No. 2631-057-1806-T.	do	391-3-1-.02(2)(E)	do	do	Do.
Gold Kist Fertilizer, Clya, superphosphate and granular fertilizer manufacturing plant, permit No. 2871-051-1845-T.	Clyo, Effingham County.	391-3-1-.02(2)(F)	do	do	Dec. 31, 1974
Golden's Foundry & Machine Co., foundry, permit No. 3321-106-1799-T.	Columbus, Muscogee County.	391-3-1-.02(2)(O)	do	do	Jan. 1, 1975
Haralson Gin Co., cotton gin, permit No. 0734-071-3041-T.	Haralson, Coweta County.	391-3-1-.02(2)(Q)	do	do	July 1, 1975
ITT Rayonier Inc., No. 1, 2, 3 recovery, permit No. 2631-151-1805-T.	Jesup, Wayne County.	391-3-1-.02(2)(E)	do	do	Jan. 1, 1975
Jack Davis Concrete Inc., concrete products facility, permit No. 3271-141-1872-T.	LaGrange, Troupe County.	391-3-1-.02(2)(N)	do	do	Sept. 30, 1974
Ledbetter Bros., Inc., hot mix asphalt plant, permit No. 2951-008-1970-T.	White, Bartow County.	391-3-1-.02(2)(K)	do	do	July 1, 1975
Ledbetter Bros. Inc., hot mix asphalt plant, permit No. 2951-057-1966-T.	Rome, Floyd County.	391-3-1-.02 (2)(K)	do	do	Oct. 1, 1974
Lewis Gin and Warehouse, cotton gin, permit No. 0724-035-1895-T.	Moultrie, Colquitt County.	391-3-1-.02 (2)(Q)	do	do	Sept. 30, 1974
Liberty Concrete Products, ready mix concrete facility, permit No. 3273-089-1523-T.	Midway, Liberty County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
Lyons Concrete Products, Inc., ready mix concrete facility, permit No. 3273-138-1998-T.	Lyons, Toombs County.	391-3-1-.02 (2)(N)	do	do	Do.
M. & M. Super Markets, Inc., fire engineers model 1 600D-1 incinerator, permit No. 5411-025-2012-T.	Savannah, Chatham County.	391-3-1-.02 (2)(C)	do	do	Feb. 15, 1975
M. & M. Super Markets, Inc., fire engineers incinerator, permit No. 5411-025-2013-T.	do	391-3-1-.02 (2)(C)	do	do	Do.
Masonry Products, Inc., concrete block facility, permit No. 3271-023-1606-T.	Carrollton, Carroll County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
McCleskey Mills, Inc., cotton gin, permit No. 0724-129-1965-T.	Americus, Sumter County.	391-3-1-.02(2) (Q).	do	do	Jan. 5, 1975
Mullite Co. of America, kaolin clay processing facility No. 1, permit No. 3295-120-3027-T.	Andersonville, Sumter County.	391-3-1-.02(2) (N).	do	do	Jan. 1, 1975
Mullite Co. of America, kaolin clay processing facility No. 2, permit No. 3295-129-3028-T.	do	391-3-1-.02(2) (N).	do	do	Feb. 1, 1975
Muscogee Lumber Co., conical burner, permit No. 2421-106-1806-T.	Columbus, Muscogee County.	391-3-1-.02(2) (L).	do	do	Sept. 16, 1974
Norman W. Paschall Co., picking and blending operation, permit No. 2294-056-1678-T.	Peachtree City, Fayette County.	391-3-1-.02(2) (N).	do	do	Jan. 31, 1975
Phillips Concrete Block Co., Inc., concrete block facility, permit No. 3271-056-1945-T.	Fayetteville, Fayette County.	391-3-1-.02(2) (N).	do	do	July 1, 1975
Phillips Concrete Block Co., Inc., ready mix concrete facility, permit No. 3273-056-1944-T.	do	391-3-1-.02(2) (N).	do	do	Do.
Rosebud Manufacturing Co., waste disposal incinerator, permit No. 2341-138-1904-T.	Vidalia, Toombs County.	391-3-1-.02(2) (C).	do	do	Do.
Smith-Sheppard Concrete Co., Inc., ready mix concrete facility, permit No. 3273-150-1999-T.	Sandersville, Washington County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
Southern Pipe and Supply Co./ Vidalia Concrete Block Co., concrete pipe facility, permit No. 3272-138-1997.	Vidalia, Toombs County.	391-3-1-.02 (2)(N)	do	do	Do.
Southern Pipe and Supply Co./ Vidalia Concrete Block Co., ready mix concrete facility, permit No. 3273-138-1996-T.	do	391-3-1-.02 (2)(N)	do	do	Do.
Steed Concrete, Inc., ready mix concrete facility, permit No. 3273-009-2019-T.	Fitzgerald, Ben Hill County.	391-3-1-.02 (2)(N)	do	do	Jan. 31, 1975
Stephens Gin and Bonded Warehouse, cotton gin, permit No. 0724-140-2051-T.	Soperton, Treutlen County.	391-3-1-.02 (2)(Q)	do	do	Jan. 28, 1975
Swainsboro Concrete Products Co., Inc., ready mix concrete facility, permit No. 3273-053-1525-T.	Swainsboro, Emanuel County.	391-3-1-.02 (2)(N)	do	do	July 1, 1975
W. G. Dunn, cotton gin, permit No. 0724-135-1475-T.	Parrott, Terrell County.	391-3-1-.02 (2)(Q)	do	do	Aug. 15, 1974
Whitley Concrete Co., ready mix concrete facility, permit No. 3273-044-1968-T.	Decatur, De Kalb County.	391-3-1-.02 (2)(N).	do	do	Dec. 15, 1974
Cyprus Industrial Minerals Co., kaolin clay processing facilities No. 51 and No. 52, permit No. 3295-150-2030-T.	Sandersville, Washington County.	391-3-1-.02 (2) (P), 391-3-1-.02 (2)(N).	do	do	Oct. 1, 1974
Georgia Marble Co., marble, dolomite and calcium carbonate processing operation, permit No. 3281-061-1614-T.	Whitestone, Pickens County.	391-3-1-.02 (2)(N).	do	do	July 1, 1975
Georgia Tennessee Mining Chemical Co., fullers earth clay processing facilities, permit No. 3295-081-1265-T.	Wrens, Jefferson County.	391-3-1-.02 (2)(P), 391-3-1-.02 (2) (N).	do	do	Sept. 1, 1974
M. C. Jones Lumber Co., conical burner only, permit No. 2421-134-1701-T.	Milan, Telfair County.	391-3-1-.02 (2)(L).	do	do	Dec. 31, 1974
Toccoa Foundry and Machine Co., Inc., electric arc furnace shotblast system with fabric filter, permit No. 3325-127-1552-T.	Toccoa, Stephens County.	391-3-1-.02 (2)(O).	do	do	June 30, 1975

[FR Doc.75-10796 Filed 4-25-75; 8:45 am]

[FRL 367-2]

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

Correction

On April 16, 1975, EPA published final regulations implementing section 306 of the Clean Air Act, section 508 of the Federal Water Pollution Control Act, and Executive Order 11738 (see 40 FR 17124). The regulations set forth provisions under § 15.4 to be included in contracts, grants, and loans. Specifically, under § 15.4(c)(2), there is a requirement that all contractors, and likewise grantees and borrowers, agree to comply with the inspection, monitoring, entry, reports, and information provisions of section 114 of the Clean Air Act and section 508 of the Federal Water Pollution Control Act. However, this provision was qualified by being made applicable only after the award of the contract, grant, or loan. Considering this provision is an acknowledgement of requirements already mandated by law, the qualification is not appropriate for inclusion in the regulations. Therefore, the following amendment is made to the regulations:

§ 15.4 [Amended]

Section 15.4(c)(2) is amended by deleting the phrase "after the award of the contract" from the end of the section.

Effective date: This amendment shall become effective on May 16, 1975.

Dated: April 25, 1975.

SHELDON MEYERS,
Director,
Office of Federal Activities.

[FR Doc.75-11218 Filed 4-25-75; 8:42 am]

[FRL 366-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ship and Barge Vapor Recovery

On November 6, 1973, the Administrator promulgated a final regulation requiring recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region, 40 CFR 52.2287 (38 FR 30633). The purpose of the regulation is to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in that region.

The regulation was challenged by a number of companies subject to it, but was held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas, et al., v. EPA,* 499 F.2d 289, 316–17, 321. Petitions for rehearing were filed, but they were denied by the Court on February 19, 1975. Second petitions for rehearing were filed, but they too were denied, along with various motions for stay, by the Court on April 3, 1975. The mandate of the Court is expected to issue on April 23, 1975. At that time, it is likely that all of the sources subject to the regulation will be in violation, since three of the interim compliance dates have already passed.

The Agency is currently engaged in an investigation of whether those subject to the regulation have been proceeding with maximum good faith efforts to develop the equipment to comply since the promulgation of the regulation in November 1973. It is the Administrator's intention to establish new compliance dates, both interim and final, when he has sufficient information to determine whether each source subject to the regulation has met the obligation of "good faith" efforts. This information on past efforts is also essential to deciding both the extent of any extensions and whether any further requirements must be added to the regulation to insure that maximum efforts will be made to comply.

In the meantime, the Agency has decided to suspend those interim compliance dates which have already passed, namely § 52.2287(c) (1), (2), and (3). This action formalizes the position that enforcement discretion will be exercised, and means that no source will have enforcement action taken against it at the present time for violation of those interim dates. On the other hand, this notice does not suspend the final compliance date of May 31, 1975, in § 52.2287 (c)(4) at this time, because to do so might lead some to conclude that they have no obligation to continue to make maximum good faith efforts to comply with the regulation. This notice also does

not relieve such persons of the obligation to provide information on their efforts since November 1973, pursuant to section 114 of the Clean Air Act. The suspension will be in effect until May 30, 1975, by which time the Administrator plans to announce further actions regarding the regulation, as noted above.

(Sec. 301, Clean Air Act, 42 U.S.C. 1857g)

Dated: April 23, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-11039 Filed 4-25-75;8:45 am]

[FRL 353-3]

PART 55—ENERGY RELATED AUTHORITY

Temporary Suspensions, Compliance Date Extensions, and One Year Postponements for Power Plant Shut Downs; Requirements

On September 10, 1974 (39 FR 32624), pursuant to section 119 of the Clean Air Act, (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246) the Administrator proposed regulations setting forth requirements for fuel-burning sources eligible for compliance date extensions under the Energy Supply and Environmental Coordination Act of 1974 (ESECA). Requirements for temporary suspensions and one year postponements for power plant shut downs under ESECA were also proposed on that date.

Interested parties participated in the rulemaking by commenting both orally and in writing on the proposed regulations to EPA. Eleven letters, some with multiple comments, were received by the Agency. Copies of the comments received are available for public inspection at the EPA Office of Public Affairs, 401 M Street SW, Washington, D.C. 20460. The comments have been considered and, where determined by the Administrator to be appropriate, the final regulations set forth below reflect changes to the proposed regulations. The principal revisions to the proposed regulations and the Agency's responses to the major comments are summarized below.

APPLICABILITY

In § 55.01(a), persons subject to the regulations are described as: (1) any fuel-burning stationary source eligible to apply for a compliance date extension; (2) any person eligible for a temporary suspension, (3) any electric generating power plant which is eligible to apply under section 119(i) of the Clean Air Act for a one-year postponement of any State Implementation Plan (SIP) requirement and (4) any fuel-burning stationary source which is issued an order by the Federal Energy Administrator (FEA) under section 2(a) of ESECA.

In § 55.01(b) of the regulations set forth below, a new category of fuel-burning stationary sources has been included among those sources which may qualify for a compliance date extension. That category includes any source which voluntarily converted to coal after March 15, 1974, and which is issued an order by FEA under section 2 of ESECA. Under section 119(c)(1) of the Clean Air Act, any source which is issued a section 2 FEA order is eligible for a compliance date extension if such source converts to the use of coal as its primary energy source on or after September 15, 1973. Another category was considered for eligibility. That category includes any source which is issued a section 2 order by FEA and which is presently burning coal but which is subect to compliance schedule(s) to convert to natural gas or oil to comply with air pollution requirements. This was rejected because Congress specifically limited eligibility for compliance date extensions to those sources which convert to coal. Page 33 of the Conference Report (No. 93-1085) submitted with ESECA states: "The compliance date extension provision is only applicable to plants or installations which began conversion from petroleum products or natural gas to coal voluntarily between September 15, 1973, and March 15, 1974, or converted from petroleum products or natural gas to coal as a result of an order under section 2." (Emphasis added.)

One commentator requested that the phrase "* * * and which has converted to coal * * *" be deleted from § 55.01(c)(2) of the proposed regulations since it would apparently require that a source have completed conversion to coal before it could be eligible to apply for a temporary suspension. Since in most cases the Administrator would have to grant a temporary suspension of the applicable fuel or emission limitations before conversion to coal could be completed, the phrase "and which has converted to coal" has been omitted from the final regulations. Once an application for a temporary suspension is approved, the suspension will be granted to take effect at the time of completion of conversion to coal.

One commentator requested that the Administrator clarify one point concerning temporary suspensions issued because of the unavailability of types or amounts of fuels (§ 55.01(c)(1)). The Administrator is not required, under section 119(b) of the Clean Air Act, to impose a primary standard condition on a suspension granted because of the unavailability of fuels. Therefore, the possibility exists that primary ambient air quality standards will be exceeded because a suspension is granted under § 55.01(c)(1). However, the Administrator is authorized to impose on any temporary suspension such interim requirements as are reasonable and practicable. An interim requirement that the cleanest fuel available be burned or supplied would be reasonable and practicable in most cases. Use of the cleanest fuel available could in some cases assure that national ambient air quality standards are met even though applicable fuel and emission limitations are suspended.

RELATION TO FEA PROCEEDINGS

One commentator objected to the fact that the proposed regulations provide for many categories of information to be submitted to EPA after a coal conversion order has been issued by FEA, even though that information may already have been submitted to EPA to aid FEA in deciding whether a coal conversion order should be issued in the first place. The regulations set forth below now provide that if this information was previously submitted to EPA in connection with advice given to FEA on whether to issue a conversion order, it need not be resubmitted. An update of the initial submittal will be required where changes have taken place since the information was provided by the source.

COMPLIANCE DATE EXTENSIONS

Some commentators suggested that a source which voluntarily "began conversion" to the use of coal as its primary energy source should not be required to apply for a compliance date extension as is a source which is subject to an FEA section 2 order. Since the source has voluntarily converted to coal, there is no reason to require the submittal of an application. Therefore, the final regulations, at § 55.04(b), provide that sources in this category must apply within 90 days if they choose to apply for a compliance date extension but they are not required to apply. If such sources do not receive compliance date extensions, they will continue to be subject to all applicable air pollution requirements. Eligible sources which are issued FEA orders are required, at § 55.04(a), to submit within 90 days either (1) an application for a compliance date extension or (2) a certification of the date by which the source can burn coal and comply with all applicable air pollution requirements without a compliance date extension. This requirement is necessary to eliminate unnecessary delays in achieving compliance with air pollution requirements and to enable EPA to make certifications and notifications to FEA which are required under section 119(d) of the Clean Air Act. In the case of voluntary conversions where no orders are issued, no such certifications or notifications to FEA are required.

One commentator expressed the opinion that the requirement for submittal of information under paragraphs (a) and (b) of § 55.04 within 90 days with a maximum 30 day extension of such time under § 55.04(j) was too restrictive. The final regulations have been changed to allow for subsequent 30 day extensions where good cause exists for such extensions.

Some commentators requested additional time for the submittal of information under paragraphs (a) and (b) of § 55.04 where plan revisions are contemplated or expected in accordance with section 4 of ESECA (§ 110(a)(3)(B) of the Clean Air Act). Sources are hesitant to commit themselves to long-term

contracts (required by § 55.04(a)) to assure meeting State implementation plan requirements where States are in the process of revising those requirements. The final regulations provide for additional time if the Governor of the State in which the affected sources are located certifies to the Administrator, within 90 days after the effective date of these regulations (or within 90 days after FEA issues an order under section 2 of ESECA, if such order is issued after the effective date of these regulations), that he is considering making a recommendation for a State implementation plan revision which is consistent with section 110(a)(3)(B) of the Act, and that additional time is necessary to formulate such recommendation and to implement it. Also, a projected timetable for the completion of such a process will be required to assure that delays associated with such revisions will be kept to the minimum necessary. The projected timetable may hinge upon the date of receipt of a recommendation from the Administrator under section 110(a)(3)(B) of the Act.

One commentator asked whether EPA could issue a compliance date extension to a source which does not apply for one. This question arose because the proposed regulation would have required EPA simply to approve, disapprove or modify a submitted plan for compliance. The approach adopted in the proposed regulations is preserved in § 55.04(d) below. It should be noted, however, that although EPA does not intend to issue compliance date extensions on its own motion, the Agency will use its enforcement authority under § 113 of the Clean Air Act to insure that application and compliance plan requirements imposed by ESECA and these regulations will be met. Should a source fail to make a required application or submittal, EPA will take appropriate action against such source to obtain all necessary information and, where appropriate, to impose the conditions, limitations and requirements which would otherwise accompany a compliance date extension.

One commentator suggested that the criteria in § 55.04(b) for determining whether a source began conversion to coal should include the following: "Conducting engineering, coal supply availability and compliance studies, which can be sufficiently documented, which were in good faith aimed at enabling such source to use coal as its primary energy source but which by virtue of the unavailability of adequate quantity and compatibility of coal or other extenuating circumstances were unable to submit a formal application as specified in (3)(i)(D) (reference to the proposed regulations) of this section." The final regulations, like the proposed regulations, do not limit the criteria to be used in determining whether a source began conversion during the specified period. The actions listed at § 55.04(b)(1)(i) through (iv) are merely illustrative of those steps towards conversion which will be considered in determining whether action taken by the source evidences a decision (made prior to March 15, 1974) to convert to coal. Initiation of the feasibility studies described by the commentator almost by definition is preliminary to any such decision and would not by itself qualify as such action.

Section 55.04(c), in accordance with section 119(c)(2)(B) of the Clean Air Act, specifies that the contracts or other obligations which are to be submitted as part of the plan for compliance date extensions must be approved before entered into (except that a contract or obligation entered into before June 22, 1974 may be approved after entered into). If the Administrator should disapprove a contract because it does not satisfy the requirements of § 55.04(c), the source would be required to submit new or additional contracts or obligations which will satisfy those requirements. The date for entering into contracts or obligations which is specified by the source in its plan for compliance will be the date which, assuming the Administrator has approved such contracts or obligations within 90 days of submittal, the contract or obligation will become legally binding on the parties to it. The source may specify in its plan for compliance that the date for entering contracts and obligations will hinge upon the date of the Administrator's approval (e.g., within five days after the Administrator notifies the source of his approval of the contract or obligation).

Section 55.04(a)(5) requires a source which is applying for a compliance date extension to make a showing that such source is not able to burn coal which is available to such source in compliance with all applicable air pollution requirements. Under section 119(c)(2)(A)(i) of the Clean Air Act and § 55.01(b)(3) of these regulations, the Administrator may issue a compliance date extension only if he finds that the source cannot comply without an extension. Therefore, the showing required by § 55.04(a)(5) is critical to a preliminary finding of eligibility. The regulations do not specify the evidence which will be required to enable the Administrator to make the necessary finding because the demonstration of inability to comply will vary considerably depending on the air pollution requirement and the source in question. The appropriate EPA regional office will provide guidance upon request to sources which are in doubt as to the information which should be submitted as part of the showing of inability to comply. In most cases, however, an enumeration of the air pollution requirements which cannot be met without an extension, a description of the pollution characteristics of the coal which is available to such source, the time which will be required to enable the source to utilize such coal and the time required to install any necessary continuous emission reduction systems will be sufficient. Since other provisions of the regulations require that this information be submitted as part of the source's application, the showing required by § 55.04(a)(5) should in most cases impose no additional burden on a source which is applying for an extension.

Several commentators suggested that the proposed regulations did not provide sufficient explanation and guidance for the affected source. Specific questions on the compliance date extension provisions and EPA's answers are as follows:

Q. On what basis will the Administrator determine that a source can burn coal and comply with all applicable air pollution requirements without a compliance date extension? How long will it take to make this determination?

A. Section 55.04(a)(1) of the final regulations requires a source which is eligible for an extension (but which is not applying for the extension because it can burn coal and comply with all applicable air pollution requirements) to submit to EPA within 90 days after FEA issues a section 2 order: (1) a list of all applicable air pollution requirements together with a certification of the date (before July 1, 1975) that the source will be able to burn coal in compliance with all applicable requirements without an extension and (2) a plan for compliance which specifies the steps the source will take to comply. If the Administrator, after reviewing the information submitted and other appropriate information which is available to him, determines that the source can be in compliance while burning coal, EPA will notify FEA that the source will be able, on and after July 1, 1975, to burn coal without an extension. Procedures to be followed to coordinate the efforts of both FEA and EPA under ESECA are being developed and will undoubtedly provide that the required notifications be made as soon as possible, within a reasonable time. Under § 55.04(a)(5), eligible sources which are applying for compliance date extensions must submit, within 90 days after the effective date of these regulations or within 90 days after an FEA section 2 order is issued to the source, evidence to show that coal cannot be burned in compliance with all applicable air pollution requirements. If the Administrator determines, after review of this evidence and other information available to him, that coal can be burned without an extension, no extension can be issued. EPA's decision on the application must be made within 60 days of its submission.

Q. What factors will the Administrator consider in establishing a primary standard condition on a compliance date extension?

A. The final regulations, at § 55.04(e), reflect a change from the proposed regulations to allow the source the option of submitting proposed primary standard conditions with its plan for compliance. As defined in section 119 of the Clean Air Act, a primary standard condition must be emission limitations, requirements respecting pollution characteristics of coal or other enforceable measures for the purpose of assuring throughout the period of a suspension or extension that the burning of coal by such source will not result in emissions which cause

or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant. Specific conditions could include (1) a requirement for permanent emission reduction which would be less than the reduction called for under the applicable State implementation plan (e.g., 50 percent reduction where the plan calls for 90-percent reduction), (2) a sulfur in fuel requirement which would be higher than that required under the plan (e.g., 2 percent sulfur fuel where the plan calls for 1 percent) or (3) an intermittent control system (e.g., switching to cleaner fuels during adverse meteorological conditions). All primary standard conditions must be legally enforceable.

Q. What factors will the Administrator consider in determining whether to approve a plan for compliance?

A. A plan for compliance must show final compliance as soon as practicable but in no case later than December 31, 1978, except that, in the case of a source for which continuous emission reduction systems are required for sulfur related emissions, compliance must be as soon as practicable but no later than January 1, 1979. EPA will review each plan based on these criteria. The plan will be approved, disapproved or modified based on the information available to the Administrator as to what is "as soon as practicable" in each case. In any event, the application for an extension, the conditions to be imposed thereon and the findings associated therewith are subject to public hearing and comment before the Administrator's decision is rendered (section 119(c)(4) of the Clean Air Act).

Q. The Clean Air Act and these regulations require that contracts for a long-term supply of coal be submitted for the Administrator's approval as part of the plan for compliance. What is considered a long-term supply of coal?

A. In western and midwestern States, long term contracts of from 5–15 years are relatively common and would be considered approvable. In eastern seaboard areas where oil and coal are both commonly used, shorter coal contracts (6 months—1 year) are more common. Because sources receiving compliance date extensions will usually be committed to burning coal for more than one year, a contract term longer than that now customary in the east will be required. "Long-term" is not defined strictly, however, since flexibility is necessary to deal with varying market conditions in different geographical areas.

One commentator suggested that an agreement to re-convert to oil upon the expiration of an FEA order should be an acceptable plan for compliance for sources subject to FEA orders. Section 119(c)(2)(B) of the Clean Air Act does not allow for this option. One of the purposes of the Energy Supply and Environmental Coordination Act was to encourage long-term (permanent) commitments to coal.

Temporary Suspensions

One commentator suggested that the final regulations should allow the Administrator to consider the cost of fuels in considering an application for a temporary suspension based on the unavailability of fuels. The Conference Report (No. 93–1085) of the House of Representatives on ESECA at pages 31–32 states: "Persons who would be eligible for this type of suspension include, but are not limited to, those to whom conforming fuels are unavailable because of strikes, embargoes, accidents, allocation rules, or orders under the Emergency Petroleum Allocation Act or under section 2(d) of this Act, or exchange orders under section 119(j) of the Clean Air Act." Cost of fuels is not mentioned.

Another commentator suggested that EPA should continue to process and grant temporary suspensions without awaiting promulgation of these regulations. EPA has been processing applications for suspensions as they are received.

Another commentator requested further explanation of the conditions on temporary suspensions, such as steps to prevent imminent and substantial endangerment to public health and reporting requirements under § 55.05(d). Specific regulations have been developed by State and local agencies under State implementation plans to handle emergency situations. Also, EPA has authority to act in emergency situations under section 303 of the Clean Air Act. EPA will require reports on a periodic basis. Such reports should include information on the availability of conforming fuel and any relevant measured air quality data. Specific conditions and interim requirements will be tailored to the person granted a suspension and will be set forth in writing for each persons granted a suspension.

Proposed Clean Air Act Amendments

In accordance with section 119 of the Clean Air Act, these regulations require a source which is located in a region where primary standards are being exceeded for a particular pollutant to meet the State implementation plan requirements for that pollutant at the time of conversion. This requirement is known as the "regional limitation."

Analysis by FEA and EPA indicates that the regional limitation may hamper the coal conversion program by precluding the utilization of coal by a number of sources located in regions where regional limitations apply until control equipment can be installed or low sulfur coal obtained. Since protection of the health-related primary standards is required as a condition of extensions, the Administrator believes the regional limitation requirement can be deleted from the Act without risk to public health. Accordingly, the Administrator supports the proposed amendment submitted to the Congress by the President on January 30, 1975, which would delete the regional limitation.

Furthermore, the Administrator supports the other proposed amendments to section 119 of the Clean Air Act, which if enacted into law by the Congress will make the coal conversion program easier to administer.

Other Comments

It was mentioned in the preamble to the proposed regulations (39 FR 32625) that the Administrator may require the submission of data from sources which may receive an FEA order. The Administrator will ask for these data only when FEA is seriously considering a section 2 order for a specific plant.

In the preamble to the proposed regulations (39 FR 32625), it was indicated that EPA could certify, after making a finding under section 119(d)(3)(B) of the Clean Air Act, to FEA a period during which the FEA section 2 order would be inapplicable for sources which voluntarily began conversion to coal. This was an error to the extent that such sources do not receive FEA orders.

These regulations are issued under authority of sections 113, 114, 119 and 301 (a) of the Clean Air Act, 42 U.S.C. 1857 et seq. The Administrator finds that good cause exists for making these regulations effective immediately since they are procedural in nature and since some of their provisions are intended for use in the event of an emergency resulting from unavailability of types and amounts of fuel.

Dated: April 22, 1975.

Russell E. Train,
Administrator.

A new Part 55 is added to Chapter I, Title 40, Code of Federal Regulations, as follows:

Subpart A—Compliance Date Extensions, Temporary Suspensions, and One Year Postponements for Power Plant Shut Down

Sec.

55.01 Applicability.
55.02 Definitions.
55.03 Address.
55.04 Compliance date extensions.
55.05 Temporary suspensions.
55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.
55.07 Petitions by air pollution control agencies.
55.08 One year postponement for power plant shut down.
55.09 General requirements.

Authority: Secs. 113, 114, 119, and 301, Clean Air Act (42 U.S.C. 1857 et seq.), as amended, Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246.

Subpart A—Compliance Date Extensions, Temporary Suspensions and One Year Postponements for Power Plant Shut Down

§ 55.01 Applicability.

(a) The provisions of this part apply to:

(1) Any fuel-burning stationary source which is eligible to apply for a compliance date extension.

(2) Any person to whom a stationary source fuel or emission limitation applies and who is eligible for a temporary suspension of such limitation.

(3) Any electric generating power plant which is eligible to apply, under section 119(i) of the Act, for a one-year postponement of any requirement of an applicable implementation plan, and

(4) Any fuel burning stationary source which is issued an order by the Administrator of the Federal Energy Administration under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319, 88 Stat. 246).

(b) The Administrator shall issue a compliance date extension to any fuel-burning stationary source:

(1) Which is eligible to apply for a compliance date extension because:

(i) Such source is prohibited from using petroleum products or natural gas by reason of an order which is issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974; or

(ii) Such source began conversion as defined in § 55.04(b) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, and has not been issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974;

(2) Which, on or after September 15, 1973, converts to the use of coal as its primary energy source;

(3) Which the Administrator finds will not be able to burn coal (which is available to such source) in compliance with all applicable air pollution requirements without a compliance date extension;

(4) Which the Administrator finds will be able during the period of the compliance date extension to comply with all primary standard conditions applicable to such source, and with any regional limitation if applicable to such source; and

(5) Which has submitted to the Administrator a plan for compliance for such source which the Administrator has approved.

(c) The Administrator may, for any period beginning on or after June 22, 1974, and ending on or before June 30, 1975, temporarily suspend any stationary source fuel or emission limitation as it applies to any person:

(1) If the Administrator finds that such person will be unable to comply with any such limitation during such period solely because of unavailability of types or amounts of fuels (unless such unavailability results from an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974), or

(2) If such person is a source which is described in subparagraphs (b) (1) and (2) of this section and the Administrator finds that the source will be able to comply during the period of the suspension with all primary standard conditions which will be applicable to such source.

§ 55.02 Definitions.

As used in this part, all terms not defied herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246).

(b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "Stationary source" or "source" means any building, structure, facility, or installation which emits or may emit any air pollutant, including any person who owns, leases, operates, controls, or supervises any such building, structure, facility, or installation.

(d) "Primary standard condition" means an emission limitation, requirement respecting pollution characteristics of coal or any other enforceable measure for control of emissions prescribed by the Administrator (after consultation with appropriate States) for each source to which a suspension under § 55.01(c)(2) will apply, and for each source to which a compliance date extension under § 55.01(b) will apply, for the purpose of assuring (throughout the period that the suspension or extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

(e) "Regional limitation" means the requirement that a source which is located in an air quality control region in which a national primary ambient air quality standard for an air pollutant is being exceeded in that region, may not emit such pollutant in amounts which exceed any emission limitation (and may not violate any other requirement) which applies to such source, under the applicable implementation plan for such pollutant.

(f) "Coal" means coal or coal derivatives.

(g) "Air pollution requirement" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Act (except for any requirement prescribed under section 119 (c) or (d), section 110(a)(2)(F)(v), or section 303 of the Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic).

(h) "Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Act (other than section 119, section 111(b), section 112 or section 303 of the Act) or contained in any applicable implementation plan (other than a requirement imposed pursuant to section 110(a)(2)(F)(v) of the Act), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade or pollution characteristic.

(i) "Person" includes (in addition to the meaning given that term in section 302(e) of the Act) a fuel supplier.

§ 55.03 Address.

All requests, reports, applications, submittals, and other comunications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate regional office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), Federal Building, 230 South Dearborn, Chicago, Illinois 60604.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 64108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 916 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

§ 55.04 Compliance date extensions.

(a) Any source which is eligible to apply for a compliance date extension under § 55.01(b)(1)(i) shall submit within 90 days after such source becomes eligible because of an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, if such source is issued an order after the effective date of these regulations, or within 90 days after the effective date of these regulations if such source is issued an order prior to the effective date of these regulations (subject to the provisions of paragraph (j) and (k) of this section), to the Administrator the following:

(1) If the source is not applying for a compliance date extension because it is able to burn coal in compliance with all applicable air pollution requirements without a compliance date extension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date (before July 1, 1975) that the source will be able to burn coal and comply with each applicable air pollution requirement without a compliance date extension, and

(ii) If not now in compliance, a plan for compliance which includes a description of and incremental dates for taking the steps necessary to comply by the date specified in paragraph (a)(1)(i) of this section;

(2) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, either:

(i) A plan for compliance which includes as a minimum:

(A) The date by which the source will submit contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(i)(B) of this section.

(B) The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) to provide for obtaining a long-term supply of coal which enables such source to achieve the emission reduction required by paragraph (a)(2)(i)(E) of this section,

(C) The date by which on-site construction or installation or process modifications, if necessary, will be initiated,

(D) The date by which on-site construction or installation of necessary process modifications is to be completed,

(E) The date (which is as soon as practicable but not later than December 31, 1978) by which the source will be in compliance with each air pollution requirement (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which was in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date),

(F) A provision by which the source agrees to notify the Administrator in writing no later than ten days after each requirement, specified under paragraph (a)(2)(i) (B), (C), (D) and (E) of this section, has been satisfied, and

(G) A provision by which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to the health of persons; or

(ii) A plan for compliance which includes as a minimum:

(A) The date by which the source will submit contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(ii)(B) of this section,

(B) The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) to provide for a long-term supply of coal and continuous emission reduction systems necessary to permit the source to burn such coal and achieve the degree of emission reduction required by paragraph (a)(2)(ii)(E) of this section.

(C) The date by which on-site construction or installation of continuous emission reduction systems will be initiated,

(D) The date by which on-site construction or installation of continuous emission reduction systems is to be completed,

(E) The date (which is as soon as practicable, but not later than December 31, 1978; except that, in the case of a source for which a continuous emission reduction system is required for sulfur-related emissions, the date which is as soon as practicable, unless otherwise specified by the Administrator, but not later than January 1, 1979) by which the source will be in compliance with each air pollution requirement (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which was in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date),

(F) A provision by which the source agrees to notify the Administrator in writing, no later than ten days after each requirement, specified under para. (a)(2)(ii) (B), (C), (D), and (E) of this section, has been satisfied, and

(G) A provision by which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to the health of persons;

(3) If the source is eligible to apply for a compliance date extension for any State or local law or regulation which is not a part of the applicable implementation plan and is unable to burn coal in compliance with such air pollution requirements without a compliance date extension, a plan for compliance which includes a description of any incremental dates for taking the steps necessary to comply with such State or local law or regulation;

(4) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, process and emissions data for purposes of determining any necessary primary standard conditions including as a minimum:

(i) For those sources which are required to submit to the Federal Power Commission the FPC Form 67 and Form 423:

(A) Verification of all data listed on the FPC Form 67 and Form 423 which are accurate,

(B) Correction of all data on the FPC Form 67 and Form 423 which are inaccurate and inclusion of any missing data,

(C) Notification of pending removal from service of any unit or units prior to January 1, 1980,

(D) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979,

(E) For each new unit, projected operating and design data as required in Part I of the FPC Form 67,

(F) Listing of expected changes in average operating conditions and seasonal cycle of load use resulting from conversion to use of coal as the source's primary energy source, and

(G) Specification of the location of the source giving coordinates in the Universal Transverse Mercator System (UTMS), or longitude and latitude coordinates; or

(ii) For all sources except those identified in para. (a)(4)(i) of this section:

(A) Completion of all applicable sections of OMB Form 158–R75, "Air Pollutant Emissions Report", which can be obtained at the addresses listed in § 55.03, including:

(i) In section I, the source location in UTMS or latitude-longitude coordinates,

(ii) In sections II, V, and VI, required information on the source both prior to conversion to coal, and as projected after conversion to coal, and

(iii) In all sections, all available data for projected new units,

(B) Notification of pending removal from service of any unit or units prior to January 1, 1980, and

(C) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979;

(5) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, a showing that the source is not able to burn coal which is available to such source in compliance with all applicable air pollution requirements;

(b) Any source which is eligible and which chooses to apply for a compliance date extension under § 55.01(b)(1)(ii) of this part must apply by submitting, within 90 days after the effective date of these regulations (subject to the provisions of paragraphs (j) and (k) of this section), to the Administrator the same information as is required under paragraphs (a)(2), (3), (4), and (5) of this section along with evidence to support a determination by the Administrator that such source began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974. A source began conversion if:

(1) During the period beginning on September 15, 1973, and ending on March 15, 1974, the source took affirmative action to convert, such as:

(i) Entering a long-term contract binding on such source for obtaining coal; or

(ii) Entering a contract binding on such source for obtaining equipment or facilities to enable such source to use coal as its primary energy supply on a permanent basis; or

(iii) Expending sums in amounts necessary to undertake a complete and permanent conversion to coal; or

(iv) Formal application to the proper legal authorities for a variance from applicable implementation plan requirements to enable such source to burn coal; and

(2) The Administrator finds that the action taken under subparagraph (1) of this paragraph evidences:

(i) A decision made prior to March 15, 1974, to convert to coal as a result of the unavailability of an adequate supply of fuels required for compliance with the applicable implementation plan; and

(ii) A good faith effort to expeditiously carry out such decision.

(c) The contracts or obligations referred to in paragraphs (a)(2)(i)(B) and (a)(2)(ii)(B) of this section, which are required to be submitted under paragraphs (a) and (b) of this section, shall be submitted to the Administrator for his approval before they become effective except that a contract or obligation which became effective before June 22, 1974, shall be submitted for approval after it became effective.

(1) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal shall include, as a minimum, the following:

(i) Unless specifically waived by the Administrator upon timely application by the source, provisions which reasonably insure performance by the supplier despite fluctuation in coal prices and other changes in market conditions (for example: reasonable price escalation clauses, requirements for performance bonds, commitments to subject price disputes to arbitration, provision for liquidated damages, provision for alternative performance by delivery of conforming coal produced by other suppliers, or other incentives or disincentives);

(ii) A description (including the average sulfur, ash, and heat content, and the limits of expected variations) of the grade and quality of the coal to be supplied which shall be sufficient to permit the Administrator to determine that the burning of such coal, together with the use of any other emission reduction measures to be specified in the compliance schedule, would enable the source to achieve the emission reduction requird by subdivision (a)(2)(i)(E) or (a)(2)(ii)(E) of this section;

(iii) A statement of the quantity of the coal to be supplied and/or delivered which is sufficient to enable the source to achieve the emission reduction required by subdivision (a)(2)(i)(E) or (a)(2)(ii)(E) of this section;

(iv) A provision (or separate contract or obligation) to assure transportation and delivery of such coal to the source; and

(v) A provision specifying the term during which such coal shall be supplied and/or delivered.

(2) A contract (or other obligation enforceable against such source) to provide for obtaining a continuous emission reduction system shall include, as a minimum, the following:

(i) An identification of the type of system to be installed; and

(ii) A statement of the control efficiencies to be achieved by such systems, and the conditions under which such control efficiency will be met, including the quality and grade of coal required.

(3) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal or to provide for obtaining continuous emission reduction systems shall include, as a minimum, the following:

(i) The signatures of the parties to the contract (or obligation) or other evidence of firm commitment;

(ii) For such contracts (or obligations) entered after June 22, 1974, a provision that the Administrator's written approval is a condition precedent to the contract (or obligation);

(iii) Deadlines for performance which insure that the schedule for compliance as required by subparagraph (a)(2) and paragraph (b) of this section will be met;

(iv) A requirement that the supplier, vendor, or other party contracting with the source shall report to the source, at regular intervals, on progress toward or status of performance of such party's obligations, any existing or anticipated problems which would prevent or delay such performance, and any steps being taken to remedy such problems; and

(v) A requirement that whenever the supplier, vendor, or other party contracting with the source encounters or anticipates problems which could prevent or delay performance of such party's obligations, such party shall immediately report all relevant circumstances and any remedial steps to the source.

(d) The Administrator shall approve, disapprove or modify any plan for compliance submitted as required by paragraph (a)(2) and paragraph (b) of this section and shall approve or disapprove any contract submitted as required by paragraph (c) of this section within 60 days after such plan or contract is submitted.

(e) The Administrator shall set forth any necessary primary standard condition, regional limitation and any interim requirements which the Administrator determines are reasonable and practicable as conditions of any plan for compliance. A source may submit, as a part of its plan for compliance, a proposal for legally enforceable limitations, requirements, or other measures which will assure (throughout the period that the compliance date extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant. Such proposal is subject to the Administrator's approval, disapproval or modification.

(f) The Administrator may require the monitoring of ambient air concentrations in the vicinity of the source as a condition of any compliance date extension.

(g) Six months after the Administrator issues a compliance date extension, and every six months thereafter, the source shall submit a report to the Administrator which details the source's progress toward achieving compliance with all applicable air pollution requirements.

(h) If a compliance date extension is issued to a source, such source shall not, during the period of the extension, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source, except as provided under section 119(d)(3) of the Act.

(i) A source may, upon the expiration of a compliance date extension, apply for and receive from the Administrator a one-year postponement of the application of any requirement of an applicable implementation plan under the conditions set forth and in the manner provided by section 110(f) of the Act.

(j) Upon timely application by the source, the Administrator may postpone for 30 days the time allowed for the submittal of information required under paragraphs (a) or (b) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause has been shown for such postponement. Subsequent 30 day postponements may be granted if a showing is made that good cause continues to exist.

(k) The Administrator may permit a later submittal of the information required under paragraphs (a) or (b) of this section where the Governor of the State in which the source is located certifies to the Administrator, within the time permitted for such submittal, that he is considering recommending a State implementation plan revision which is consistent with section 110(a)(3)(B) of the Act, that additional time is necessary to formulate and act upon such recommendation, and that a projected timetable for the completion of the revision process will be provided to the Administrator. Such a timetable may be dependent upon receipt of the Administrator's recommendation under section 110(a)(3)(B) of the Act.

(l) The Administrator may, where reasonable and appropriate, require the submittal of contracts at the same time information is submitted as required by paragraphs (a) or (b) of this section.

(m) Any source which is eligible for a compliance date extension under § 55.01(b)(1)(i) but whose application for such extension is denied because the Administrator has determined that such source can meet all air pollution requirements without a compliance date extension, shall submit to the Administrator, within 30 days after such denial of a compliance date extension, the information required under paragraphs (a)(1)(i) and (ii) of this section.

(n) If the Administrator finds that a source has failed to apply for a compliance date extension in order to avoid an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, he may take appropriate action under section 113 of the Act to assure a prompt submittal of the information required under paragraphs (a)(2) through (6) of this section.

(o) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Administrator of the Federal Energy Administration of the consequences of issuing an order to such source under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to

the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

(p) Any compliance date extension issued by the Administrator shall not become effective until after the actual conversion from petroleum products or natural gas to coal.

§ 55.05 Temporary suspensions.

(a) Any person (including a public officer or public agency) may apply to the Administrator for a temporary suspension under § 119(b) of the Act. The conditions of eligibility for a temporary suspension are set forth in § 55.01(c) of this part.

(b) The Administrator may act on his own motion in issuing a temporary suspension.

(c) The Administrator shall issue a temporary suspension to any person for whom an application has been filed and which is eligible under § 55.01(c)(2) if he determines (after considering the risk to public health and welfare, whether the issuance of a suspension will assist in meeting the essential needs of the United States for fuels and other appropriate factors) that issuance of a suspension to such person would be consistent with the purposes of the Energy Supply and Environmental Coordination Act of 1974.

(d) Any temporary suspension issued by the Administrator shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to:

(1) Submission of such reports as the Administrator determines may be necessary.

(2) Such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and

(3) In the case of a person who is eligible for a suspension under § 55.01(c)(1), requirements that the suspension shall be inapplicable for any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available (as determined by the Administrator) to such person.

(e) A source described in § 55.01(c)(2) which applies for a suspension must submit emissions data, information on the fuel and emission reduction measures to be employed during the time the suspension is applicable, and air quality data in order to enable the Administrator to prescribe any necessary primary standard condition on the suspension.

(f) In the case of a source which applies to the Administrator for a suspension under § 55.01(c)(1), the source shall submit with the application the following information as a minimum:

(1) Present fuel inventory, by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Comparison of present supplies and storage capacity with the inventories during comparable periods of the previous two years;

(3) A statement of the source's understanding of the reasons that types or amounts of fuel which would enable compliance are not available or documentation of the reasons given by traditional fuel suppliers for being unable to meet the source's needs;

(4) Names of suppliers contacted, dates of contact, and quantity and quality (including sulfur, ash and heat content) of fuel sought; and

(5) Description of fuel demands.

(g) In the case of a fuel supplier which applies to the Administrator for a suspension under § 55.01(c)(1), the fuel supplier shall submit the following information as a minimum:

(1) Present fuel inventory by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Comparison of present supplies and storage capacity with the inventories during comparable periods of the previous two years;

(3) Description of the fuel demands of the customers of the supplier located in the air quality control region(s) for which the supplier is requesting a suspension;

(4) Documentation of the reasons for the supplier's inability to provide adequate supplies of fuel which would permit compliance with applicable stationary source fuel or emissions limitations;

(5) Documentation which evidences efforts made by the supplier to obtain fuels which would permit compliance with applicable stationary source fuel or emission limitations.

(h) Any source which is issued an order (which will not apply after June 30, 1975) by the Administrator of the Federal Energy Administration under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall submit within 90 days after such source is issued such order (or within 90 days after the effective date of these regulations, if such order is issued prior to the effective date of the regulations) to the Administrator the following:

(1) If the source is not applying for a temporary suspension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement without a temporary suspension, and

(ii) A plan for compliance which includes the necessary steps the source must take to comply with each applicable air pollution requirement.

(2) If the source is applying for a temporary suspension:

(i) A certification of the date by which the source will be able to burn coal without emitting any pollutant in amounts which cause or contribute to concentrations in excess of any national primary ambient air quality standard for such pollutant, and

(ii) A plan for compliance which includes the necessary steps the source must take to comply with applicable stationary source fuel or emission limitations.

(i) If any source which is not subject to an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 applies for a temporary suspension because it began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, then the source shall submit the information required in paragraph (h)(2) of this section and evidence to support a determination by the Administrator in accordance with paragraph (b) of section 55.04 that such source began conversion during such time.

(j) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (h) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement. Subsequent 30 days postponements may be granted.

(k) The Administrator may suspend, postpone or modify the requirements for submittal of information under paragraphs (f) and (g) of this section if he finds that a widespread shortage of types or amounts of fuels exists and that such shortage is of such severity that expedited procedures under this section are necessary and desirable.

(l) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Administrator of the Federal Energy Administration of the consequences of issuing an order to such source under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

(m) Any temporary suspension issued by the Administrator to a source which is eligible for such suspension under § 55.01(c)(2) of this part shall not become effective until after the actual conversion from petroleum products or natural gas to coal.

§ 55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.

(a) Any source which has been issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 and which is not eligible to apply for a compliance date extension under § 55.01(b) of this part or cannot qualify for a temporary suspension under § 55.01(c) shall submit, within 90 days after such source is issued such order (or within 90 days after the effective date of these regulations, if such order is issued prior to the effective date of these regulations) to the Administrator the following:

(1) A certification of the date that the source will be able to burn coal and comply with all applicable air pollution requirements, and

(2) A plan for compliance which includes the necessary steps the source must take to comply with all applicable air pollution requirements.

(b) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (a) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement. Subsequent 30 day postponements may be granted.

(c) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Federal Energy Administrator of the consequences of issuing an order to such source under section 2 of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

§ 55.07 Petitions by air pollution control agencies.

(a) Any air pollution control agency may petition the Administrator to modify any primary standard condition in order to assure (throughout the period of a compliance date extension or a temporary suspension) that the source will not emit any air pollutant to a degree which causes or contributes to concentrations in excess of any national primary ambient air quality standard for such pollutant.

(b) Any air pollution control agency may petition the Administrator to certify to the Federal Energy Administrator that an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall not be in effect for any period during which the burning of coal by a source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public

(c) The Administrator may on his own motion initiate the proceedings referred to in paragraphs (a) and (b) of this section.

§ 55.08 One year postponement for power plant shutdown.

(a) At any time prior to the date on which an electric generating power plant is required to comply with an applicable implementation plan requirement, such power plant may apply (with the concurrence of the Governor of the State in which such plant is located) to the Administrator to postpone the applicability of such requirement for not more than one year. Such postponement shall commence on the final date for compliance with the implementation plan in effect at the time of application for postponement (except that no such postponement shall apply for more than one year after the applicable date for attainment of the primary standard for the pollutant involved).

(b) Any electric generating power plant is eligible for a postponement under paragraph (a) of this section if:

(1) Because of the age and condition of the plant, the plant is to be taken out of service permanently not later than January 1, 1980, according to the power supply plan (in existence on January 1, 1974) of the owner or operator of such plant,

(2) A certification to that effect has been filed by the owner or operator of the plant with the Administrator and the Federal Power Commission, and

(3) The Federal Power Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements.

(c) If the Administrator determines, after considering the risk to public health and welfare which may be associated with a postponement under paragraph (a) of this section, that compliance with any requirement of an applicable implementation plan is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for the costs of such compliance, and other appropriate factors, then the Administrator shall grant a postponement of any such requirement.

(d) The Administrator shall, as a condition of any postponement under paragraph (a) of this section, prescribe such interim requirements as are practicable and reasonable in light of the criteria in paragraph (c) of this section.

§ 55.09 General requirements.

The Administrator may require the submittal of any additional information, including emissions data for any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), which is reasonably necessary to implement this part and section 119 of the Act.

[FR Doc.75-11038 Filed 4-25-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5—GENERAL SERVICES ADMINISTRATION

Internal GSA Procurement Regulations

To simplify the internal GSA procurement regulations system Chapters 5C and 5D of this title have been eliminated (39 FR 26288, July 18, 1974; 39 FR 7789, Feb. 28, 1974) and Chapter 5 will be eliminated after the portions having continuing applicability are incorporated in Chapters 5A and 5B. In this regard, Chapter 5A has incorporated the portions of Chapter 5 having applicability to contracts for supplies and services (other than contracts for construction, building services, and space acquisition) and, accordingly, Chapter 5 is hereafter inapplicable to such contracts. The portions of Chapter 5 having applicability to contracts for construction, building services, and space acquisition will remain in effect until incorporated in Chapter 5B. A subsequent Federal Register notice will be published to announce the cancellation of Chapter 5 in its entirety.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This regulation is effective April 28, 1975.

Dated: March 7, 1975.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

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Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Deletion of Standard Concerning Number of Lavatories for Industrial Employment

On June 27, 1974, the occupational safety and health standards contained in 29 CFR Part 1910 were republished in the FEDERAL REGISTER (39 FR 23502). The purpose of the republication was to incorporate in one place all changes made to the standards up to June 3, 1974.

The republication included the requirement for a minimum number of lavatories for industrial employment, contained in Table J-2 of 29 CFR 1910.-141(d)(2)(i), which had been promulgated pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593; 29 U.S.C. 655) on May 3, 1973, (38 FR 10930). However, this standard was challenged under section 6(f) of the Act (84 Stat. 1597; 29 U.S.C. 655) by a petition filed in the United States Court of Appeals for the Second Circuit. On October 4, 1973, that court, in the case of "Associated Industries of New York State, Inc. v. United States Department of Labor et. al." (487 F. 2d 342), vacated that portion of § 1910.141 (d)(2)(i) Table J-2 setting a minimum number of lavatories for industrial usage. Therefore, it is decided to delete from Part 1910 that portion of Table J-2 vacated by the Court.

I find that the reasons stated above constitute good cause for making this change effective immediately. Accordingly, this amendment is effective April 28, 1975.

§ 1910.141 [Amended]

Accordingly, pursuant to authority in sections 6 and 8(g) of the Act (84 Stat. 1593, 1600, 29 U.S.C. 655, 657) and Secretary of Labor's Order No. 12–71 (36 FR 8754), Part 1910 of Title 29 of the Code of Federal Regulations is amended by deleting from § 1910.141(d)(2)(i) that portion of Table J–2 reading as follows:

Industrial—factories, warehouses, loft buildings, and similar establishments:	
1 to 100	1 fixture for each 10 employees.
Over 100	1 fixture for each additional 15 employees.

(Secs. 6, 8(g), Pub. L. 91–596, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754)

Signed at Washington, D.C., this 23rd day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–11174 Filed 4–25–75; 8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 34; Docket No. 75–9]

PART 550—FILING OF TARIFFS BY TERMINAL BARGE OPERATORS IN PACIFIC SLOPE STATES

Provisions Adopted

By notice of proposed rulemaking filed April 7, 1975 (40 FR 15401–15402) the Commission gave notice that it was considering the addition of a new Part 550 of Title 46 which will establish regulations covering the filing of tariffs by terminal barge operators in Pacific Slope States in the foreign and domestic commerce of the United States.

The rulemaking was initiated in response to the enactment by Congress of Pub. L. 93–605 which adds a new section 3 to the Shipping Act, 1916. This legislation requires the filing of rates and charges for the barging and affreighting of containers and containerized cargoes by barge between points in the United States solely with the Federal Maritime Commission under certain specific circumstances and in accordance with rules and regulations to be promulgated by the Commission within 120 days of its enactment.

Written comments on the proposed rule were received from two interested parties. Both commentators objected to the provisions in § 550.2 which require the filing of separate tariffs in accordance with the Commission's G.O. 13 (46 CFR 536) with respect to cargo moving in the foreign commerce of the United States and Tariff Circular 3 (46 CFR 531) with respect to cargo moving in the domestic offshore commerce of the United States.

Pointing out that the service and rates offered by a terminal barge operator will be identical in both trades, the commentators are of the view that only one tariff filing would be needed to meet the requirements of section 3 of the Shipping Act, 1916. To this end, they favor the tariff filing requirements found in G.O. 13.

The Commission, after due consideration of these comments, is of the opinion that in this instance strict adherence to the form of the tariff filing requirements of Tariff Circular 3 is not required particularly in view of the very limited application of this rule. Therefore, for purposes of this Part, terminal barge operators, while still subject to all applicable provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, in their capacities as common carriers by water either in the foreign commerce or in domestic commerce, need conform only to the tariff filing requirements of G.O. 13.

Both commentators have indicated that they have not handled any cargoes moving in the domestic offshore trades and therefore initial compliance with this Part will require only a tariff filing with respect to their foreign commerce operations. When, and if, domestic cargo is handled, a duplicate tariff with appropriate covering letter should be filed with the Commission. As water carriers carrying cargo in the domestic offshore trades, terminal barge operations will, however, be expected to comply with all required regulations where applicable.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 3, 18(a), 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 1160, 817 and 841(a)), and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), Title 46 CFR is amended by the addition of a new Part 550 reading as follows:

Sec.
550.1 Scope
550.2 Tariff Filing Requirements
550.3 Effective Date

AUTHORITY: Sec. 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 3, 18(a), 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 1160, 817, and 841(a)), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844).

§ 550.1 Scope.

(a) The rules and regulations set forth in this Part cover the filing of tariffs by terminal barge operators in Pacific Slope States in the foreign and domestic commerce of the United States.

(b) Terminal barge operators moving containers or containerized cargo by barge between points in the Continental United States shall file a schedule of their rates, charges and services solely with the Federal Maritime Commission where:

(1) The cargo is moving between a point in a foreign country or a noncontiguous State, territory, or possession and a point in the United States,

(2) The transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by the common carrier by water transporting the containers or containerized cargo under a through bill of lading,

(3) Such terminal operator is a Pacific Slope State municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and the only one furnishing the particular circumscribed barge service on January 2, 1975.

(4) Such terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of such barge service.

(c) The terminal operator providing such service shall be subject to the provisions of the Shipping Act, 1916.

§ 550.2 Tariff Filing Requirements.

(a) Terminal barge operators subject to this Part shall comply with the tariff filing requirements of General Order 13 (46 CFR 536) with respect to the publication of rates, charges and services for cargo moving in the foreign and/or domestic offshore commerce of the United States.

(b) Terminal barge operators while exempt from the tariff filing form requirements of Tariff Circular 3 (46 CFR 531) with respect to their operations as water carriers carrying cargo in the domestic offshore trades, shall comply with all other required regulations, where applicable.

(c) Tariff(s) filed pursuant to § 550.2 (a) shall specifically provide that the rates charged are based upon factors normally considered by a regular commercial operator in the same service.

§ 550.3 Effective date.

This Part shall become effective on May 2, 1975. Any completely new tariff or completely reissued tariff made on or after said date must comply in all respects with this Part.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–11055 Filed 4–25–75; 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 THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 81]

CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE AND PLANTS

Cooperation with the States

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884), it is proposed to add a new Part 81, Title 50, Code of Federal Regulations, as set forth below.

The purpose of this proposed rulemaking is to formalize procedures governing applications by States for Federal financial assistance under Section 6 of the Act, "Cooperation with the States." This includes criteria for approval of grants-in-aid to the States.

This proposed rulemaking states the policies and procedures of the U.S. Fish and Wildlife Service to be followed in the consideration of application for financial assistance under section 6. At present, the U.S. Fish and Wildlife Service has no funds appropriated for this purpose. States having applied for or entered into a Cooperative Agreement with the U.S. Fish and Wildlife Service will be notified as soon as such funds become available.

Similar regulations have been published by the National Marine Fisheries Service in 50 CFR Part 225.

Written comments, views, and objections may be made with respect to these proposed regulations to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, on or before June 27, 1975. Also, if any person feels that he may be adversely affected by the proposed regulations, he may file objections thereto and request a public hearing on or before June 12, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

APRIL 21, 1975.

PART 81—CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE AND PLANTS—COOPERATION WITH THE STATES

Sec.

81.1 Definitions.
81.2 Cooperation with the States.
81.3 Cooperative Agreement.
81.4 Allocation of funds.
81.5 Information for the Secretary.
81.6 Project Agreement.
81.7 Availability of funds.
81.8 Payments.
81.9 Assurances.
81.10 Submission of documents.
81.11 Divergent opinions over project merit.
81.12 Contracts.
81.13 Inspection.
81.14 Comprehensive plan alternative.

AUTHORITY: Endangered Species Act of 1973, section 6(h), 87 Stat. 884, 16 U.S.C. 1531–43, Pub. L. 93–205.

§ 81.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Agreements.* Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and containing provisions found in section 6(d)(2) of the Act.

(2) A Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

(b) *Conserve, conserving, and conservation.* The use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(c) *Endangered species.* Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).

(d) *Fish or wildlife.* Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(e) *Plant.* Any member of the plant kingdom, including seeds, roots, and other parts thereof.

(f) *Program.* A State-developed plan for the conservation and management of all species of fish and wildlife that exist in the wild in that State during any part of their life which are endangered or threatened, which includes goals, objectives, strategies, action, and funding necessary to be taken to accomplish the objectives on an individual basis.

(g) *Secretary.* The Secretary of the Interior or his authorized representative.

(h) *Species.* This term includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(i) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(j) *State agency.* The State agency or agencies, department, board, commission, or other governmental entity which is responsible for the management and conservation of fish or wildlife resources within a State.

(k) *Threatened species.* Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.

(l) *Project.* A subsantial undertaking to conserve the various species of fish or wildlife and plants facing extinction.

(m) *Act.* The Endangered Species Act of 1973, Pub. L. 93–205, 16 U.S.C. 1531 et seq.

(n) *Project segment.* An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(o) *Resident species.* For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

§ 81.2 Cooperation with the States.

The Secretary is authorized by the Act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that:

(a) Authority resides in the State agency to conserve resident species of fish

and wildlife determined by the State agency or the Secretary to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the Act, for all resident species of fish and wildlife in the State which are deemed by the Secretary to be endangered or threatened, and has furnished a copy of such plan and program together with all pertinent details, information, and data requested to the Secretary;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species of fish and wildlife as endangered or threatened.

§ 81.3 Cooperative Agreement.

Upon determination by the Secretary that a State program is adequate and active, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Project Agreement can be approved for endangered or threatened species projects. It must be reconfirmed annually to reflect new laws, species lists, rules or regulations, and programs, and to demonstrate that the program is still active and adequate. Further, such agreement must contain:

(a) The actions that are to be taken by the Secretary and the State;

(b) The benefits that are expected to be derived in connection with the conservation of endangered or threatened species;

(c) The estimated cost of these actions; and

(d) The share such costs to be borne by the Federal Government and by the State.

§ 81.4 Allocation of funds.

The Secretary shall allocate funds, appropriated for the purpose of carrying out Section 6, to various State programs using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of the Act;

(c) The number of endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and

(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

§ 81.5 Information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement with the Secretary pursuant to Section 6(c) of the Act.

§ 81.6 Project Agreement.

(a) Subsequent to the establishment of a Cooperative Agreement pursuant to § 81.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Project Agreement. Such agreements' continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

(b) The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of time necessary to accomplish the objectives, and both the Federal and State costs.

(c) To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that it has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A–95 (as revised).

(d) The Project Agreement will follow approval of the Application for Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.

(e) The form and content for both the Application for Federal Assistance and the Project Agreement are provided in the Federal Aid Manual.

§ 81.7 Availability of funds.

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

§ 81.8 Payments.

The payment of the Federal share of costs incurred in the conduct of activities included under a Project Agreement shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 66⅔ percent of the program costs as stated in the agreement; except, the Federal share may be increased to 75 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Federal Management Circular 74–7.

(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State agencies. Payments shall be made only to the State office or official designated by the State agency and authorized under the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State agency.

§ 81.9 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Federal Management Circular 74–7.

§ 81.10 Submission of documents.

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the U.S. Fish and Wildlife Service.

§ 81.11 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 81.12 Contracts.

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Federal Management Circular 74–7. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

§ 81.13 Inspection.

Supervision of each project by the State shall include adequate and con-

tinuous inspection. The project will be subject to periodic Federal inspection.

§ 81.14 Comprehensive plan alternative.

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Application for Federal Assistance will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

[FR Doc.75-11033 Filed 4-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480; 40 FR 12481). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 984 (7 CFR Part 984; 39 FR 35377; 35999), regulating the handling of walnuts grown in California, Oregon, and Washington. The marketing agreement and order (hereinafter referred to collectively as the "order"), are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a recommendation of the Walnut Marketing Board.

The order was amended October 1, 1974. The amendment, among other things, changed the Board's procedures for voting by mail and telegram, added provisions requiring handlers to report walnut receipts from growers, deleted provisions on reports of controlled walnuts, inshell volume regulation, and deferment of time in meeting a surplus obligation, and replaced setaside requirements for surplus walnuts with holding requirements. The proposal recognizes these changes in the order.

The proposal also changes some of the provisions in the subpart so they more accurately reflect current industry operating practices, and simplifies and reorganizes other provisions.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 12, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480; 40 FR 12481) is as follows:

1. Add a new § 984.445 to read as follows:

§ 984.445 Procedures for voting by mail or telegram.

Whenever the Board votes upon any proposition by mail or telegram at least six members or alternates acting as members must vote and one dissenting vote shall prevent its adoption. Each proposition to be voted upon by either of these methods shall specify a time limit for members to vote, after which the alternates shall be given the opportunity to vote.

2. Revise § 984.450 to read as follows:

§ 984.450 Minimum kernel content requirements for surplus.

(a) *For inshell walnuts.* Any lot of shelled walnuts withheld from handling to meet any part or all of a handler's surplus obligation shall have a certified kernelweight of not less than 10 percent of the inshell weight of the lot. No inshell lot may be exported unless it meets the minimum requirements for merchantable inshell walnuts effective pursuant to § 984.50(a).

(b) *For shelled walnuts.* Any lot of shelled walnuts withheld from handling to meet any part or all of a handler's surplus obligation shall have a certified kernelweight of kernels 6/64's of an inch or larger, of not less than 10 percent of the total weight of the lot. This minimum kernel size requirement shall not apply to any lot of walnut meal certified by the designated inspection service as having been derived from chopping, slicing, or dicing merchantable shelled walnuts. No shelled lot may be exported unless it meets the minimum requirements for merchantable shelled walnuts effective pursuant to § 984.50(b).

3. Revise § 984.451 and the section heading to read as follows:

§ 984.451 Inspection and certification of inshell and shelled walnuts.

(a) The inspection service for handlers in the State of California shall be the DFA of California. For handlers in the States of Oregon or Washington, the inspection service shall be the Oregon State Department of Agriculture, Federal-State Shipping Point Inspection Service.

(b) Inspection of all shelled walnuts shall be made on the premises of the handler prior to moving them to any other location.

(c) Each handler shall make each container of each lot of walnuts accessible for sampling and sealing or stamping in connection with the inspection and certification of any lot of inshell or shelled walnuts.

(d) Inshell and shelled walnuts for export pursuant to 984.56(b) shall be inspected and certified within 60 days of shipment from the handler's plant.

§ 984.454 [Deleted]

4. Delete § 984.454.

5. Revise § 984.456 to read as follows:

§ 984.456 Designation of agents for export of surplus walnuts.

Any handler may be designated an agent of the Board to export merchantable surplus walnuts upon execution of an "Export Agreement for Surplus Walnuts" furnished by the Board setting forth the terms and conditions for export sales.

6. Add a new § 984.458 to read as follows:

§ 984.458 Transfer of excess surplus credits.

Any handler who desires to transfer excess surplus credits to another handler shall submit a request to the Board for such transfer on WMB Form No. 17 signed by both handlers. The request shall show (a) the name of the handler requesting the transfer, (b) the name of the handler to whom the transfer is to be made, and (c) the quantity of credits to be transferred.

§ 984.460 [Deleted]

7. Delete § 984.460.

§ 984.461 [Deleted]

8. Delete § 984.461.

9. Revise § 984.462 to read as follows:

§ 984.462 Surplus pool.

Each lot of surplus walnuts delivered to the Board for pooling and disposition shall be separately weighed by a public weighmaster either upon removal from the handler's premises or in transit to Board storage facilities or diversion point. A tare weight of 1 pound shall be used for bags and tare weights for other containers shall be actual weights. Such tare weights shall be used in determining net weight. A copy of each weighmaster certificate shall be forwarded to the Board by the handler.

§ 984.464 [Amended]

10. In paragraph (b) of § 984.464 "WCB" is deleted and "WMB" is inserted in lieu thereof.

11. Revise § 984.471 to read as follows:

§ 984.471 Reports of handler carryover.

Reports of handler carryover as of August 1, January 1, and April 1 of each marketing year shall be submitted to the Board on WMB Form No. 4 for inshell walnuts and on WMB Form No. 5 for shelled walnuts, on or before August 15, January 15, and April 15 respectively, of that marketing year.

12. Revise § 984.472 to read as follows:

§ 984.472 Reports of merchantable walnuts handled.

(a) *Inshell.* Reports of merchantable inshell walnuts handled during a month shall be submitted to the Board on WMB Form No. 6 not later than the 5th day of the following month. Such reports shall include all shipments during the preceding month and shall show (1) the quantity shipped, (2) whether they were shipped into domestic or export chan-

nels, and (3) for exports, the quantity by country of destination. If a handler makes no shipments during any month he shall submit a report marked "None." If a handler has completed his shipments for the season he shall mark the report "Completed" and he shall not be required to submit any additional WMB Form No. 6 reports during the remainder of that marketing year.

(b) *Shelled.* Reports of merchantable shelled walnuts handled during a month shall be submitted to the Board on WMB Form No. 9 not later than the 5th day of the following month. Such reports shall include all shipments during the preceding month and shall show (1) the quantity shipped and (2) whether they were shipped into domestic or export channels. If a handler makes no shipments during any month he shall submit a report marked "None". If a handler has completed his shipments for the season he shall mark the report "Completed" and he shall not be required to submit any additional WMB Form No. 9 reports during the remainder of that marketing year.

(c) *Reports of walnuts purchased from growers for manufacturing or for retail sale.* Reports of walnuts purchased directly from growers by handlers who are manufacturers or retailers shall be submitted to the Board on WMB Form No. 6 for inshell walnuts and on WMB Form No. 9 for shelled walnuts, not later than the 5th day of the month following the month in which the walnuts were purchased. Such reports shall show the quantity of walnuts purchased and the quantity inspected and certified as merchantable walnuts.

13. Revise § 984.473 to read as follows:

§ 984.473 Report of walnut receipts.

Each handler shall file a report of his walnut receipts from growers on or before January 15 of each marketing year on forms supplied by the Board.

14. Revise § 984.474 to read as follows:

§ 984.474 Reports of shipment of walnuts between States of production.

Any shipment of walnuts between the States of California, Oregon, and Washington for sale or delivery to a handler shall be reported to the Board on WMB Form No. 15 upon receipt by the receiving handler.

15. Revise § 984.476 to read as follows:

§ 984.476 Declaration of privilege.

Declarations of intentions to handle shall be on WMB Form No. 10.

16. Revise § 984.480 to read as follows:

§ 984.480 Books and other records.

Each handler shall maintain true and complete records of all inshell and shelled walnuts and walnut material, by categories, received, held, or disposed of by him. The records shall be maintained in such form as to permit verification of all transactions involved and shall be made available during normal business hours to authorized representatives of the Board or the Secretary of Agriculture. These records shall include the following:

(a) The names and addresses of the persons from whom received, and the quantities received from each such person;

(b) The names and addresses of the persons to whom disposal is made, and the quantities disposed of to each such person;

(c) The quantities used by the handler for such purposes as manufacturing, production of oil, and livestock feeding; and

(d) The quantities held on August 1, January 1, and April 1 of each marketing year.

Dated: April 22, 1975.

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

[FR Doc.75-10976 Filed 4-25-75;8:45 am]

Agricultural Stabilization and Conservation Service (Agriculture Adjustment)

[7 CFR Part 760]

BEEKEEPER INDEMNITY PAYMENT PROGRAM (1974–1977)

Proposed Amendment Program

Notice is hereby given that the Agricultural Stabilization and Conservation Service, under authority of section 804 of the Agriculture Act of 1970, 84 Stat. 1382, 7 U.S.C. 135b, as amended by the Agriculture and Consumer Protection Act of 1973, 87 Stat. 237, 7 U.S.C. 135b, is considering amending the beekeeper indemnity payment program regulations, 7 CFR, Part 760, section 105(d) to improve administration of the program.

This proposed amendment would change the date after which no change in the degree of loss of bees will be recognized each year from November 1 to October 1. Also, it is proposed that the period during which no payment will be made for any loss of queen nuclei be changed from October 1 and December 31 each year to July 1 and December 31 each year.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. Each person submitting comments, suggestions, or objections regarding the proposed amendment shall include his name and address and shall give reasons for any suggested changes in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Deputy Administrator, Programs, during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27 (b)).

All comments received before May 30, 1975, will be considered before final action is taken on this proposal.

It is proposed that Part 760, section 105(d) be revised to read as follows:

§ 760.105 Proving loss of bees.

* * * * *

(d) No change in the degree of loss of bees which occurs after October 1 each year will be recognized and no payment will be made for any loss of queen nuclei which occurs between July 1 and December 31 each year.

Effective date: April 28, 1975.

Signed at Washington, D.C. on April 22, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-11047 Filed 4-25-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 234]

[EDR-284; Docket No. 27765]

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS: REALISTIC SCHEDULING REQUIRED

Proposed Expansion of Designated Domestic Passenger Flights Reported on CAB Form 438

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 234 of the Economic Regulations (14 CFR Part 234) which would increase the number of designated domestic passenger flights reported on CAB Form 438 from the top 100 to the top 200 city pairs and would eliminate the exclusion of city pairs less than 200 miles apart.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 28, 1975, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., upon receipt thereof.

Dated: April 22, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Part 234 of the Board's Economic Regulations requires certificated route air carriers to report, on CAB Form 438, on-time performance data with respect to the top 100 city pairs, exclusive of those less than 200 miles apart, as ranked in the revenue-passenger listing found in the Domestic Section of the

Origin-Destination Survey (§ 234.8), reporting requirement was initially adopted, effective May 1, 1959, for a one-year experimental period and specified the reporting, by certificated air carriers, of all nonstop and one-stop trips.[1] Subsequent revisions extended this requirement[2] and in 1961 limited the provisions of Part 234 to the reporting of only the top 100 city pairs, excluding those less than 200 miles apart.[3] The revisions were intended to reduce the burden imposed on the industry and the Board, but without substantially reducing the value of the reported data since the Board's staff, at that time, felt that data on only the top 100 city pairs was sufficient for its needs.

We believe that publication of information reported on Form 438 has provided a strong inducement for air carriers to publish schedules which they can meet and to meet the schedules they publish. By providing an objective measure of on-time performance we feel that these figures have promoted healthy competition among carriers in providing a service feature which we consider to be truly beneficial to the public. Additionally, the reporting requirement has made it possible for users of air services to compare performance of competing air carriers.

Since 1961, however, there has been an increased public awareness of air carrier performance creating a need for on-time performance data for city pairs not in the top 100 and for those excluded because they are less than 200 miles apart. Additionally, we feel that the city pairs now reported are no longer as representative of the total system as they once were and, therefore, not adequate for evaluating air carrier on-time performance. This can be seen by the examination of origin and destination (O&D) passengers which shows that the expansion of service to city pairs not in the top 100 has increased to the point where the 261st market (BOS–ORL) carried the same average number of O&D passengers in 1973 as did the 100th market in 1961.

We have, therefore, tentatively concluded that the information reported is no longer sufficient for the purposes for which it was intended and we are now proposing to modify Part 234 of the Economic Regulations by (1) increasing the number of designated domestic flights reported on CAB Form 438 from the top 100 to the top 200 city pairs and (2) eliminating the exclusion of the reporting of city pairs less than 200 miles apart.

It is proposed to amend Part 234 of the Economic Regulations (14 CFR Part 234) as follows:

Amend paragraph (a) of § 234.8 *Reporting of schedule arrival performance*, the amended paragraph to read as follows:

§ 234.8 Reporting of schedule arrival performance.

(a) Each certificated route air carrier scheduling nonstop passenger flights between any of the 200 top-ranking pairs of points in terms of revenue-passenger volume as set forth in Table 6 "Domestic City-Pair Summary: Top-Ranked 1000 City Pairs in Terms of Number of Passengers" in the Board's "Domestic Origin-Destination Survey of Airline Passenger Traffic" shall, with respect to any such flights for each month, file in duplicate with the Board a "Monthly Report of Schedule Arrival Performance on Designated Passenger Flights," CAB Form 438.[1] The same information may be submitted on any comparable form prepared on automatic data processing equipment. Such substitute form shall be subject to Board approval and shall be submitted in duplicate and contain the same column headings arranged in the same sequence as CAB Form 438. During any period that a carrier's obligation to provide service between a pair of points is suspended by the Board, the report need not be filed for such pair of points. The report shall be filed within 45 days of the end of the month which it covers and shall be certified to be correct by a responsible officer of the reporting carrier.

* * * * *

[FR Doc.75-11022 Filed 4-25-75;8:45 am]

[1] ER-251, January 29, 1959.
[2] ER-300, April 18, 1960.
[3] ER-337, September 20, 1961.

[1] CAB Form 438 can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 364-4; OPP-300001]

PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

The Administrator of the Environmental Protection Agency has received requests to exempt certain additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. Based on the data submitted with the requests and a review of the history of use as well as the available information on the chemistry and toxicity of these substances, it has been found that these substances are useful as adjuvants and, when used in accordance with good agricultural practice, the amendment to the regulation as proposed will protect the public health.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 423, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the document. The comments must be received on or before May 28, 1975 and should bear a notation indicating the subject [OPP-300001]. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

It is proposed that Part 180, § 180.1001, be amended as set forth below.

Dated: April 18, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

It is proposed that Part 180, § 180.1001, be amended by 1) revising the items "D & C Red No. 17 * * *" and "Methyl violet 2B * * *" in paragraph (d); 2) alphabetically inserting new items in paragraphs (c), (d), and (e); and 3) making the consequent editorial changes as follows.

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	*	* *
Alkanoic and alkenoic acids, mono- and diesters of α-hydro-ω-hydroxypoly(oxyethylene) with molecular weight range of 200 to 6,000.	.....	Emulsifiers.
* * *	*	* *
Beeswax	.....	Coating agent.
* * *	*	* *
Calcium salt of partically dimerized rosin, conforming to title 21, sec. 121.1179.	.....	Coating agent.
Calcium silicate	.....	Solid diluent, carrier.
* * *	*	* *
Coumarone-indene resin, conforming to title 21, sec. 121.1050.	For use on citrus only.	Component of coating agent.
* * *	*	* *
Fatty acids, conforming to title 21, sec. 121.1070.	.....	Binder, defoaming agent, lubricant.
* * *	*	* *
Petrolatum, conforming to title 21, sec. 121.1166.	.....	Coating agent.
* * *	*	* *
Petroleum naphtha, conforming to title 21, sec. 121.1203(d).	.....	Component of coating agent.
Petroleum wax, conforming to title 21, sec. 121.1156(d).	.....	Coating agent.
* * *	*	* *
Polysorbate 65, conforming to title 21, sec. 121.1038.	.....	Emulsifier.
* * *	*	* *
Salts of fatty acids, conforming to title 21, sec. 121.1071.	.....	Binder, emulsifier, anticaking agent.
* * *	*	* *

Inert ingredients	Limits	Uses
Sodium hypochlorite		Bleaching agent, disinfectant.
* * *	*	*
Sperm oil conforming to title 21, sec. 121.1179.		Coating agent.
* * *	*	*

(d) * * *

Inert ingredients	Limits	Uses
* * *	*	*
D & C Red No. 17, technical grade.		Dye.
* * *	*	*
Methyl violet 2B		Dye.
* * *	*	*

(e) * * *

Inert ingredients	Limits	Uses
Alkanoic and alkenoic acids, mono- and diesters of α-hydro-ω-hydroxypoly (oxyethylene) with molecular weight range of 200 to 6,000.		Emulsifiers.
* * *	*	*

[FR Doc.75-10799 Filed 4-25-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19879; RM-2020, etc.]

FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations. (Little Rock, Benton, Batesville and Mountain View, Arkansas. Also Cherokee Village, Dardanelle, Dumas, Fayetteville, Lonoke, Malvern, Morrilton, Pine Bluff, Russellville, Sheridan and Van Buren, Arkansas, and Neosho, Missouri), Docket No. 19879 RM-2020, RM-2064, RM-2113, RM-2177, RM-2226, RM-2264, RM-2288, RM-2299, RM-2305, RM-2313, RM-2381, RM-2404, RM-2487, RM-2527.

1. In this proceeding, instituted by notice of proposed rule making, released November 27, 1973 (FCC 73-1217, 38 FR 32946), comments were invited on conflicting and interrelated proposals of petitioners for assignment of FM channels to Little Rock (RM-2020), Mountain View (RM-2064 and RM-2226) and Batesville (RM-2113), Arkansas,[1] and on five alternative assignment plans which we proposed for consideration to resolve the conflicts and permit FM assignments to be made to all three communities if found to be warranted.[2] The cut-off dates specified in the notice for filing comments in the proceeding were January 5, 1974, for initial comments (and counterproposals) and January 15, 1974, for reply comments (including comments on counterproposals). However, upon request, these cut-off dates were extended to February 11, 1974, for comments (and counterproposals) and to February 25, 1974, for reply comments (including comments on counterproposals) by three successive orders.[3]

2. Before us in this proceeding are the aforementioned proposals for Little Rock, Benton, Mountain View, and Batesville and those advanced for other Arkansas communities as counterproposals in comments timely filed prior to the extended expiration date for initial comments (February 11, 1974) or in petitions for rule making filed by that due date for comments which have been incorporated for consideration as counterproposals herein (RM-2305, Morrilton, Arkansas, and RM-2313, Pine Bluff, Arkansas) because of their conflicts with the proposals and counterproposals under consideration. The purpose of this further notice is to consolidate for consideration with the foregoing proposals and counterproposals, and invite comments on the relative merits of, a number of FM assignment proposals for other Arkansas communities (and Neosho, Missouri) which would not normally be appropriate for consideration herein since some of them were advanced in comments and petitions for rule making filed after the February 11, 1974, cut-off date specified for their acceptance for consideration as counterproposals herein and others of them conflict or are interrelated only to these untimely proposals because proposed assignments to the same community or to communities in close proximity are involved. We attach great significance to observance of our "cut-off" procedures in these FM rule making proceedings and would not normally open them to the receipt and consideration of proposals and comments which are not timely filed before the applicable expiration date specified for their acceptance, however meritorious, both in fairness to parties whose filings are timely and in consideration of the difficulties thereby created in exercising our regulatory responsibilities. Nevertheless, we have decided that there is justifiable reason for not adhering to the cut-off requirement in this proceeding.

3. The compelling reason for our decision to waive cut-off requirements with respect to the additional proposals lies in our recognition that, due to the defective Public Notice which we inadvertently gave on January 11, 1974 (Report No. 893), to an FM assignment proposal for Morrilton, Arkansas (RM-2305),[4] interested parties did not have adequate notice to alert them to an FM assignment proposal for Morrilton in RM-2305 which the Public Notice stated would be considered as a counterproposal in this proceeding, to any conflict of the Morrilton proposal with proposals of their own, or to any need or reason to participate in this proceeding by the submission of comments and counterproposals before the February 11, 1974, due date for submission of counterproposals because of an assignment proposal for Morrilton. The Morrilton proposal involved substituting Channel 226 for Channel 269A at Malvern, Arkansas, and reassignment of Channel 269A to Morrilton. The Public Notice given to the petition and proposal for Morrilton did not, as it should have, inform that the petitioner proposed Channel 269A for assignment to Morrilton. Instead, the Notice only stated that the petitioner requested the substitution of Channel 226 for Channel 269A at Malvern, Arkansas, and advised that this proposal for Malvern would be treated as a counterproposal herein, with the time

[1] In RM-2020, petitioner (Carroll D. Caldwell) proposes the assignment of Channel 295 to Little Rock as a fifth Class C FM assignment by replacing Channel 296A with Class C Channel 226 at Benton, Arkansas.

In RM-2064, the petitioner (James A. Pearson) proposes the assignment of Channel 224 to Mountain View as a first FM assignment.

In RM-2226, the petitioner (Preston Grace, Jr.) proposes the assignment of Class C Channel 226 to Mountain View as a first FM assignment.

In RM-2113, the petitioner (Joe Biard) proposes the assignment of Class C Channel 226 to Batesville as a first FM assignment.

[2] The conflicts stem from the fact that the Channel 226 proposals of the petitioners for Benton, Mountain View and Batesville are mutually exclusive because of minimum mileage separation requirements. These alternative plans all assume that Channel 295 would be assigned to Little Rock and that Channel 226 would replace Channel 296A at Benton. They would additionally (I) assign either one of two channels (224A or 249A) to Mountain View and Batesville; or (II) or (III), assign Class C Channel 277 to either Mountain View or Batesville; or (IV), assign Channel 277 to Mountain View and either Channel 249A or 228A to Batesville; or (V) assign Channel 224A to Mountain View and Channel 277 to Batesville. (As the Notice noted, spacing requirements would require use of a site 16 miles east of Little Rock for a Little Rock Channel 295 operation; use of a site 13 miles south of Benton for a Benton Channel 226 operation; and use of a site 13 miles southwest or 20 miles west of Batesville for a Batesville Channel 277 station.)

[3] By Order, released December 28, 1973, 39 Fed. Reg. 1283, the cut-off dates for comments and reply comments were first extended to expire on January 18 and February 8, 1974, respectively, in response to a request of Joe Biard, petitioner in RM-2113 (Batesville). By Order, released January 18, 1974, 39 Fed. Reg. 3573, the due dates for comments and reply comments herein were further extended to expire on January 28 and February 13, 1974, respectively, at the request of Preston Grace, Jr., petitioner in RM-2064 (Mountain View). The third extension, extending the comment and reply comment time to and including February 11, and February 25, 1974, respectively, was granted by Order, released January 31, 1974, 39 Fed. Reg. 4670, at the request of Arkansas Media Ventures, a prospective applicant for a Little Rock station.

[4] RM-2305, filed January 7, 1974, the petitioner, J. C. Willis, licensee of Station KVOM(AM), Morrilton, requests rule making to assign Channel 269A to Morrilton for a first FM assignment by substituting Channel 226 for Channel 269A (unused) at Malvern, Arkansas, and treatment of its proposal as a counterproposal herein. The proposal conflicts with the Little Rock, Benton, Batesville and Mountain View proposals upon which our prior Notice invited comments and was timely filed (before February 11, 1974) for consideration as a counterproposal herein.

for public comment on this Malvern proposal (including counterproposals) governed by the applicable cut-off dates in this proceeding.

4. Our failure to give notice of the Morrilton Channel 269A proposal in our public notice of January 11, 1974, appears to have been prejudicial to interested parties who state that they were misled by the public notice into beleiving that only the channel substitution proposal for Malvern was being incorporated for consideration into this proceeding and that they discovered, after some time (long after the cut-off dates for comments and counterproposals), that the petitioner in RM-2305 proposed the assignment of Channel 269A to Morrilton. They state that had they been aware of the Morrilton Channel 269A proposal or alerted to the fact that it was being incorporated for consideration as a counter proposal in this proceeding that they would have filed comments and counterproposals thereto prior to the cut-off dates for their consideration herein. We feel that this charge is justified, especially since if notice of the Morrilton Channel 269A proposal had been properly given on January 11, 1974, interested parties would have had ample time—until February 11, 1974—to file initial comments and countertproposals for consideraion with the Morrilton and other proposals herein. Consequently, in the circumstances, we believe it would be arbitrary, unfair and adverse to the public interest not to waive our cut-off requirements and to accept for consideration herein all comments and counterproposals conflicting with the Morrilton Channel 269A proposal in RM32-05 despite their latness.[5]

5. Having reached this decision and considering that the untimely Dardanelle counterproposal and other proposals of its proponent, besides conflicting with the Morrilton proposal and others under consideration herein (i.e., Little Rock-Benton proposal in RM-2020), also conflict or are interrelated to FM assignment proposals of other petitions, we have further decided that it is also necessary and desirable, in the interests of fairness and the public interest, to include those proposals herein for consideration as well. They, like the proposals we are considering herein, also with one exception (Neosho, Missouri), involve FM assignment proposals for Arkansas communities and, aside from technical conflicts and their interrelationship with other of these proposals and those under consideration herein, also appear of possible merit. Further, the Arkansas communities for which FM assignments are proposed in these conflicting and interrelated proposals are so located that they encompass a large part of the state. Consequently, we also are convinced that the overall public interest will be served by considering them all together herein in reaching a decision on how best to make a fair, efficient and equitable distribution of the FM channels which could be assigned to this area.

6. We therefore shall consider herein in conjunction with the Little Rock, Benton, Mountain View and Batesville FM assignment proposals upon which we instituted rule making herein (Footnotes 1, 2, supra) and the comments received on them in response to the notice, and here advance for comments, the additional FM assignment proposals which are briefly discussed individually below.[6] However, since we have reservations about some of these proposals because of their technical conflicts with others we are considering herein, the proximity of some of the communities for which assignments are proposed, as well as for other reasons, as indicated in our discussion of them, this action inviting comments should not be construed as a present Commission view, even tentatively, that any or all of them should be adopted.

7. In our discussion of the proposals below, no attempt is made to set forth all the pertinent data furnished by their proponents concerning the communities and areas involved or their supporting arguments, and it need not be resubmitted to be considered in our evaluation of them. Since the proposals are many, and the showings furnished by their proponents appear adequate but for a few exceptions, to warrant consideration of them with the other proposals herein, at this stage in the proceeding, we feel it is sufficient to identify and discuss these proposals only to the extent necessary to inform of certain problems we have with them or of additional information needed to evaluate them and to permit meaningful comments on them vis-a-vis each other. All population figures given in discussing these proposals are from the 1970 U.S. Census, except as otherwise noted.

8. Cherokee Village, Arkansas. Proponent, Betty McCutchen Wetenkamp (Wetenkamp), in comments timely filed herein and specifically directed to the Little Rock-Benton proposal in RM-2020 (Footnote 1, supra), alternatively proposes assignment of Channel 296A or Channel 265A to Cherokee Village for a first FM assignment and first local aural broadcast service, for which she states she would apply to serve Cherokee Village and also the surrounding area in which the communities of Hardy, Ash Flat, Salem and Horseshoe Bend are located. These communities are also without a local aural broadcast service and of them, only Salem, which is assigned Channel 240A (unused), has an FM assignment. Channel 265A is also proposed for assignment to Cherokee Village as a "drop-in" by the Dardanelle proponent in a proposed assignment plan to resolve conflicts between its Dardanelle proposal and the Morrilton proposal in RM-2305, as well as other proposals herein. (See Dardanelle, para. 16 herein.)

9. Cherokee Village (population, 1,300)[7], which Wetenkamp states came into being in 1954 and now has a population of 2,850,[7] is located in northern Arkansas in Sharp County (population, 8,233) except for a small portion of the community which is located in Fulton County (population, 7,699), approximately 115 miles northeast of Little Rock and 35 miles north of Batesville. Salem (population, 1,277), the county seat of Fulton County, is located about 15 miles northwest of Cherokee Village. Both Hardy (population, 692) and Ash Flat (population, 211), are located in Sharp County, with Hardy a few miles northeast of Cherokee Village and Ash Flat, a few miles to the south of the community. Horseshoe Bend (population, 321)[8] is located in Izard County (population, 7,381) about 10 miles southwest of Cherokee Village. Wetenkamp states that the residents of Cherokee Village and these communities are involved in intermixed civic, social, religious, business and other activities and that a Class A facility at Cherokee Village would be able to respond to broadcast needs of all these communities.

10. The Wetenkamp engineering showing indicates that her Cherokee Village Channel 296A proposal, while not mutually exclusive with the Little Rock Channel 295 proposal (requiring a change in the Benton Channel 296A assignment) in RM-2020, would reduce the area meeting spacing requirements east of Little Rock where a transmitter site for a Litte Rock Channel 295 station could be located. In view thereof, Wetenkamp proposes that either her Cherokee Village Channel 296A proposal be adopted instead of the Little Rock Channel 295 proposal in RM-2020 (her first choice) or that both of these proposals be adopted, not withstanding that her Cherokee Village Channel 296A proposal would restrict the area where Channel 295 would be technically feasible for use for a Little Rock station. Her alternative

[5] These include the (a) Reply Comments and Counterproposal tendered for filing herein on September 10, 1974, by Central Arkansas Broadcasting Company, Inc., licensee of FM Station KWKK, Channel 272A, Dardenelle, Arkansas, in which a change in the Dardenelle Channel 272A assignment conflicting with the assignment proposed for Morrilton in RM-2305 is proosed, as well as an assignment plan to resolve the conflict between its Dardanelle proposal and the Morrilton proposal and also between and among other conflicting proposals under consideration herein (see para. 11, Dardanelle, herein); and (b) Reply Comments and Request to Accept Same, tendered for filing herein on November 4, 1974, as concerns RM-2305 (Morrilton), by Arkansas Television Company, licensee of Station KTHV, Channel 11, Little Rock, regarding a possible second harmonic interference problem which it fears that the Morrilton RM-2305 proposal would create.

[6] These proposals include those which were advanced as counterproposals in comments timely filed in response to the prior Notice herein and in petitions for rule making which have previously been incorporated for consideration herein as counterproposals.

[7] Since no source for this figure was given, it should be supplied.

[8] Wetenkamp states that Horseshoe Bend now has a population of 1,200. The source for this figure should also be supplied.

Channel 265A proposal appears technically feasible and would not appear to require any changes in existing assignments or to conflict with the Little Rock Channel 295 proposal (RM-2020) or the others we are considering herein. While Wetenkamp states that she prefers Channel 296A to Channel 265A for a Cherokee Village assignment because of a claimed greater potential for service because of the location of co-channel and adjacent channel stations, this is not a decisive factor normally in making assignments since, due to the advent of new stations and site changes of existing stations, the potential of any channel for service in light of this factor may change.

11. Dardanelle, Arkansas. Proponent, Central Arkansas Broadcasting Company, Inc. (Central Arkansas), licensee of a daytime-only AM station (KCAB) and FM Station KWKK, Channel 272A, the only aural broadcast stations at Dardanelle, requests the substitution of Class C Channel 271 for Channel 272A at Dardanelle, as well as a concomitant change in Station KWKK's operating frequency. Its proposal is advanced in reply comments untimely tendered for filing herein on September 10, 1974, as a counterproposal to the conflicting Morrilton Channel 269A proposal in RM-2305 (see Morrilton, para. 34 herein) upon which public notice was inadvertently not given and which, in the circumstances, we have accepted for consideration herein (see paras. 3-5, supra).

12. Dardanelle (population, 3,297) is located in west central Arkansas in Yell County (population, 14,208), approximately 55 miles northwest of Little Rock and 24 miles west of Morrilton. Central Arkansas's FM station (KWKK) occupies Channel 272A, the only FM channel assigned to Dardanelle.

13. The Central Arkansas engineering showing indicates that Channel 271 could be assigned to Dardanelle in conformance with minimum mileage separation requirements if used at a site six miles west of Dardanelle that meets spacing requirements with respect to Station KBTM-FM, Channel 270, Jonesboro, Arkansas, which is 148 miles (150 miles required) from the Dardanelle reference point, and with respect to the Malvern Channel 269A assignment (the Malvern and Dardanelle reference points are 62 miles apart as compared to the required 65). The transmitter site proposed by Central Arkansas on Mount Nebo, approximately six miles west of Dardanelle, would satisfy mileage separation requirements for a Channel 271 operation. Its coverage showing for a Dardanelle Channel 271 station at the proposed Mount Nebo site, using Roanoke Rapids-Goldsboro, N.C. criteria [9] for determining service to unserved and underserved areas, shows that the station would provide a first FM service to an area of 175 square miles containing 1,399 persons and a second such service to an area of 855 square miles containing 3,673 persons. The showing also indicates that a maximum facility Class C station at Dardanelle would serve 220,000 persons in 9,160 square miles whereas a maximum Class A facility would serve 32,305 persons in 650 square miles, and that a Dardanelle Channel 271 operation at the Mount Nebo site, operating with power of 100 kilowatts at an antenna height of 1,300 feet above average terrain, would provide 60 dBu service to 187,695 more persons in 8,510 more square miles than Station KWKK could provide on Channel 272A using maximum facilities.

14. Central Arkansas also claims justification for a wide coverage Class C instead of a Class A assignment and station at Dardanelle because of the past and future anticipated growth of Dardanelle and the primary coverage area for a Dardanelle station, which includes Pope County (population 28,607), as well as Yell County; because its Channel 271 proposal would create no significant preclusion [10]; because an undesirable intermixture of Class C and Class A assignments would be created in this area if a proposal to assign a Class C channel to Russellville, Arkansas [11], located across the Arkansas River from Dardanelle is granted and Dardanelle is not likewise provided with a Class C instead of a Class A assignment; and because its proposal is technically feasible and if adopted as part of the overall assignment plan it proposes other conflicting proposals for FM assignments under consideration herein could also be satisfied.

15. Central Arkansas's Channel 271 proposal for Dardanelle conflicts with the proposal in RM-2305 to assign Channel 269A to Morrilton (see Morrilton, para. 34 herein) since, with Morrilton and Dardanelle located only about 24 miles from each other, the 65-mile separation required between these proposed assignments to Dardanelle and Morrilton could not be met. The Dardarelle Channel 271 proposal also conflicts with the proposal to assign Channel 272A to Sheridan, discussed in para. 53 herein, since these communities are located only about 78 miles apart and a separation of 105 miles would be required for these proposed adjacent channel assignments at Dardanelle and Sheridan.

16. Central Arkansas also advances with its Dardanelle proposal an assignment plan which it developed for resolving the conflict between its Dardanelle Channel 271 proposal and the Morrilton and Sheridan proposals, as well as the conflicts between other proposals under consideration herein and those of other petitioners. Its assignment plan proposes the following:

Dardanella—Substitute Channel 271 for Channel 272A.
Little Rock—Substitute Channel 282 for Channel 279, occupied by Station KKYK, and make the same change in Station KKYK's operating frequency. With that change, Channel 226 could be assigned to Little Rock and is proposed. (The substitution would also free Channel 278 for assignment to Morrilton and Channel 276A for assignment to Sheridan with site restrictions.)
Pine Bluff—Assign Channel 257A.
Morrilton—Assign Channel 278.
Mountain View—Assign Channel 224A.
Batesville—Assign Channel 298.
Cherokee Village—Assign Channel 265A.
Dumas—Assign Channel 296A.
Sheridan—Assign 276A.

17. Under this Central Arkansas assignment plan, Channel 296A at Benton would not be disturbed. As previously mentioned, the Dardanelle Channel 271 proposal would require use of a transmitter site for a Dardanelle operation six miles west of Dardanelle to meet spacing requirements to Channel 269A at Malvern and to Channel 270, occupied by Station KBTM, at Jonesboro. The Batesville Channel 298 proposal would require use of a transmitter site for a Batesville operation 13 miles west of Batesville to meet the spacing requirement to Channel 300, occupied by Station KFIN, Jonesboro.

18. While the Central Arkansas assignment plan would resolve the spacing conflicts between its Dardanelle Channel 271 proposal and the proposals for Morrilton and Sheridan discussed in para. 15, its proposal therein to substitute Channel 282 for Channel 279 at Little Rock conflicts with a proposal in RM-2299 for substitution of Channel 281 for Channel 280A at Fayetteville, Arkansas (see Fayetteville, para. 23 herein) since, with these communities located only about 138 miles apart, the 150-mile required separation between these proposed Little Rock and Fayetteville adjacent channel assignments could not be met.

19. There is also a proposal in RM-2288 to assign Channel 242 to Russellville, Arkansas (see Russellville, para. 45 herein) which, although not in technical conflict with Central Arkansas's Dardanelle Channel 271 proposal, may nevertheless be incompatible therewith for another reason. Since Russellville is located only about five miles north of Dardanelle and the area is not one of high population density, the Dardenelle and Russellville proposals for wide coverage Class C assignments raise a question as to whether Class C assignments would be warranted to two communities in such proximity. In view thereof, we believe that these proposals should be considered jointly and that their proponents should address themselves to this question in further comments on their respective proposals.

20. *Dumas, Arkansas.* Alan W. Eastham, a partner licensee of Station KDDA, a daytime-only AM operation at Dumas, in letter comments timely filed herein

[9] 9 F.C.C. 2d 672 (1967).

[10] Central Arkansas points out that only on Channels 269A and 272A would areas be precluded from a possible assignment by its proposal and that Sheridan, Arkansas (population, 2,480) is the only community of significant size in these areas where other channel assignments are not possible. A request for rulemaking for assignment of Channel 272A to Sheridan has been received (see Sheridan, para. 53 herein).

[11] RM-2288, filed August 29, 1973, requesting rule making to assign Class C Channel 242 to Russellville. (See Russellville, para. 45 herein.)

in opposition to the Little Rock Channel 295 proposal in RM–2020 (Footnote 1, supra), informs of the interest of the KDDA Radio partnership in establishing an FM station at Dumas and of their intent to seek the assignment of Channel 296A to Dumas by formal petition for rule making in the near future for use for that purpose, if the conflicting proposal to assign Channel 295 to Little Rock is not adopted. The proposed assignment plan of the Dardanelle proponent (see Dardanelle, para. 16, supra) also would assign Channel 296A as a "drop-in" to Dumas as a first FM assignment. Although Eastham does not request that his Dumas Channel 296A proposal be treated as a counterproposal herein, since we are opening up this proceeding to consider conflicting and interrelated proposals for FM assignments to communities in a wide area of Arkansas, we believe that the competing needs of Dumas, as well as other communities in this area, for FM assignment, should be considered together, and this further notice will provide added opportunity for proponents of FM assignments for them to submit their proposals for consideration along with the others we are considering herein and to demonstrate their worth.

21. Dumas (population, 4,600) is located in southeastern Arkansas in Desha County (population, 18,761), approximately 75 miles southeast of Little Rock. Eastham states that Dumas has had an estimated 44 percent population increase (2,000 persons) since 1970. Since he does not inform of his source for this estimate or provide other demographic data concerning Dumas and the area, it should be furnished. The only aural broadcast station in Desha County other than Station KDDA at Dumas at present is Station KVSA, also an AM daytime-only operation, located in McGehee, Arkansas (population, 4,683), approximately 20 miles southeast of Dumas. McGehee also has an unused FM assignment, Channel 272A, the only such assignment in Desha County.

22. The engineering showing accompanying the Eastham comments indicates that Channel 296A could be assigned to Dumas in conformance with mileage separation requirements without requiring any change in existing assignments, and Eastham states that Channel 296A is the only FM channel available which could be so assigned to Dumas. The assignment of Channel 296A to Dumas, however, would conflict with the proposal in RM–2020 to assign Channel 295 to Little Rock since, with Little Rock and Dumas located only about 78 miles from each other, the required 105-mile separation between a Little Rock Channel 295 assignment and a Dumas Channel 296A assignment could not be met.

23. Fayetteville, Arkansas (RM–2264) (RM–2299). In RM–2264, filed September 19, 1973, and concerning which public notice was given November 5, 1973 (Report No. 885), the petitioner, Vernon B. Fitzhugh, Fayetteville, Arkansas, proposes the assignment of Class C Channel 300 to Fayetteville for a third FM assignment (first Class C). To resolve a conflict between his proposal and a proposal in RM–2177 for assignment of Channel 300 to Neosho, Missouri, for a first FM assignment, he also proposes the assignment of Channel 257A to Neosho (see Neosho, para. 60, below). If the proposed Class C assignment to Fayetteville is made, Fitzhugh states that he will apply for use of the channel, either as an individual or through a corporation he may form, to provide a new FM service to Fayetteville and the area.

24. In RM–2299, filed September 27, 1973, and concerning which public notice was given January 11, 1974 (Report No. 893), the petitioner, Kessler Mountain Broadcasting Co., Inc., licensee of FM Station KNWA, operating on Channel 280A, Fayetteville, requests the substitution of Class C Channel 281 for Channel 280A at Fayetteville.

25. Fayetteville (population, 30,729), the seat of Washington County (population, 77,370), is located in northwest Arkansas, approximately 45 miles northeast of Fort Smith, Arkansas, 138 miles northwest of Little Rock, and is the largest city in this area. The petitioner in RM–2264 (Fitzhugh) informs that a special census certified in October, 1972, indicates an increase in Fayetteville's population to 31,915 (3.9 percent) and that on April 27, 1973, the United States Office of Management and Budget designated Fayetteville-Springdale [12] as a Standard Metropolitan Statistical Area (population, 136,400), which includes all of Washington County and of Benton County, which adjoins Washington County on the north. The petitioner in RM–2299 (Kessler) also states that the Fayetteville Chamber of Commerce estimates that by 1975 Fayetteville's population will be between 35,000 and 50,000 persons. There are two daytime-only AM stations (KFAY and KHOG) and two commercial FM stations at Fayetteville which operate on Channels 221A (KKEG) and 280A (KNWA), the only FM channels assigned. The city also has a noncommercial educational station (KUAF), licensed to the Board of Trustees of the University of Arkansas, whose main campus is in Fayetteville.

26. The Fitzhugh proposal in RM–2264 to assign Channel 300 to Fayetteville would be technically feasible and require no changes in existing assignments. His preclusion showing indicates that a Fayetteville Channel 300 assignment would foreclose future assignments only on Channel 300; that there would be no preclusion on the six adjacent channels; and that there are no communities without Class C assignments located within the precluded area of a size to normally warrant assignment of a Class C channel. His coverage showing indicates that a Fayetteville Class C Channel 300 station, operating with 100 kilowatts and antenna height to 530 feet above average terrain, would provide a first FM service to 4,211 persons in an area of 270 square miles and a second FM service to 21,679 persons in an area of 1,635 square miles.

27. The Fitzhugh proposal to assign Channel 257A to Neosho, Missouri, in RM–2264 is advanced to remove the conflict between his Fayetteville Channel 300 proposal and the proposal in RM–2177 to assign Channel 300 to Neosho. Since these two communities are located only about 60 miles apart, the required 180-mile separation for Channel 300 assignments to both communities could not be met. His showing indicates that Channel 257A would meet spacing requirements for assignment to Neosho if used at a site at least two miles southwest of Neosho to meet the required 65-mile separation from Station KWTO–FM (Channel 254), Springfield, Missouri. He urges that the assignment of Channel 257A to Neosho and of Class C Channel 300 to Fayetteville would be in keeping with our FM assignment policies due to the relative populations and importance of the two communities. However, while Neosho (population 7,517) would not normally qualify for a Class C assignment under our assignment policies, Fayetteville also would not normally qualify for a third FM assignment since it has less than 50,000 population. In addition, we would not normally assign a wide coverage Class C channel to a community with two occupied Class A assignments because of the adverse effects upon competition resulting from such intermixture of assignments in the absence of a compelling showing of need for an additional local service that could not be met with an available Class A channel.

28. The proposal in RM–2299 to substitute Channel 281 for Channel 280A at Fayetteville is also technically feasible and would require no change in existing assignments. The Kessler preclusion showing indicates that use of Class C channel 281 instead of Channel 280A at Fayetteville would foreclose future assignments on Channels 280A and 282. There are four Oklahoma communities of a size to be assigned a Class A channel normally which would be foreclosed the use of Channel 280A, i.e., Heavener (population, 2,566); Wilberton (population, 2,280); Stigler (population, 2,347); and Quinton (population, 1,262). The preclusion on Channel 282 would occur in a limited area in which Marshall, Arkansas (population, 1,397), is the only community with a population greater than 1,000 without an FM assignment, and it is not of a size to qualify for a Class C assignment normally. The petitioner should show whether there are any other Class A channels which would be available for assignment to these communities. From the Kessler coverage showing, it appears that the gain in coverage of its Fayetteville FM station should Channel 281 be substituted for its Channel 280A operating frequency, esti-

[12] Springdale (1970 population, 16,783) is also located in Washington County about eight miles to the north of Fayetteville. Fitzhugh points out that the 1972 special census conducted in the Fayetteville-Springdale area indicated a total population of 50,615 for the two cities.

mated on the basis of Station KNWA operating at its present site with power of 25 kilowatts and antenna height of 510 feet above average terrain, would amount to 68,033 persons in an area of 1,981 square miles. It also indicates that Station KNWA operating on Channel 281 would be able to provide a first FM service to 1,912 persons in an area of 140 square miles and a second such service to 21,823 persons in an area of 794 square miles.[13]

29. As previously pointed out in discussing the Dardanelle proposal and proposed assignment plan of Central Arkansas above, Kessler's proposal to substitute Channel 281 for Channel 280A at Fayetteville would conflict with Central Arkansas's proposal to substitute Channel 282 for Channel 279 at Little Rock in light of the distance of these communities from each other (138 miles) and spacing requirements (150 miles). Since this Little Rock proposal of Central Arkansas is being advanced for comments and considered herein, it is necessary and desirable, we believe, to consider Kessler's conflicting Fayetteville Channel 281 substitution proposal with that proposal in this proceeding.

30. The Fitzhugh proposal to assign Channel 300 to Fayetteville (RM-2264), while not in technical conflict with Kessler's Fayetteville Channel 281 proposal (RM-2299) or other proposals herein, should nevertheless, be considered with the Kessler proposal in this proceeding also since they involve the same community and raise a question as to whether the public interest would be served by adopting both proposals which would intermix Class A and Class C assignments at Fayetteville by changing one of the two occupied Class A assignments to a Class C assignment and adding a second Class C assignment, leaving Fayetteville with one Class A and two Class C assignments, or by adopting one of them, leaving Fayetteville intermixed with one Class A and one Class C assignment or two Class A and one Class C assignments. Since Fitzhugh's Fayetteville Channel 300 proposal and the Neosho Channel 300 proposal in RM-2177 are mutually exclusive, these conflicting proposals, as well as Fitzhugh's Channel 257A proposal for Neosho to remove the conflict between them, need to be considered together herein also.

31. Lonoke, Arkansas (RM-2404). The petitioner, Lowell Stephen Jumper, North Little Rock, Arkansas, in RM-2404, filed June 24, 1974, requests the assignment of Channel 292A to Lonoke for a first FM assignment and a first aural broadcast service for which, if assigned, he states he would promptly apply. Public notice of the proposal was given on July 1, 1974 (Report No. 916). Supporting letters from the Mayor of Lonoke, its Superintendent of Schools, the Lonoke Chamber of Commerce, and business and church officials at Lonoke accompanied the petition.

32. Lonoke (population 3,140) is located in central Arkansas in Lonoke County (population, 26,249), approximately 20 miles east of Little Rock and 40 miles north of Pine Bluff. There are no aural broadcast stations in operation in Lonoke County, and no FM channels are assigned.

33. The engineering statement accompanying the Jumper petition indicates that Channel 292A would be technically feasible for assignment and use at Lonoke in conformance with mileage separation requirements without requiring any change in existing assignments and that no other Class A channel is available which could be assigned to Lonoke on the same "drop-in" basis. The proposed Lonoke Channel 292A assignment would, however, conflict with the Little Rock Channel 295 proposal in RM-2020 and also with an alternative proposal in RM-2313 to assign Channel 295 to Pine Bluff which conflicts with the Little Rock Channel 295 proposal (see Pine Bluff, para. 40 herein) since the required 65-mile separation between a Lonoke Channel 292A assignment and either a Little Rock or Pine Bluff Channel 295 assignment could not be met with Lonoke located only about 20 miles from Little Rock and 40 miles from Pine Bluff. Since we are considering these conflicting Little Rock and Pine Bluff proposals herein, as well as other alternative proposals for both communities, including the proposal for Little Rock advanced by the Dardanelle proponent in the proposed assignment plan discussed in para. 16, above, we are of the view that this Channel 292A proposal for Lonoke should also be considered together with the Little Rock and Pine Bluff proposals.

34. Morrilton, Arkansas (RM-2305). J. C. Willis, licensee of Station KVOM, a daytime-only AM operation, Morrilton, proposes assignment of Channel 269A to Morrilton for a first FM assignment by substituting Channel 226 for Channel 269A (unused) at Malvern in a pleading which it timely filed herein on January 7, 1974, requesting rule making on the proposal and its treatment as a counterproposal herein.[14] If the assignment is made, Willis states that he will promptly apply for its use for a Morrilton station. The assignment plan advanced by the Dardanelle proponent (see Dardanelle, para. 16, supra) to resolve the conflict between its Dardanelle Channel 271 proposal and Willis's Channel 269A proposal for Morrilton alternatively proposes assignment of Channel 278 to Morrilton.

35. Morrilton (population, 6,814), the seat of Conway County (population, 16,805) is located in west central Arkansas, approximately 40 miles northwest of Little Rock and 24 miles east of Dardanelle. The only aural broadcast station in Conway County is Willis's daytime-only AM station at Morrilton (KVOM). No FM channels are presently assigned in Conway County. Malvern (population, 8,739), the seat of Hot Spring County (population, 21,963), is located approximately 35 miles southwest of Little Rock and 18 miles southwest of Benton. Station KBOK, a daytime-only AM operation, is Malvern's only broadcast outlet, and it is the only aural broadcast station now in operation in Hot Spring County. Channel 269A, Malvern's sole FM assignment and the only FM assignment in Hot Spring County, although assigned in 1963, is still unoccupied.

36. The Willis engineering showing indicates that Channel 269A would be technically feasible for assignment to Morrilton if the unused Malvern Channel 269A assignment is changed to Channel 226 and that no other channel could be assigned to Morrilton that would not require an existing FM station to change frequency. It also appears from his preclusion study that there are no cities of any size in the areas precluded on Channel 269A and that his proposal would have no adverse preclusion effects of significance. Willis urges that his Channel 269A proposal for Morrilton would make for more efficient use of Channel 269A in this area since by substituting Channel 226 for Channel 269A at Malvern and reassigning Channel 269A to Morrilton, Channel 269A could then also be assigned to communities south of Malvern, such as Fordyce, Arkansas (population, 4,837).

37. As was pointed out in discussing the Dardanelle Channel 271 proposal, the Willis proposal to assign Channel 269A to Morrilton is mutually exclusive with that Dardanelle proposal since the location of these communities is such (approximately 24 miles apart) that spacing requirements could not be met for a Channel 269A assignment at Morrilton and a Channel 271 assignment at Dardanelle (65 miles required).

38. The Willis proposal to replace Channel 269A with Channel 226 at Malvern so that Channel 269A could be assigned to Morrilton is also mutally exclusive with the conflicting proposals in RM-2020 (Litle Rock-Benton), RM-2226 (Mountain View) and RM-2113 (Batesville) for assignment of Channel 226 to Benton (in replacement of Channel 269A), Mountain View, and Batesville, respectively, since the 180-mile separation required for these proposed Class C Channel 226 asignments could not be met with Malvern located only about 18 miles southwest of Benton, 110 miles southwest of Mountain View and 120 miles southeast of Batesville. While aware that these conflicting Channel 226

[13] If the Fayetteville Channel 281 substitution proposal in RM-2299 and the Fayetteville Channel 300 proposal in RM-2264 should both be adopted, the gain in first and second FM service would be altered. Since the proposed use of Channel 281 at Fayetteville would encompass a smaller area, the gain in first service could be calculated. However, there would be an anomally in the gain of second service. This may be due to the different location used for Station KKEG, operating on Channel 221A, Fayetteville, as well as the difference in the manner the population data was determined.

[14] As previously mentioned in para. 4, supra, the public notice (Report No. 893) given on January 11, 1974, to the Willis petition and proposal inadvertently made no mention of his Channel 269A proposal for Morrilton and only stated that he proposed the substitution of Channel 226 for Channel 269A at Malvern.

proposals for Benton, Mountain View and Batesville conflict with his Channel 226 proposal for Malvern, Willis observes that, as the prior notice on these proposals indicated, unlike his Malvern Channel 226 proposal, the Benton Channel 226 proposal in RM–2020 would require use of a transmitter site approximately 13 miles south of Benton to meet spacing requirements and that several other FM channels (Channels 224A, 249A or 277) could be assigned to Mountain View or to Batesville instead of Channel 226. (Since Mountain View and Batesville are located only about 27 miles apart, spacing requirements would not permit co-channel FM assignments to both communities.)

39. Pine Bluff, Arkansas (RM–2313). KCLA, Incorporated, licensee of AM Station KCLA, a Class IV unlimited-time operation, Pine Bluff, proposes assignment of either Channel 295 or Channel 298 to Pine Bluff as a third Class C assignment by substituting Channel 269A for Channel 296A at Benton and Channel 257A for Channel 269A at Malvern in RM–2313, filed January 28, 1974. Public notice, given on February 11, 1974 (Report No. 896), concerning this petition, announced that these proposals were being incorporated herein for consideration. An alternative proposal to assign Channel 295 to Little Rock-Pine Bluff on a hyphenated basis is also advanced in comments received from Thomas C. White, a proponent of a proposal to assign FM Channel 298 to Shreveport, Louisiana, which was not adopted in the recently concluded proceeding in Docket No. 19690 as part of his plan for resolving possible conflicts among the FM proposals for Arkansas communities in this docket and those for Louisiana communities in Docket No. 19690.[12] As previously mentioned in discussing the Dardanelle Channel 271 proposal, an alternative proposal to assign Channel 257A to Pine Bluff is also advanced as part of the proposed assignment plan of the Dardanelle Channel 271 proponent. The Little Rock Channel 295 proposal in RM–2020, which conflicts with KCLA's Channel 295 proposal for Pine Bluff, would be accomplished by substituting Channel 226 for Channel 296A at Benton. The Morrilton Channel 269A proposal in RM–2305, which conflicts with KCLA's proposal to substitute Channel 269A for Channel 296A at Benton, would assign Channel 226 to Malvern in place of Channel 269A and reassign Channel 269A to Morrilton.

40. Pine Bluff (population, 57,389), the seat of Jefferson County, which is coextensive with the Pine Bluff Standard Metropolitan Statistical Area (population, 85,329), with an Urbanized Area population of 60,907, is the largest city in southeast Arkansas, located approximately 42 miles southeast of Little Rock. Pine Bluff is served by five AM stations, three of which are Class IV operations (KCAT, KOTN, KCLA) and two are daytime-only operations (KADL and KOTN). Pine Bluff also has two Class C FM stations which operate on Channels 222 (KOTN–FM) and 235 (KADL–FM), the only FM channels assigned to Pine Bluff. KCLA urges that because the nighttime service of its local Class IV AM station is very restricted because of interference, there is a distinct need for another nighttime aural broadcast service to serve the entire Pine Bluff Urbanized Area. As the notice informed, Benton (population, 16,499), the seat of Saline County (population, 36,107) is located approximately 20 miles southwest of Little Rock. It has two daytime-only AM stations and one Class A FM assignment (296A), for which an application is pending. Data concerning Malvern is furnished in the discussion of the Morrilton proposal in RM–2305 (see para. 35 above).

41. KCLA's alternative proposal to assign Channel 295 to Pine Bluff would appear to be technically feasible if Channel 295 is used at a transmitter site about seven miles northeast of Pine Bluff which meets spacing requirements (65-mile separation) to Station KXOW–FM, Channel 292A, Hot Springs, Arkansas, provided that the Benton Channel 296A assignment is also deleted or changed. KCLA's proposal to effectuate its Pine Bluff Channel 295 proposal by deleting Channel 269A from Malvern and reassigning Channel 269A to Benton in place of Channel 296A also appears technically feasible. Its proposal to replace the Malvern Channel 269A assignment with Channel 257A, however, is not technically feasible since, with Station KMAG, Channel 256, Fort Smith, Arkansas, only about 74 miles from Malvern, separation requirements (105 miles) would not permit the assignment and use of Channel 257A at Malvern. We therefore do not propose to consider this proposed substitute (Channel 257A) for Channel 269A at Malvern, and KCLA should, in further comments on its Pine Bluff Channel 295 proposal (requiring the reassignment of Channel 269A from Malvern to Benton in replacement of Channel 296A at Benton) show whether another FM channel would be technically feasible as a replacement for Channel 269A at Malvern. Also, in view of the fact that the Malvern Channel 269A assignment, although made in 1963, is still vacant, questions are raised as to whether it is likely that the Malvern FM assignment or another in replacement of it would be used to meet any need and demand for a local FM service in the foreseeable future and as to whether deletion of Channel 269A from Malvern without replacement might be warranted in the public interest to serve a present need and demand for FM service elsewhere. Comments directed to these questions are invited from KCLA and other parties herein, and particularly from interested parties at Malvern.

42. KCLA's alternative Channel 298 proposal for Pine Bluff is not appropriate for consideration in this proceeding since it is mutually exclusive with the conflicting Channel 298 proposals for Ruston (RM–2144) and Shreveport (RM–2002), Louisiana, which were under consideration in Docket No. 19690. While the KCLA Channel 298 proposal for Pine Bluff could have been timely advanced for consideration with those proposals in Docket No. 19690, it is now too late to do so. The proceeding in Docket 19690 was terminated with our release of a Second Report and Order on March 6, 1975 (FCC 75–248), ____ F.C.C. 2d ____, assigning, inter alia, Channel 298 to Ruston, Louisiana, after careful consideration of all the comments and conflicting and alternative proposals. Absent strong overriding reasons which have not been advanced by KCLA, we believe that there is no public interest justification for now considering other proposals in this proceeding which would conflict with the new Ruston Channel 298 assignment, such as KCLA's alternative Channel 298 proposal for Pine Bluff, since this could serve to delay the advent of a needed first service at Ruston.

43. As for the preclusionary impact of its Pine Bluff proposals, KCLA merely states that the impact study furnished by the petitioner in RM–2020 in support of his Little Rock Channel 295 proposal is applicable. Since that study is discussed in para. 12 of our prior notice, we need not do so again here. However, it is incumbent upon the Pine Bluff Channel 295 proponent also to submit the information requested therein concerning the communities and any others in the "precluded" areas for its Pine Bluff Channel 295 proposal as well. In addition, a coverage showing should be submitted showing the area and population that a station on the proposed Pine Bluff Channel 295 assignment would serve as compared to a Class A station. A showing should also be made in accordance with the procedure outlined in Roanoke Rapids-Goldsboro, North Carolina, 9 F.C.C. 2d 672 (1967), showing the area and population, if any, which would re-

[12] White's proposed assignment plan would, in addition to assigning Channel 295 to Little Rock-Pine Bluff on a hyphenated basis, substitute Channel 269A for Channel 296A at Benton; substitute Channel 257A for Channel 269A at Malvern; assign Channel 296A to Morrilton; assign Channel 226 or Channel 249A to Mountain View; and assign Channel 277 or Channel 249A to Batesville. KCLA also suggests the same proposed assignments for Benton, Malvern, Morrilton, Mountain View and Batesville with its Channel 295 proposal for Pine Bluff in reply comments. As for the White Little Rock-Pine Bluff Channel 295 hyphenation proposal, which KCLA, as well as other parties, do not appear to find objectionable, we are of the view that it does not warrant inclusion with the additional proposals upon which we are inviting comments herein since Little Rock and Pine Bluff would not warrant a hyphenated FM assignment under usual criteria, and no persuasive reason is given by White or other parties why they nevertheless should be considered for one. We also observe that other of the proposals in the White plan are not technically feasible, i.e., the Malvern Channel 257A proposal (see para. 41 above), and the Morrilton Channel 296A proposal, which would not meet spacing requirements (105 miles) if Channel 295 were to be assigned to Little Rock-Pine Bluff on a hyphenated basis or to either community since Morrilton is only about 40 miles from Little Rock and 78 miles from Pine Bluff.

ceive a first or second FM service therefrom as compared to a Class A station.

44. Since spacing requirements (180 miles) could not be met for co-channel 295 assignments at Little Rock and Pine Bluff, which are located only about 42 miles apart, the Little Rock Channel 295 proposal in RM-2020 is mutually exclusive with KCLA's Pine Bluff Channel 295 proposal in RM-2313. The Lonoke Channel 292A proposal in RM-2404 is also mutually exclusive with both of these Little Rock and Pine Bluff Channel 295 proposals since spacing requirements (65 miles) could not be met between Channel 292A at Lonoke and Channel 295 at either Little Rock or Pine Bluff with Lonoke located only about 20 miles from Little Rock and 40 miles from Pine Bluff. The Morrilton Channel 269A proposal in RM-2305 which would require the deletion of Channel 269A from Malvern, would also conflict with KCLA's proposal to move Channel 269A from Malvern to replace Channnel 296A at Benton since spacing requirements (180 miles) would not permit Channel 269A assignments both to Morrilton and Benton considering the distance between these communities (40 miles). The alternative proposal to assign Channel 257A to Pine Bluff, advanced in the proposed assignment plan of the Dardanelle Channel 271 proponent, should also be considered with KCLA's Pine Bluff Channel 295 proposal and these conflicting proposals. While this Class A proposal would create an inter-mixture of classes of FM assignments at Pine Bluff since its present assignments are both Class C channels, a situation which we try to avoid in making assignments in order to create equal opportunities among stations for competition, we have nevertheless found it necessary and desirable to do so in a number of cases in order to meet the competing needs of communities for FM assignments and service with the available channels. In assessing the merits of a Class A as opposed to a Class C assignment for a third local FM service at Pine Bluff, it would be helpful to know whether, if a Class A channel were assigned, it would be likely to be used. Comments directed to this question from KCLA, as well as from others who may be interested in establishing an additional local FM service at Pine Bluff, are invited.

45. Russellville, Arkansas (RM-2288) (RM-2487). In discussing the Dardanelle Channel 271 proposal above, mention was made of a Class C assignment proposal for Russellville in RM-2288 which we felt should be considered therewith because of the close proximity of the two communities and the question of whether, in the circumstances, Class C assignments to both communities would be warranted. The Russellville proposal referred to would assign Class C Channel 242 to Russellville for a first FM assignment. It is advanced by Horne Industries, Inc. (Horne), in a petition for rule making (RM-2288), filed August 29, 1973, concerning which Public Notice was given on December 4, 1973 (Report No. 889). If the proposed assignment is made to Russellville, Horne states that it will apply for its use promptly.

46. A proposal to assign Channel 265A to Russellville is also advanced by Jerry L. Ragsdale (Ragsdale) in a petition (RM-2487) filed on November 26, 1974, concerning which Public Notice was given on December 9, 1974 (Report No. 932). Ragsdale also states that he will promptly apply for the proposed Class A assignment if it is made to Russellville. His Class A proposal for Russellville should be considered with the Horne Class C proposal for Russellville since these proposals, in addition to involving the same community, raise a question as to whether two FM channels of different classes should be assigned to Russellville, as well as whether a Class C or Class A assignment there would be warranted.

47. There is also a proposal to assign Channel 244A to Van Buren, Arkansas, advanced in RM-2381 (see Van Buren, para. 56, below) which we have decided should be considered with the Russellville Channel 242 proposal in RM-2288 because of possible conflict between these proposals unless antenna sites meeting spacing requirements could be utilized by stations on the proposed Russellville Channel 242 and Van Buren Channel 244A assignments. The site problem is discussed in paragraph 49 below.

48. Russellville (population, 11,750), the seat of Pope County (population, 28,607) is located approximately 59 miles northwest of Little Rock, five miles north of Dardanelle across the Arkansas River, and 70 miles due east of Fort Smith, Arkansas. The only aural broadcast outlet at Russellville is AM Station KARV, a Class IV unlimited-time operation. Station KWKK, which operates on Channel 272A at Dardanelle, is the nearest FM station.

49. In RM-2288, Horne's engineering exhibit indicates that Channel 242 could meet separation requirements for assignment to Russellville without affecting any other FM assignment if used at a site at least 15 miles northwest of the community to meet the 65-mile separation requirement with respect to Station KBHF-FM (Channel 244A), Hot Springs, Arkansas. Horne avers that numerous sites would be available in this area for a Russellville Channel 242 operation, and it submitted information to verify that, operating from a contemplated site atop a mountain 15 miles northwest of Russellville, the required coverage (70 dBu) could be provided to Russellville. However, should Channel 244A be assigned to Van Buren, as proposed in RM-2381 (see Van Buren, para. 56 below), the possible number of transmitter sites meeting spacing requirements for a Russellville Channel 242 operation would be reduced. The site contemplated by Horne for a Russellville Channel 242 operation (15 miles north of Russellville) is but 63.66 miles from the site contemplated by the proponent in RM-2288 for a Van Buren Channel 244A operation, and a 65-mile separation is required. Also, since these Russellville Channel 242 and Van Buren Channel 244A proposals were received, the Channel 243 station (KRAV) at Tulsa, Oklahoma, has been authorized to move its transmitter site 6.77 miles closer to Russellville and Van Buren, a distance of 103.92 miles (105-mile separation required) from the Van Buren reference point, thus requiring a Van Buren Channel 244A station to locate its site either east or southeast of Van Buren to meet spacing requirements and severely restricting the possible transmitter sites meeting spacing requirements which would be available for the proposed Russellville Channel 242 station. Therefore, Horne should furnish additional data to indicate the availability of a transmitter site for its proposed Channel 242 operation which will meet separation requirements and still provide the requisite coverage over Russellville.

50. Horne's preclusion study for its Russellville Channel 242 proposal in RM-2288 indicates that preclusion would occur on Channels 240A, 241, 242 and 244A, that Channels 239, 243 and 245 are already precluded by existing assignments, and that there are no communities with populations over 1,000 persons in the Channel 240A preclusion area. The preclusion occurring on Channel 241 affects only the community of Hampton, Arkansas (population, 1,011), which has no AM or FM outlets or FM assignment. The preclusion occurring on Channel 242 affects only one community with a population over 1,000 persons: Harrison, Arkansas (population, 7,239), which is assigned Class C Channel 275, occupied by Station KHOZ-FM. The preclusion occurring on Channel 244A affects 10 Arkansas communities with populations over 1,000 persons. These include Clarksville (population, 4,616), Paris (population, 3,646), Booneville (population, 3,239), Ozark (population, 2,593), Waldron (population, 2,132), Greenwood (population, 2,032), Alma (population, 1,613), Charleston (population, 1,497), Mulberry (population, 1,340) and Huntsville (population, 1,287). Of these communities, only three have AM stations (Clarksville, Station KLYR; Paris, Station KCCL; and Ozark, Station KZRK), all daytime-only operations. Two of them have FM assignments. Clarksville is assigned Channel 224A, which is occupied by Station KLYR-FM. Paris is assigned Channel 237A, which has not yet been put to use. While the Horne showing indicates that Class A assignments other than Channel 244A would be available for Huntsville, Ozark, and Waldron, they were not specified and data showing the particular channels other than Channel 244A which would be available for them and the other of these communities lacking FM assignments should be supplied.

51. The Horne coverage showing for its Russellville Channel 242 proposal indicates that 26,707 persons would be within the 1 mV/m contour of a Russellville Class A station as compared to 91,797 persons within the 1 mV/m contour of a Russellville Class C station located 15 miles northwest of the community. However, no information is furnished as to

the area and population, if any, which would receive a first or second FM service from the proposed Class C Channel 242 assignment, and it should be supplied.

52. In RM-2487, Ragsdale's engineering showing for his Channel 265A proposal for Russellville indicates that Channel 265A would be technically feasible for assignment to Russellville and would not affect existing assignments if used at a transmitter site about two miles west of Russellville to meet the required 65-mile separation from Station KGMR-FM, Jacksonville, Arkansas. It is noted that Ragsdale's engineering statement, which says that Channel 224A, occupied by Station KLYR-FM, Clarksville, some 22 miles from Russellville, is the nearest FM assignment to Russellville, overlooked the Dardanelle Channel 272A assignment, occupied by Station KWKK, some five miles south of Russellville.

53. Sheridan, Arkansas (RM-2527). A request for the assignment of Channel 272A to Sheridan for a first FM assignment is advanced by Ralph Sanders in a petition for rule making, received on September 11, 1974, in which he states that he will promptly apply for use of the requested channel to serve Sheridan if it is assigned. Since, as pointed out in discussing the Dardanelle Channel 271 proposal in para. 15 above, with Dardanelle only about 78 miles from Sheridan, spacing requirements (105-mile separation required) would not permit the proposed Channel 272A assignment at Sheridan and the proposed Channel 271 assignment at Dardanelle, it is necessary to consider these Sheridan and Dardanelle proposals jointly herein. It should also be noted that the proposed assignment plan of the Dardanelle proponent to resolve conflicts between its Channel 271 proposal for Dardanelle and other proposals (see para. 16, above) would make it possible to assign Channel 276A but not Channel 272A to Sheridan.

54. Sheridan (population, 2,480), the seat of Grant County (population, 9,711), is located approximately 32 miles south of Little Rock and 20 miles northeast of Pine Bluff. There are no aural broadcast stations in Grant County, and no FM channels have been assigned. While Sheridan and other communities in the county are served by the Little Rock and Pine Bluff stations, it is claimed that an FM station at Sheridan would meet a distinct need at Sheridan and in Grant County for a local source of local news, public service programs, support for the schools and commercial advertising.

55. The Sanders engineering showing indicates that Channel 272A could be assigned to Sheridan in conformance with mileage separation requirements without affecting any existing assignment and that, in the event that Central Arkansas's proposal to substitute Channel 271 for Channel 272A (KWKK) at Dardanelle is ultimately denied, it would be technically feasible for adoption.

56. Van Buren, Arkansas (RM-2381). A proposal to assign Channel 244A to Van Buren for a first FM assignment is advanced by William L. Pharis and Bert Denson, d/b as Crawford County Broadcasters, in a petition for rule making (RM-2381), filed April 29, 1974, concerning which public notice was given on May 22, 1974 (Report No. 910). If the proposed assignment is made, they state that they, either individually or in association with others, intend to apply for its use to serve Van Buren. As stated in our discussion of the Russellville proposals, this Van Buren proposal is being included herein for consideration because of its possible conflict with the Russellville Channel 242 proposal in RM-2288 due to the fact that transmitting site placement is so critical to the technical feasibility of the Russellville Channel 242 proposal.

57. Van Buren (population, 8,373), the seat of Crawford County (population, 25,677), is located approximately 8 miles from the Arkansas-Oklahoma border and is adjacent to Fort Smith, Arkansas (population, 62,802). Van Buren is also within the Fort Smith Urbanized Area (population 75,517) and the Fort Smith SMSA (population, 104,914). The proponents advise that special 1974 census figures indicate that since 1970 Van Buren's population has increased to 10,300 and Crawford County's population to 29,000. At present Van Buren has only AM Station KFDF, a daytime-only operation, for a local outlet, and no FM channels are assigned in Crawford County. However, Crawford County, including Van Buren, is served by the four Fort Smith AM stations, three of which are unlimited-time operations and one a daytime-only operation, and by the four Fort Smith FM stations, three of which are Class C stations and the other, a Class A station.

58. The engineering statement of the proponents indicates that Channel 244A would be technically feasible for assignment to Van Buren without requiring any changes in existing assignments However, since it was filed, FM Station KRAV, Channel 243, Tulsa, Oklahoma, has been authorized to relocate its transmitter at a site which is but 103.92 miles from the Van Buren reference point. As a result, in order to meet the required 105-mile separation from Station KRAV, a Van Buren Channel 244A station would be required to use a site either east or southeast of the community. This requirement would appear to pose no problem for a Van Buren channel 244A station in meeting spacing requirements with respect to existing stations or city coverage requirements for Van Buren. However, as pointed out in discussing the Russellville Channel 242 proposal, the site required for a Van Buren Channel 244A operation would further limit and severely restrict the site possibilities for the proposed Russellville Channel 242 operation in RM-2288 which would meet spacing requirements and coverage requirements for serving Russellville.

59. Since Van Buren is located contiguous to the large city of Fort Smith which has eight aural broadcast stations, including four FM stations which operate on the Class A and the three Class C channels assigned, the proponent's Channel 244A proposal for Van Buren raises a question as to whether assignment of a fifth FM channel to this area, and within the Fort Smith Urbanized Area, for a first fulltime local aural outlet at Van Buren would be warranted. In view thereof, the proponents of the Van Buren Class A proposal should supplement their showing with a preclusion study to enable us to evaluate its preclusionary effect upon new assignments to other communities with competing needs for FM outlets.

60. Neosho, Missouri (RM-2177). A request for the assignment of Class C Channel 300 to Neosho, Missouri, for a first FM assignment is made by KBTN, Inc., licensee of AM Station KBTN (daytime-only), Neosho, in the petition for rule making which it filed on April 9, 1973, and as to which Public Notice was given on April 16, 1973 (Report No. 862). Since, as pointed out in our prior discussion herein of the Fayetteville FM assignment proposals, KBTN's proposal to assign Channel 300 to Neosho is mutually exclusive with the Fitzhugh proposal in RM-2264 to assign Channel 300 to Fayetteville in light of spacing requirements (180-mile separation required) and the distance of these communities from each other (approximately 60 miles), it should be considered jointly with that conflicting Fayetteville proposal herein. The alternative Channel 257A assignment proposal for Neosho which is also advanced by Fitzhugh in RM-2264 to remove the conflict between his Fayetteville Channel 300 proposal and KBTN's Neosho Channel 300 proposal and which has heretofore been discussed with his Fayetteville proposal should also be considered with these conflicting Neosho and Fayetteville Channel 300 proposals.

61. Neosho (population, 7,517), the seat of Newton County (population, 32,901) is located in southwestern Missouri, approximately 170 miles south of Kansas City, Missouri, 150 miles northwest of Little Rock, and 60 miles northwest of Fayetteville. KBTN's daytime-only AM station (KBTN) is the only aural broadcast outlet at Neosho and in Newton County and no FM channels have been assigned in the county. KBTN also states that McDonald County (populaion, 12,357) which adjoins Newton County on the south and Barry County (population, 19,597), which adjoins Newton County on the east, both in Missouri, also have no AM or FM stations and that the proposed Channel 300 station at Neosho would provide a first FM service to an extensive and populated area. While not mentioned by KBTN, it appears from the 1970 U.S. Census Reports that Joplin, Missouri (population, 39,256), which is located approximately 15 miles north of Neosho, although mostly situated in Jaspar County (population, 79,852), which adjoins Newton County on the north, also has a part of the city, containing some 2,216 residents, in Newton County. Joplin has four AM stations, only one of which is a daytime-only operation, and two Class C FM station which operate on the two FM channels assigned to the

city, Channel 223 (KSYN) and Channel 273 (KPCG).

62. It appears from the KBTN engineering affidavit that Channel 300 would be technically feasible for assignment to Neosho without affecting any other assignment. Its preclusion study indicates that the preclusion resulting from the proposed Neosho Channel 300 assignment would be the same as for the conflicting proposed Fayetteville Channel 300 assignment in RM–2264, discussed in paragraph 26, supra. Its coverage showing indicates that a Neosho station, operating from the contemplated KBTN site 13 miles west of the city with power of 100 kilowatts and antena height of 450 feet would provide a first FM service of 100 kilowatts and antenna height of to 1,175 persons in an area of 51 square miles and a second FM service to 28,065 persons in an area of 410 square miles. It also shows that a Neosho station, operating from a site in Neosho (post office) with the same Class C facilities, would provide a first FM service to a population of 7,172 in an area of 143 square miles and a second FM service to a population of 15,465 persons in an area of 271 square miles. Since Neosho would normally qualify for a Class A assignment rather than a wide coverage Class C assignment and is located near the much larger city of Joplin which has two Class C stations, a showing, based on the procedure outlined in Roanoke Rapids and Goldsboro, North Carolina, should be made of the area and population that a station on the proposed Class C assignment would serve as compared to a Class A station. Comments are also desired from KBTN and others who may be interested in establishing a local FM service at Neosho as to the likelihood that a Class A assignment would be used in the event such an assignment were to be made to Neosho.

63. In view of the foregoing, the Commission proposes to consider the following amendments to the FM Table of Assignments, Section 73.202(b) of its Rules, with respect to the communities listed below, together with those which were proposed for the named communities (Little Rock, Benton, Mountain View and Batesville) in the notice of proposed rulemaking herein (FCC 73–1217, 38 Fed. Reg. 32946):

City	Channel No.	
	Present	Proposed [1]
Batesville, Ark.		208 [a]
Benton, Ark.	296A	269 [b]
Cherokee Village, Ark.		265A or 296A [c]
Dardanelle, Ark.	272A	271 [d]
Dumas, Ark.		296A [e]
Fayetteville, Ark.	221A, 280A	221, 281 [f], 300 [g]
Little Rock, Ark.	231, 239, 253, 279	226 [h], 231, 239, 253, 282 [i]
Lonoke, Ark.		292A [j]
Malvern, Ark.	269A	226 [k]
Morrilton, Ark.		269A [l], or 278 [m]
Mountain View, Ark.		224A [n]
Pine Bluff, Ark.	222, 235	222, 235, 257 [o], 295 [p]
Russellville, Ark.		242 [q], 265A [r]
Sheridan, Ark.		272A [s], 276A [t]
Van Buren, Ark.		244A [u]
Neosho, Mo.		257A [v], or 293 [w]

[1] See Appendix I below for notes (a) through (w) on proposed assignments.

64. Since the Fayetteville proponent in RM–2299 and Central Arkansas, the Dardanelle proponent, propose a change in the assignments upon which they operate Station KNWA at Fayetteville and Station KWKK at Dardanelle, they may be deemed to consent to the modification of their licenses for these stations should their assignment proposals be adopted. We therefore do not find it necessary to issue orders to show cause to them why their licenses should not be modified if required should their assignment proposals be adopted. However, we do find it desirable at this time to serve an Order to Show Cause on the licensee of Station KKYT, Channel 279, Little Rock. This will bring to its attention the assignment plan proposed by the Dardanelle proponent to resolve the conflict between its Dardanelle Channel 271 proposal and the Morrilton Channel 269A and Channel 272A proposals which would require the substitution of Channel 282 for Channel 279 at Little Rock (see Dardanelle, para. 16, supra) and require Station KKYK to change its operating frequency, and provide it with opportunity to indicate whether it consents to or is opposed to the proposed change in the Little Rock Channel 279 assignment and Station KKYT's operating frequency, with the understanding that it would receive reimbursement for the reasonable costs of the changeover from the licensees or permittees on the new assignments thus made possible.

65. *Accordingly, it is ordered,* That, pursuant to section 316 of the Communications Act of 1934, as amended, Snider Corporation, licensee of Station KKYK, Little Rock, Arkansas, shall show cause why its license should not be modified to specify operation on Channel 282 instead of Channel 279 at Little Rock; this order being made with the understanding that Snider Corporation will receive reasonable reimbursement of expenses incurred in the change of channel of operation of Station KKYK at Little Rock from the licensees or permittees on the new assignments thus made possible.

66. Pursuant to § 1.87 of the Commission's rules and regulations, the licensee of Station KKYK, may, not later than June 13, 1975, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Snider Corporation may, not later than June 13, 1975, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Snider Corporation to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Snider Corporation will be deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission if the channel changes referred to in paragraphs 63 and 64 above requiring a change in the Little Rock Channel 279 assignment are found to be in the public interest.

67. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are incorporated herein.

68. Interested parties may file comments on or before June 13, 1975, and reply to such comments on or before July 2, 1975.

69. *It is further ordered,* That the Secretary of the Commission shall send a copy of this further notice of proposed rule making and order to Show Cause by certified mail, return receipt requested, to Snider Corporation, 1001 Spring Street, Little Rock, Arkansas 72202, the party to whom the Order to Show Cause is directed.

Adopted: April 18, 1975.

Released: April 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX I

Batesville ... [a] Proposed in assignment plan of Dardanelle Channel 271 proponent. To meet spacing requirements, a site 13 miles west of Batesville would be required.

Benton ... [b] Proposed in RM–2313 to implement Pine Bluff Channel 295 proposal. Would require deletion or change in Malvern Channel 269A assignment.

Cherokee Village ... [c] Alternative proposals of Cherokee Village proponent.

Dardanelle ... [d] Proposed by Dardanelle proponent (Central Arkansas). To meet spacing requirements, a site approximately six miles west of Dardanelle would be required.

Dumas ... [e] Proposed by Dumas proponent and in assignment plan of Dardanelle Channel 271 proponent.

Fayetteville ... [f] Proposed in RM–2299.
[g] Proposed in RM–2264.

Little Rock ... [h] [i] Proposed in assignment plan of Dardanelle Channel 271 proponent.

Lonoke ... [j] Proposed in RM–2404.

Malvern ... [k] Proposed in RM–2305 to implement Morrilton Channel 269A proposal. (Proposal to implement Pine Bluff proposal in RM–2313 by substituting Channel 257A for 269A at Malvern is technically infeasible and is not proposed.)

Morrilton ... [l] Proposed in RM–2305.
[m] Proposed in assignment plan of Dardanelle Channel 271 proponent.

Mountain View ... [n] Proposed in assignment plan of Dardanelle Channel 271 proponent.

APPENDIX I—Continued

Pine Bluff	[o]Proposed in assignment plan of Dardanelle Channel 271 proponent. [p]Alternative proposal in RM-2313. To meet spacing requirements a site five miles northeast of Pine Bluff would be required (assuming Benton and Malvern assignments are deleted or changed).
Russellville	[q]Proposed in RM-2288. Spacing requirements would require a site at least 15 miles northwest of Russellville. [r]Proposed in RM-2487. Spacing requirements would require use of a site approximately two miles west of Russellville.
Sheridan	[s]Proposed in RM-2527. [t]Suggested as part of proposed assignment plan of Dardanelle Channel 271 proponent.
Van Buren	[u]Proposed in RM-2381. Spacing requirements would require use of a site outside of Van Buren to the east or southeast.
Neosho, Missouri	[v]Proposed in RM-2264 to remove conflict with Fayetteville Channel 300 proposal. [w]Proposed in RM-2177. Spacing requirements would require use of a site at least two miles southwest of Neosho.

[Docket No. 19879; RM's-2020, 2064, 2113, 2226, 2177, 2264, 2288, 2299, 2305, 2313, 2381, 2404, 2487, and RM-2527]

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the further notice of proposed rule making to which this Appendix is attached.

2. Showings required. Comments are invited on the proposals discussed in the further notice of proposed rule making to which this Appendix is attached. Proponents will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposals in this further notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. Comments and reply comments; service. Pursuant to applicable procedures set out in Section 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the further notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. Number of copies. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be funrished the Commission.

6. Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M. Street NW., Washington, D.C.

[FR Doc.75-11002 Filed 4-25-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20434; RM 2424]

FM BROADCAST STATION; TABLE OF ASSIGNMENT

Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed July 22, 1974, by KXOJ, Incorporated, proposing assignment of Channel 265A to Sapulpa, Oklahoma, as its first FM assignment.

(b) In order to adopt this proposal, Channel 285A would have to be substituted for unoccupied and unapplied for Channel 265A at Bristow, Oklahoma. This, in turn, would require that Channel 232A be substituted for Channel 285A at Okmulgee, Oklahoma (Okmulgee County). Brewer Communications, Inc. has been granted a construction permit for a station (KBEV) on Channel 285A at Okmulgee. That construction permit, however, was conditioned on the outcome of this rule making proceeding.

2. *Demographic Data.* (a) *Location:* Sapulpa, the seat of Creek County, is located approximately 12 miles southwest of Tulsa, Oklahoma. Although Creek County is included in the Tulsa Standard Metropolitan Statistical Area, Sapulpa is not considered to be within the Tulsa Urbanized Area.

(b) *Population:* 1970 Census: Sapulpa—15,159; Creek County—45,532; Bristow—4,653; Okmulgee—15,180; Okmulgee County—35,358.

(c) *Present local broadcast service:* Local service is provided by petitioner's daytime-only Class II AM Station KXOJ.

(d) Petitioner alleges that Sapulpa is a developing community. It states that the community "has long been a manufacturing center," with two large glass manufacturing plants comprising its major basic industry. It also states that the community attracts 100,000 tourists annually. Sapulpa's city manager, in a letter supporting the request, stated that the city needs a nighttime radio station in order that the population may be alerted to natural and manmade disasters. These factors indicate sufficient need and economic strength to justify the asignment.

3. *Preclusions:* Because of Sapulpa's proximity to Tulsa, we request that petitioner submit, in its comments, a preclusion study and information which indicates whether alternative channel assignments are available to the communities, if there are any, within the precluded areas.[1]

4. *Additional considerations:*

(a) We note that petitioner fails to state that it would apply for a license to operate on Channel 265A should it be assigned to Sapulpa. In order to comply with Commission policy, we request that petitioner and any other person come forward and affirmatively state that intention.

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No.	
	Present	Proposed
Sapulpa, Okla.		265A
Bristow, Okla.	265A	285A
Okmulgee, Okla.	285A	232A

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attachment and are incorporated herein.

7. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 15, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of

[1] *Additional FM Assignments*, 8 FCC 2d 79 (1967).

1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rulemaking to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-10998 Filed 4-25-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20435; RM-2398]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed June 12, 1974, by Family Radio, Inc., licensee of AM Station WIZM, LaCrosse, Wisconsin, proposing assignment of Channel 269A to LaCrosse, as its fourth FM assignment. Petitioner must state in its comments that it will apply for a construction permit if the channel is assigned and, if authorized, will build the station promptly.

(b) This channel may be assigned without affecting any existing FM assignment. The transmitting antenna for a station operating on Channel 269A must be located approximately 3 miles east of the community.

2. *Demographic Data.* (a) *Location:* LaCrosse, the seat of LaCrosse County, is located approximately 170 miles northwest of Milwaukee, Wisconsin, and 125 miles southeast of Minneapolis, Minnesota.

(b) *Population:* 1970 Census: LaCrosse—51,153; LaCrosse County—80,468; LaCrosse Standard Metropolitan Statistical Area—80,468; LaCrosse Urbanized Area—63,373.

(c) *Present local broadcast service:* Local service is provided by 3 AM stations (all of which are unlimited-time) and 3 FM stations (two of which are Class A).

(d) *Economic conditions:* Petitioner alleges sufficient economic and social data to justify making a fourth FM assignment.

3. *Preclusion.* Adoption of petitioner's proposal would cause preclusion on the co-channel. West Salem, Wisconsin (pop. 2,180), is the only community with a population in excess of 1,000 persons located within the preclusion area. West Salem, located approximately 10 miles northeast of La Crosse, could receive service from the proposed assignment, and now can receive service from the La Crosse Class C FM assignment. Moreover, Channel 269A could be used at West Salem under the 10-mile rule (Rules and Regulations, § 73.203(b)).

4. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No.	
	Present	Proposed
LaCrosse, Wis.	227, 240A, 285A	227, 240A, 269A, 285A

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attachment and are incorporated herein.

6. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 15, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, *it is proposed to amend* the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed

comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-10996 Filed 4-25-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20437; RM 2434]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. *Petitioner, Proposal and Comments.* (a) Petition for rule making filed August 5, 1974, by Grays Harbor Broadcasting Co., licensee of AM Station KGHO and KGHO-FM, Hoquiam, Washington, proposing the substitution of Channel 241 or Channel 237A for Channel 280A at Hoquiam.

(b) Channel 241 may not be assigned to Hoquiam because of short-spacing with the co-channel assigned to North Vancouver, British Columbia, Canada, approximately 166 miles distant (required spacing is 190 miles). Channel 237A can be assigned without affecting any existing FM assignments.

(c) The channel substitution is requested by the licensee of Channel 280A because it alleges that there is mutual interference between its station and Station KDUX-FM, Channel 284A, assigned to Aberdeen, Washington, and operating at Ocean Shores, Washington, 12 miles west of Hoquiam.

2. *Demographic Data.* (a) Location: Hoquiam is located 50 miles west of Olympia, Washington, and 150 miles north of Salem, Oregon, in Grays Harbor County. Aberdeen is located 4 miles east of Hoquiam in Grays Harbor County.

(b) Population—1970 Census: Hoquiam 10,466; Aberdeen 18,489; Grays Harbor County 59,553. Ocean Shores data is unavailable.

(c) Present aural services: Hoquiam has two local broadcast stations, AM Station KGHO and KGHO-FM. Aberdeen has 2 AM stations, and Ocean Shores has an FM station, KDUX-FM.

3. *Preclusion Considerations.* Adoption of petitioner's proposal would cause preclusion only on co-channel 237A. The preclusion would affect three communities in Grays Harbor County with populations greater than 2,000 persons and having no AM or FM assignments—Elma (pop. 2,227), Montesano (pop. 2,847) and Central Park (pop. 2,720). Channels 221A and 257A are available for assignment to these communities.

4. *Additional Comments.* Petitioner requests the proposed substitution to alleviate mutual interference caused by close spacing of petitioner's signal with the signal of KDUX-FM (4 channels or 800 kHz). It appears that the receivers cannot differentiate between the two signals and choose the stronger of the two in areas of overlap. Since an alternate channel, which will eliminate the interference problem, is available and is usable in a restricted area near Hoquiam and since the substitution will free Channel 280A for reassignment, we feel that petitioner's preliminary showing is in the public interest. Since Hoquiam is within 250 miles of the Canada-United States border, Canadian approval of the proposal is required according to the Working Agreement under the Canada-United States FM Agreement of 1947. Also because petitioner is requesting a modification of its license, it is unnecessary to issue an Order to Show Cause under the provisions of Section 316 of the Communications Act of 1934, as amended, in the event the Commission grants the proposed substitution.

5. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Hoquiam, Wash.	280A	237A

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attachment and are incorporated herein.

7. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 15, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

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1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of proposed rule making to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *notice of proposed rule making* to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW, Washington, DC.

[FR Doc.75-10999 Filed 4-25-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20438; RM-2401]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed June 19, 1974, by Rainbow Associates, proposing the assignment of Channel 269A to Snowmass Village, Colorado, as a first FM assignment.

(b) This channel may be assigned without affecting any existing FM assignments.

(c) A comment in opposition to the proposal has been filed by Recreation Broadcasting of Aspen, Inc., licensee of FM Station KSPN, Aspen, Colorado.

2. *Demographic Data.* (a) *Location.* Snowmass Village is located near the town of Aspen, Colorado, in Pitkin County.

(b) *Population.* (1970 U.S. Census). Snowmass Village—unknown; Pitkin County, 6,185.

(c) *Present aural services.* Snowmass Village has no local aural broadcast stations but receives service from AM Station KSNO (Class III, daytime-only), and FM Station KSPN, Channel 249A, both operating in Aspen.

(d) *Economic conditions.* Petitioner informs us that Snowmass Village is a relatively new community evolved from recent condominium development. The village is popular as a ski resort and attracts many tourists during the year. Pitkin County also shows marked revitalization as a result of recent interest in skiing. Recreation Broadcasting of Aspen, Inc., indicates that Snowmass Village has about 400 residents and that municipal services are provided by the county and by the city of Aspen.

3. *Preclusion considerations.* Adoption of petitioner's proposal would cause preclusion on Channels 268, 269A and 270 affecting five communities with populations greater than 1,000 persons and having no FM assignment: Rifle (pop. 2,150),[1] Meeker (pop. 1,597), Paonia (pop. 1,161), Orchard Mesa (pop. 5,824) and Fruita (pop. 1,822). It is noted that Channel 269A may be assigned to both Meeker and Fruita as an alternate channel while Channel 276A is available for assignment at Paonia and Channel 288A may be assigned to Rifle. Orchard Mesa is located less than 5 miles from Grand Junction, Colorado, which is assigned FM Stations KREX-FM, Channel 222 and KQIX-FM, Channel 226.

4. *Comments.* Recreation Broadcasting of Aspen, Inc., alleges that Snowmass Village could not financially support its own FM station and the area is already adequately served. It further alleges that the prospects for growth in the future are dim since the Pitkin County Commission Board has resolved to restrict growth by means of zoning. It is Commission policy, however, to defer consideration of allegations concerning economic impact until the application stage as a *Carroll* issue.[2]

5. Accordingly, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as follows:

City	Channel No.	
	Present	Proposed
Snowmass Village, Colo.		269A

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 1, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALTER E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *notice of proposed rulemaking* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which the Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-11000 Filed 4-25-75;8:45 am]

[1] All population data are taken from the 1970 U.S. Census.

[2] "Carroll Broadcasting Co. v. F.C.C.," 258 F. 2d 440 (D.C. Cir. 1958).

[47 CFR Part 73]

[Docket No. 20364; RM-2336]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

1. On February 19, 1975, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on March 4, 1975, 40 FR 8964. The dates for filing comments and reply comments are presently April 17 and May 6, 1975, respectively.

2. On April 11, 1975, counsel for Mr. Lawrence N. DeBeau, licensee of Station WDBI-FM, Tawas City, Michigan, requested that the time for filing comments be extended to and including May 2, 1975. Counsel states that Mr. DeBeau will be in attendance at the NCTA Convention through April 17 and considering this and the pressure of other commitments he is unable to prepare comments by the deadline date. This request was not timely filed.

3. Late-filed requests, according to § 1.46 of the rules will be considered in cases of last-minute emergencies which could not have been anticipated by the party requesting the extension. The instant filed request is truly questionable. Requests of this kind are not only unfair to other parties who contemplate filing comments on the date specified in the

Notice but are disruptive of the Commission's processes. In this instance we are granting the request, but parties are on notice that it is our intent to adhere strictly to the provisions of Section 1.46 (b). As we stated in the Order which adopted that new section, favorable action on late-filed requests will be limited to bona fide emergencies.

4. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including May 2 and May 16, 1975, respectively.

5. This action is taken pursuant to au- and 303(r) of the Communications Act of 1934, as amended, and § 0.281 and § 1.46 of the Commission's rules and regulations.

Adopted: April 15, 1975.

Released: April 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-11001 Filed 4-25-75;8:45 am]

[47 CFR Parts 81, 83]

[Docket No. 20444; RM No. 2430]

FREQUENCY DESIGNATIONS IN THE PORTS OF NEW YORK AND NEW ORLEANS

Notice of Proposed Rule Making

1. Notice of proposed rulemaking is hereby given.

2. The Commission has been requested by the Commandant, U.S. Coast Guard, to make three frequencies in the 156–162 MHz band of the Maritime Mobile Services available for exclusive use for the Vessel Traffic System (VTS) effective January 1, 1976, in a Coast Guard designated VTS in the New York area and July 1, 1976, in a Coast Guard designated VTS in the New Orleans area. The Commandant states the action is requested to implement Title I of the "Ports and Waterways Safety Act of 1972" (Public Law 92-340, 86 Stat. 424, 46 U.S.C. 1551).

3. The designation of the subject frequencies for VTS use in the New York and New Orleans port areas would not prevent the use of the frequencies outside these port areas for routine communications, as provided for elsewhere in our rules on a non-interference basis to VTS communications. Distress calls on VTS frequencies, as is the case on all maritime frequencies, will not be precluded in the VTS protected areas, as provided for in § 83.232. The New Orleans VTS radio protection area will consist of a rectangle between north latitudes 27°30′ and 31°30′ and west longitudes 87°30′ and 92°. The New York VTS radio protection area will consist of a rectangle between north latitudes 40° and 42° and west longitude 71° and 74°30′.

4. The Coast Guard radio concept for the VTS is, generally, that within a designated area, irregular in shape, and known as a VTS "controlled area," the use of the specified VTS radio channels will be under the control of the Coast Guard and may not be used for other than VTS purposes. The VTS "controlled area" will lie within a larger, specified area identified as a VTS radio "protected area," which will usually be square or rectangular in shape. It is proposed that there be no use of the specified VTS radio channels for any purpose in the area outside the "controlled area" but within the radio "protected area." The specified VTS radio channels may be used outside the "protected area" for normally authorized purposes as provided in our rules; i.e., commercial, port operations, etc., since the "protected area" is sufficiently larger than the smaller "controlled area" to insure that under most circumstances, routine communications outside the "protected area" will not interfere with communications inside the "controlled area." In short, the plan provides for a radio communications "buffer zone" around the smaller "controlled area."

5. We anticipate enforcement problems with this system as a result of interference from at least the following sources:

(1) Foreign ships. The "protected area" extends well into international waters.

(2) Stations outside of the "protected area" resulting from varying propagation characteristics.

(3) Stations inside the "controlled area" using the frequencies for other than VTS communications in direct violation of the proposed rules.

The Coast Guard advises us, however, that these problems should, under the system they are designing, be minimal, and that they expect to be able to adequately control the use of radio in the system. Notwithstanding these possible frequency use control problems, it appears there is no alternative but to propose these rule changes, since the action requested by the Coast Guard is necessary to implement the provisions of recently enacted legislation for Vessel Traffic Systems. We conclude, therefore, that the request of the Coast Guard is necessary and reasonable and in the public interest and that appropriate rule changes, as herein proposed, should be issued. If unacceptably adverse operational problems arise under the system, as described above, we will attempt to overcome them as they occur.

6. Coast stations authorized to operate in the VTS protected areas on the VTS frequencies, or authorized to operate outside the protected areas on the frequencies and likely to cause interference to VTS communications, will be required to change to non-VTS channels prior to the effective date of the rule changes proposed herein.

7. The proposed amendments to the Commission's rules, as set forth below, are issued pursuant to authority contained in sections 4(i) and 303 (b), (c), (d), (h) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 30, 1975, and reply comments on or before June 10, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: April 17, 1975.

Released: April 23, 1975.

FEDERAL COMMUNICATIONS COMMISION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 81.356(h), a condition of use designator 1 is added for Channel 12 (156.600 MHz) and Channel 14 (156.700 MHz) under Port Operations, and for Channel 11 (156.550MHz) under commercial; and new paragraph (b)(1) is added to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 MHz.

* * * * *

(b) * * *

(1) Available for use in U.S. Coast Guard designated controlled port areas only for Vessel Traffic System (VTS) communications, and for use outside VTS radio protected areas described in § 81.357 for communications permitted elsewhere in these rules only on a noninterference basis to VTS communications, as provided for in § 81.357.

* * * * *

2. A new § 81.357 is added as follows:

§ 81.357 Frequencies available for use in Vessel Traffic Systems.

(a) In Coast Guard designated Vessel Traffic Systems (VTS) control areas located within the radio protected areas specified and described in paragraph (b) below, and effective the dates indicated, the only use for the frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz is for VTS under U.S. Coast Guard control.

(b) The U.S. Coast Guard designated radio protection areas for VTS purposes are as follows:

(1) New York, effective January 1, 1976: The rectangle between north latitudes 40° and 42° and west longitudes 71° and 74° 30′.

(2) New Orleans, effective July 1, 1976: The rectangle between north latitudes 27° 30′ and 31° 30′, and west longitudes 87.30° and 92°.

(c) The use of the frequencies shown in paragraph (a) of this section are permitted in areas outside the Coast Guard radio protection areas in accordance with the uses permitted elsewhere in this Part provided there is no interference to VTS communications within the designated protection areas.

3. In § 83.351(a), a condition of use designator 58 is added for the frequencies 156.550 MHz, 156.600 MHz and 156.700 MHz, and a new paragraph (b)(58) is added to read as follows:

§ 83.351 Frequencies available.

* * * * *

(b) * * *

(58) Available for use in U.S. Coast Guard designated controlled port areas only for Vessel Traffic System (VTS) communications, and for use outside VTS radio protected areas described in Section 83.361 for communications permitted elsewhere in these rules, only on a noninterference basis to VTS communications, as provided for in Section 83.361.

* * * * *

4. A new § 83.361 is added as follows:

§ 83.361 Frequencies available for use in Vessel Traffic Systems.

(a) In Coast Guard designated Vessel Traffic Systems (VTS) control areas located within the radio protected areas specified and described in paragraph (b) of this section, and effective the dates indicated, the only use for the frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz is for VTS under U.S. Coast Guard control.

(b) The U.S. Coast Guard designated radio protection areas for VTS purposes are as follows:

(1) New York, effective January 1, 1976: The rectangle between north latitudes 40° and 42°, and west longitudes 71° and 74°30′.

(2) New Orleans, effective July 1, 1976: The rectangle between north latitudes 27°30′ and 31°30′, and west longitudes 87.30° and 92°.

(c) The use of the frequencies shown in paragraph (a) of this section are permitted in areas outside the Coast Guard, radio protection areas in accordance with the uses permitted elsewhere in this part, provided there is no interference to VTS communications within the designated VTS protection areas.

[FR Doc.75-11003 Filed 4-25-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20436; RM-2399]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed June 14, 1974, by Straw Broadcasting Co. (Straw), licensee of AM Station KKOK, Lompoc, California, proposing the assignment of Channel 265A to Lompoc, as a second FM assignment.

(b) The channel may be assigned without affecting any existing FM assignments.

2. *Demographic Data.* (a) *Locations:* Lompoc is located approximately 120 miles northwest of Los Angeles in Santa Barbara County.

(b) *Population:* (1970 Census)—Lompoc 25,284; Santa Barbara County 264,324.

(c) *Present aural services:* Local service is provided by 3 AM stations—KLOM (Class III, daytime-only), KNEZ (Class III, unlimited-time), and KKOK (Class III, daytime-only), licensed to petitioner, and 1 FM station KLOM-FM, Channel 224A.

(d) *Economic conditions:* Petitioner informs us that Lompoc is a center for military, aerospace, defense and mining industries with Vandenburg Air Force Base situated adjacent to the Lompoc Valley area. The city, incorporated in 1888, presently has a city council-administrator form of government providing full municipal services.

3. *Preclusion considerations.* Adoption of petitioner's proposal would cause preclusion on Channels 262, 265A, and 267. The area precluded from use of Channel 262 is too small to be considered significant. Preclusion occurring on Channel 265A covers a relatively large area to the north and affects several cities which include Santa Maria and San Luis Obispo. The affected area precluded on Channel 267 is restricted to a limited area along the California coast, to the north and south of Lompoc. Petitioner mentions that a number of FM channels remain available for the communities located within the precluded areas but no specific channels are listed. For the most part, communities in the precluded area which do not presently have FM assignments receive FM service from stations operating in nearby communities.

4. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Lompoc, Calif.	224A	224A, 265A

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attachment and are incorporated herein.

6. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 15, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rulemaking to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested

parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-10997 Filed 4-25-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MARKUP ON RETAIL SALES OF GASOLINE TO REFLECT INCREASED NONPRODUCT COSTS

Further Public Hearing, Anchorage, Alaska

On February 20, 1975, the Federal Energy Administration issued a notice of a proposal to review the amount which may be added to the retail selling price of gasoline to reflect increased nonproducts costs of retail dealers. The notice appeared at 40 FR 8109, February 25, 1975. In that notice, the FEA requested written comment; and particularly financial and economic data, which would support either maintenance of the 3 cent increment presently allowed or an upward or downward adjustment in that amount.

On April 12, 1975, the FEA issued a notice of intent to hold a public hearing in Washington, D.C. in this matter on Thursday, April 24, 1975, prior to making any tentative decision based on written comment submitted. The notice appeared at 40 FR 15401, April 7, 1975.

Subsequent to the issuance of the notice of public hearings in Washington, D.C., the FEA received a request from certain retail sellers of gasoline in Alaska to hold the hearing, in part, in Anchorage. The applicants maintain that nonproduct cost increases in Alaska exceed those experienced nationally or on any other local or regional basis. The applicants point out that the cost of travel between Alaska and Washington, D.C. by those wishing to make oral presentations is a substantial deterrent to participation in this matter and that the public interest will be best served by holding the hearing, in part, in Anchorage.

The FEA has concluded that the combination of possible unusual non-product cost increases in Alaska, and the distance between various points in Alaska and Washington, D.C., make it necessary and appropriate that the public hearing be held, in part, in Alaska in order to obtain representative views from affected parties in Alaska.

The public hearing in this matter will therefore be extended in order to receive oral comment from interested persons beginning at 9:30 a.m., Alaska standard time, on Thursday, May 15, 1975, and will be continued, if necessary, on Friday, May 16, 1975, in the Conference Room, Federal Building, 605 W. 4th Avenue, Anchorage, Alaska.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make a written request for an opportunity to make oral presentation. Such a request should be directed to FEA, Room G-11, Federal Building, 605 W. 4th Avenue, Anchorage, Alaska 99501, and must be received by 4:30 p.m., a.s.t., on Wednesday, May 7, 1975. Requests may be hand delivered to this address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a telephone number where he may be contacted through Tuesday, May 13, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., a.s.t., Friday, May 9, 1975, and must submit 25 copies of his statement to FEA, Room G-11, Federal Building, 605 W. 4th Avenue, Anchorage, Alaska 99501 before 4:30 p.m., a.s.t., on Wednesday, May 14, 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 any person presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given an opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the intial 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 FEA, Room G-11, Federal Building, Anchorage, Alaska, before 4:30 p.m., a.s.t., Monday, May 12, 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, N.W., 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.

Issued in Washington, D.C., April 24, 1975.

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

[FR Doc.75-11195 Filed 4-24-75;4:31 pm]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. RM75-19]

END USE RATE SCHEDULES

Utilization and Conservation of Natural Resources; Time for Responding to Comments

APRIL 18, 1975.

Take notice that on February 20, 1975, notice was given of proposed rulemaking (40 FR 8571, February 28, 1975) in the above-designated matter. Comments were due by April 30, 1975. Due to the nature of these comments, a time for filing responding comments may be beneficial. Therefore, such responding comments may be filed on or before May 21, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10928 Filed 4-25-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 271]

[IC Release No. 8757]

VALUATION OF SHORT TERM DEBT INSTRUMENTS OWNED BY REGISTERED INVESTMENT COMPANIES INCLUDING MONEY MARKET FUNDS

Notice of Proposed Interpretation

The Commission is publishing this release to inform the public of a position which it proposes to take regarding the standardization of procedures for valuation of short term debt instruments owned by registered investment companies, including "money market" funds.[1]

VALUATION OF PORTFOLIO SECURITIES

The Commission is aware that many investment companies, including some of the money market funds, value short

[1] Money market funds are mutual funds whose investment policy is to invest in short term debt instruments. Such funds seek to provide a vehicle to permit investors to take advantage of higher short term rates earned on large investments by a pooling of money to permit purchase of larger denomination instruments than could normally be bought by the average small investor. The professional management provided by these funds has also attracted investments from corporations and non-profit institutions. Thirty-six money market funds had effective registration statements as of March 24, 1975 with 12 more in the process of registration. Total assets under management on December 31, 1974, amounted to $2,434 billion constituting approximately 7.2% of the assets managed by the industry generally (compared to 0.2% as of December 31, 1973).

term debt instruments[3] in their portfolios on an amortized cost basis. For the reasons discussed below, the Commission believes it would be desirable to discontinue this valuation method.

MONEY MARKET FUND VALUATION METHODS

Section 2(a)(41) [15 U.S.C. 80a-2(a)(41)], as here relevant, and Rule 2a-4 (17 CFR 270.2a-4) under the Investment Company Act of 1940 ("The Act") [15 U.S.C. 80a et seq.] require that the assets of registered investment companies be valued (1) at market value, if quotations are readily available, or (2) if quotations are not readily available, at fair value as determined in good faith by the board of directors.

The Commission's attention has been directed to possible different interpretations of this rule in connection with the valuation methods employed by the money market funds.[3] Market quotations are not readily available for many money market instruments in these funds' portfolios because they are generally held to maturity, thereby eliminating a meaningful secondary market.[4] Fair value for these instruments must therefore be determined in good faith by the board of directors.

A number of money market funds determine the fair value of their securities by "marking to market," that is, obtaining a "quote" on the particular instrument or one of comparable quality from the issuer or dealer.[5] Due to the nature of the secondary market for many money market instruments, these quotes are merely estimates of the instruments' market value with reference to current money market rates and are not bids or actual last sale prices of securities similar in all respects to the portfolio security. Nevertheless, "marking to market" has proven to be a generally workable method of valuation for securities without readily available market quotations.

Other funds use the amortized cost valuation technique. This involves valuing a security at its cost on the date of purchase and thereafter assuming a constant proportional increase in value until maturity, regardless of the impact of fluctuating interest rates on the market value of the instrument. While this method provides certainty in valuation, it may result in periods during which the value of a fund's portfolio, as determined by amortized cost, is significantly higher or lower than the price the fund would receive if it liquidated the portfolio at prevailing market prices.

DEFICIENCIES OF AMORTIZED COST VALUATION

The Commission believes that it is undesirable to determine value by a mechanical or automatic formula with no reference to market value and no judgmental input on the part of the directors. As the Commission has previously indicated,

> No single standard for determining "fair value . . . in good faith" can be laid down, since fair value depends upon the circumstances of each individual case. As a general principle, the current "fair value" of an issue of securities being valued by the Board of Directors would appear to be the amount which the owner might reasonably expect to receive for them upon their current sale.[6]

In summary, amortized cost appears to be a less desirable method of valuation because its mechanical approach may, in many instances, fail to approximate value. Although cognizant of the difficulty involved in valuing short term debt securities having a less active secondary market, it appears to the Commission that, on balance, "marking to market" would be more appropriate under the circumstances.

An additional benefit of discontinuing the amortized cost valuation method will be an improvement in the ability of investors to compare the reported yield of one fund against another. At the present time, as a consequence of different funds using different valuation methods, two funds with similar portfolios may report significantly dissimilar yields. It is desirable to standardize the method of valuation in order to provide investors with the information necessary to make accurate comparisons between funds.

CALCULATION OF RATE OF RETURN

A separate but related problem associated with money market funds is their lack of uniformity with respect to calculation of rate of return. This has resulted in funds with similar portfolios and similar valuation methods reporting significantly different yields. Since money market funds are often bought and sold on the basis of yields, this lack of uniformity may not permit investors to make accurate comparisons of one fund against another.

The Statement of Policy, under the Securities Act of 1933,[7] provides that investment companies may represent rate of return on the basis of past or historical results. Although this is appropriate for most mutual funds, in the case of money market funds the Commission is of the tentative view that it would be more appropriate when calculating and publishing yield for quotation purposes that yield be determined by a "forward looking" rate reflecting the best estimate of future performance, i.e. yield to average life. Yield to average life is based on the current prices of the portfolio securities instead of their original cost and thus will fluctuate daily as interest rates change. It is the rate of return which would be received by investors if all the securities currently in the portfolio valued at market were held to maturity, redeemed at par value, and the proceeds then distributed to shareholders. This concept has not been used by mutual funds but has long been used in pricing and quoting long term debt instruments. The Commission expects at an early date to publish for comment a proposed amendment to the Statement of Policy in order to clarify this issue.

Interested persons are requested to submit their views and comments on the above proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, no later than May 23, 1975. All material should be designated "Proposal to Standardize Portfolio Valuation by Certain Investment Companies".

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 15, 1975.

[FR Doc.75-10982 Filed 4-25-75;8:45 am]

[3] These "money market" instruments include Treasury bills, securities issued or guaranteed by the U.S. Government, repurchase agreements for government securities, certificates of deposit, letters of credit, commercial paper, and banker's acceptances.

[4] Although this valuation problem has arisen in the context of money market funds, the principles described herein are generally applicable to all investment companies.

[4] However, government obligations, such as Treasury bills, have an active secondary market.

[5] Some funds obtain market "quotes" by using an indexation procedure which values non-marketable securities with reference to similar marketable securities.

[6] Accounting for Investment Securities by Registered Investment Companies, Investment Company Act Rel. No. 6295, p. 5 (Dec. 23, 1970), 35 FR 19986 (Dec. 31, 1970).

[7] Statement of Policy as amended (November 5, 1957) (17 CFR Parts 231 and 271).

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1910, 1926]

[Docket No. S-102]

GROUND FAULT CIRCUIT PROTECTION

Revocation of Standard; Correction

In FR Doc. 75-8937 appearing at pages 15390-15392 in the issue of April 7, 1975, the date in the first paragraph of section IV at page 15392, the middle of the second column relating to the submission of "written data, views and arguments," reading "May 7, 1975," should read June 6, 1975.

Signed at Washington, D.C. this 18th day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10936 Filed 4-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-20; Notice 5]

MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity; Correction

In FR Doc. 75-9760 appearing at page 17036 in the issue of April 16, 1975, S5.4 should read as follows:

S5.4 *Schoolbuses with a GVWR greater than 10,000 pounds.* Each schoolbus with a GVWR greater than 10,000 pounds manufactured on or after April 1, 1976, shall meet the requirements of S6.5.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); § 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 22, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-11071 Filed 4-25-75;8:45 am]

[49 CFR Part 571]

[Docket No. 75-7; Notice 01]

HYDRAULIC BRAKE SYSTEMS

Applicability to School Buses

This notice proposes an amendment of Standard No. 105-75, *Hydraulic brake systems*, 49 CFR 571.105-75, that would extend its applicability to school buses and would establish new performance levels for this category of vehicle.

The Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93-492, mandate the issuance of Federal motor vehicle safety standards for several aspects of school bus performance, including vehicle operating systems (15 U.S.C. 1392(1)(1)(A)). Prior to these amendments, continuing Congressional interest and voluminous mail from the public emphasized the high level of importance that society places on the protection of children from death and injury. The NHTSA has undertaken research and testing of current school bus braking system performance at its Safety Research Laboratory (SRL) and under contract with Dynamic Sciences, Inc. (Contract HS-046-3-694).

Until recently, the NHTSA intended that Standard No. 105-75 would apply to all buses equipped with hydraulic brake systems, as well as to trucks, multipurpose passenger vehicles (MPV's), and passenger cars. This agency reevaluated the advisability of implementation of the standard for trucks, buses, and MPV's and in a notice of March 6, 1975, proposed that the standard not apply to these vehicles (40 FR 10483). The NHTSA also determined that the standard is reasonable and appropriate as a whole, and proposed that the standard apply to passenger cars with only a 4-month delay.

In the discussions and public meetings which have accompanied rulemaking on hydraulic brake systems, several persons suggested that appropriate interim standards for trucks, buses, and MPV's could be developed by adapting the requirements of Society of Automotive Engineers (SAE) truck braking standards (J992b and J786a) to make them consistent with the testing protocol found in Standard No. 105-75. Such an approach would establish as minimum requirements for all vehicles the performance found in many of today's better-designed vehicles. In addition, an objective test procedure would be provided in place of the less complete SAE demonstration procedures.

Without making a determination concerning a general braking standard for all non-passenger-cars equipped with hydraulic brakes, the NHTSA tentatively concludes that the performance and equipment requirements of Standard No. 105-75, modified in large part to reflect SAE levels of performance, would be appropriate for school buses, an area of particular safety concern to Congress and the general public. Such a combination of Standard No. 105-75 and SAE performance levels would ensure the swift implementation of many important braking characteristics on a mandatory basis (e.g., split service brake system, brake failure warning indicator, split master cylinder reservoir).

Because school buses have distinctive duty cycles and because many school bus operators are women, this agency has found that at least two features of the SAE practices would be inappropriate for a school bus standard. In one area, the 200-pound permissible pedal force value used in meeting SAE deceleration levels is not representative of the strength of many adult females who can be expected to operate school buses of all sizes (HSRI Report No. HuF-6, NBS Technical Note 557, October, 1970, "The Brake Pedal Force Capability of Adult Females"). NHTSA concludes that a 150-pound maximum pedal force value is a more appropriate brake control limit for school buses. Current school bus designs which do not provide this level of performance can be improved at minimal expense and without basic modification of the brake system by an increase of brake booster capacity.

A second area of SAE procedure which does not adequately reflect school bus usage is the fade and recovery test sequence. As confirmed by the National School Transportation Association at the recent NHTSA public meeting on hydraulic brake performance, the typical stop-and-go duty cycle of school buses can cause unacceptable brake fade under conditions of normal use. Accordingly, the NHTSA considers that the Standard No. 105-75 fade and recovery requirements are appropriate for school buses. NHTSA's own limited testing of school buses (at SRL and Dynamic Sciences) indicates that they generally can meet the Standard No. 105-75 performance requirements.

As a general matter, the high speed stopping distance requirements proposed for use in this standard are adapted from SAE requirements. However, the National Conference on School Transportation, the State of California, and the Bureau of Motor Carrier Safety have established low-speed stopping requirements that are more stringent than projected SAE standards would be. This agency finds that low speed stopping should be kept consistent with levels already established. Therefore, the proposed low speed stopping requirements depart from the SAE standard.

Several aspects of braking system performance regulated by Standard No. 105-75 are not addressed by SAE truck and bus braking performance standards. No lightly-loaded stopping distance requirement appears in the SAE standards, but operations under lightly-loaded conditions are common for school buses. The proposed standard incorporates a lightly-loaded stopping distance requirement which previous NHTSA tests indicate is generally achievable by present school buses.

SAE truck and bus braking performance standards contain no requirements comparable to the "inoperative power" requirements of Standard No. 105-75. Minimum braking performance in the event of power system failure is particularly important in school buses, and the proposed standard accordingly incorporates inoperative power requirements equivalent to the partial failure performance requirements. This level is sufficiently moderate that the NHTSA finds unnecessary the specification of optional failed-power requirements (e.g., S5.1.3.2, S5.1.3.4) as is the case with passenger cars.

Unlike the SAE standards, this proposal requires split service brake systems. These systems are already required by the National Conference on School Transportation and various states and educational agencies, and are available as standard equipment or options in the range of trucks and MPV's used for school buses. The requirement is therefore not expected to necessitate major redesign or expense. Standard No. 105-75 also requires a split master cylinder reservoir and a "pressure loss" warning that have not been required before, but which manufacturers have prepared in anticipation of implemention of Standard No. 105-75 for September 1, 1975. The NHTSA concludes that these improvements can be made standard in school buses at minimal cost. It is noted that the Vehicle Equipment Safety Commission has proposed an audible as well as visual signal of low brake fluid level, which is a more stringent requirement than that proposed here.

In nearly all cases, the proposed requirements for school buses are more lenient than the corresponding passenger car requirements. In some cases, however, lighter school buses are held to passenger cars standards. In general, the lighter vehicles are held to passenger cars standards only where it is clear that they can achieve equivalent performance levels without substantial cost. An example is the parking brake grade holding requirement.

In consideration of the foregoing, it is proposed that Standard No. 105–75 (49 CFR 571.105–75) be amended as follows:

§ 571.105–75 [Amended]

1. Section S3 would be amended to read:

S3. *Application.* This standard applies to passenger cars and school buses equipped with hydraulic service brake systems.

2. The second sentence of S5.1.1.2 would be amended by deletion of the phrase "or other vehicle with a GVWR of 10,000 pounds or less'.

3. The second sentence of S5.1.1.3 would be deleted.

4. In S5.1.1.4, the second sentence of the first paragraph and the first sentence of the second paragraph would be amended by deletion of the phrase "or other vehicle with a GVWR of 10,000 pounds or less".

5. Section S5.1.3 and its subsections would be amended so that the options S5.1.3.2, S5.1.3.3, and S5.1.3.4 would be available only to passenger cars.

6. Section S5.1.4.1 would be amended to read:

S5.1.4.1 The control force used for the baseline check stops or snubs shall be not less than 10 pounds, nor more than 60 pounds, except that the control force for a vehicle with a GVWR of 10,000 pounds or more may be between 10 pounds and 90 pounds.

7. Section S5.1.4.3 would be amended by deletion of the present S5.1.4.3(b) and S5.1.4.3(c) and the addition of a new S5.1.4.3(b) to read:

S5.1.4.3 * * *

(b) Each vehicle with a GVWR of more than 10,000 pounds shall be capable of making five recovery snubs from 40 mph to 20 mph at 10 fpsps for each snub, with a control force application that falls within the following maximum and minimum limits:

(1) A maximum for the first four recovery snubs of 150 pounds, and for the fifth snub, of 20 pounds more than the average control force for the baseline check (but in no case more than 100 pounds); and

(2) A minimum of 10 pounds or 40 percent (whichever is greater) less than the average control force for the baseline (but in no case less than 5 pounds).

8. Section S5.1.5.1 would be amended to read:

S5.1.5.1 The control force used for the baseline check stops or snubs shall be not less than 10 pounds, nor more than 60 pounds, except that the control force for a vehicle with a GVWR of 10,000 pounds or more may be between 10 and 90 pounds.

9. S5.1.5.2 would be amended so that S5.1.5.2(a) refers to vehicles with a GVWR of 10,000 pounds or less, and S5.1.5.2(b) would be amended to read:

S5.1.5.2 * * *

(b) After being driven for 2 minutes at a speed of 5 mph in any combination of forward and reverse directions through a trough having a water depth of 6 inches, each vehicle with a GVWR of more than 10,000 pounds shall be capable of making five recovery stops from 30 mph at 10 fpsps for each stop with a control force application that falls within the following maximum and minimum limits:

(1) A maximum for the first four recovery stops of 150 pounds, and for the fifth stop, of 60 pounds more than the average control force for the baseline check (but in no case more than 110 pounds); and

(2) A minimum of 10 pounds or minus 40 percent (whichever is greater) less than the average control force for the baseline check (but in no case less than 5 pounds).

10. Section S5.1.6 would be amended by replacing the word "vehicle" with the the words "passenger car".

11. Section S5.2 would be amended to require a maximum control force of 125 pounds for a foot-operated system and 90 pounds for a hand-operated system in the case of passenger cars, and 150 pounds for a foot-operated system and 125 pounds for a hand-operated system in the case of a school bus.

12. Section S5.2.1 would be amended to refer to a vehicle with a GVWR of 10,000 pounds or less, and S5.2.3 would be amended to refer to a vehicle with a GVWR of more than 10,000 pounds.

reference to multipurpose passenger

13. S6.1.2 would be amended to delete vehicles, trucks, and buses other than school buses, and S6.2 would be deleted.

14. The text of S7.5 and S7.10 (and their subsections) would be amended as appropriate to refer only to passenger cars.

15. In Table II, the numbers in Columns I(b), II(b), and III(b) that correspond to vehicle test speeds of 30, 35, 40, 45, 50, 55, and 60 mph would be replaced by the numbers 65, 110, 144, 182, 225, 272, and 323. In column IV(b), the numbers corresponding to those test speeds would be replaced by the numbers 194, 264, 345, 436, 538, 651, and 775.

16. In Table II, the numbers in Columns I(c), II(c), and III(c) that correspond to vehicle test speeds of 30, 35, 40, 45, 50, 55, and 60 mph, would be replaced by the numbers 81, 132, 173, 218, 264, 326, and 388. In column IV(c), the numbers corresponding to those test speeds would be replaced by the numbers 218, 312, 388, 490, 605, 732, and 872.

17. In Table III, reference to vehicles other than passenger cars and values appropriate for such vehicles, would be deleted.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Proposed effective date: September 1, 1976. The "Motor Vehicle and Schoolbus Safety Amendments of 1974" mandate that standards on operating systems of school buses become effective no later than October 27, 1976, and NHTSA concludes that September 1, 1976, is the most appropriate date for introduction of this standard, particularly in the case of small school buses whose model changeover occurs in September.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 202, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 25, 1975.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.75-11229 Filed 4-25-75;11:00 am]

notices

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

DEPARTMENT OF THE TREASURY

Secretary of the Treasury

EMPLOYEE BENEFIT PLANS

Exemption Procedure Under Section 408 (a) of the Employee Retirement Income Security Act of 1974

CROSS REFERENCE: For a document issued jointly by the Secretary of Labor and the Secretary of the Treasury, on exemption procedures under the Employee Income Security Act of 1974, see FR doc. 75-11192, *infra*.

DEPARTMENT OF LABOR

Labor-Management Services Administration

EMPLOYEE BENEFIT PLANS

Exemption Procedure Under Section 408(a) of the Employee Retirement Income Security Act of 1974

Section 408(a) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, hereinafter "the Act") provides that the Secretary of Labor may grant exemptions from the prohibited transaction restrictions of sections 406 and 407(a) of the Act and directs the Secretary to establish an exemption procedure with respect to such restrictions. Section 4975(c)(2) of the Internal Revenue Code of 1954 (hereinafter "the Code"), added by section 2003 of the Act, provides that the Secretary of the Treasury or his delegate may grant exemptions from the prohibited transaction restrictions of section 4975(c)(1) of the Code and directs the Secretary or his delegate to establish an exemption procedure with respect to such restrictions.

Under section 3003(b) of the Act, the Secretary of Labor and the Secretary of the Treasury are directed to consult and coordinate with each other with respect to the establishment of rules applicable to the granting of exemptions from the prohibited transaction restrictions of the Act and the Code. Under section 3004 of the Act, the Secretaries are authorized to jointly develop rules appropriate for the efficient administration of the Act, particularly with a view toward avoiding or reducing duplication of effort, conflicting or overlapping requirements, and the burden of compliance. Pursuant to sections 3003(b) and 3004 of the Act, the following exemption procedure is being issued jointly by the Secretary of Labor and the Secretary of the Treasury, through their designated delegates, under section 408(a) of the Act and section 4975(c)(2) of the Code. This joint procedure, insofar as it relates to exemptions under section 408(a) of the Act, shall be known as "ERISA Procedure (ERISA Proc.) 75-1" and, insofar as it relates to exemptions under section 4975(c)(2) of the Code, shall be known as "Revenue Procedure (Rev. Proc.) 75-26."

This prohibited transaction exemption procedure consists of rules of agency procedure and practice, and is therefore excepted under 5 U.S.C. 553(b)(3)(A) of the Administrative Procedure Act from the ordinary notice and comment provisions for agency rule making. It is further found to be contrary to the public interest to delay the issuance of this procedure. Accordingly, comments shall not be solicited or evaluated prior to publication, and the procedure is effective immediately on April 28, 1975.

CROSS REFERENCE: For a document issued by the Internal Revenue Service concerning the exemption procedure set forth below, see TIR-1367, issued April 25, 1975.

Section 1. *Purpose.* The purpose of this procedure is to set forth the general procedures of the Department of Labor and the Internal Revenue Service for the processing of applications for exemption under section 408(a) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406), hereinafter referred to as "the Act", and section 4975(c)(2) of the Internal Revenue Code of 1954 as added by the Act.

Section 2. *Background and definitions.* .01 Section 408(a) of the Act provides that the Secretary of Labor may grant a conditional or unconditional exemption respecting any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by sections 406 and 407(a) of the Act.

Section 4975(c)(2) of the Code provides that the Secretary of the Treasury or his delegate may grant a conditional or unconditional exemption respecting any disqualified person or transaction, or class of disqualified persons or transactions, from all or part of the restrictions imposed by section 4975(c)(1) of the Code.

.02 The Secretary of Labor has delegated his functions under section 408(a) of the Act to the Assistant Secretary of Labor for Labor-Management Relations.

.03 The Secretary of the Treasury has delegated his functions under section 4975(c)(2) of the Code to the Commissioner of Internal Revenue.

.04 Unless otherwise provided in this procedure, the term "Secretary" shall mean the Assistant Secretary of Labor for Labor-Management Relations and the Commissioner of Internal Revenue collectively.

.05 If an exemption or application for an exemption relates solely to section 408(a) of the Act, the term "Secretary" shall mean the Assistant Secretary of Labor for Labor-Management Relations.

.06 If an exemption or application for exemption relates solely to section 4975(c)(2) of the Code, the term "Secretary" shall mean the Commissioner of Internal Revenue.

.07 The terms "party in interest" and "disqualified person" include a fiduciary.

.08 Each application considered by the Secretary will be assigned an identifying number. Such number may be referred to in lieu of the description required by § 4.06(12) of this procedure.

Section 3. *Persons who may apply for exemptions.* .01 An exemption proceeding under this procedure may be initiated by either Secretary on his own motion.

.02 An exemption proceeding under this procedure shall be initiated by the Secretary upon the application of:

(1) Any party in interest or disqualified person with respect to a plan, who is or may be a party to the prohibited transaction or transactions for which an exemption is sought; or

(2) In the case of an application for exemption with respect to a class of fiduciaries, class of disqualified persons, or class of transactions, in addition to any person described in paragraph (1) above, an association or organization representing parties in interest or disqualified persons who may be parties to such prohibited transaction or transactions.

.03 An application by or for a person described in 3.02(1) or 3.02(2) must be signed by the applicant or by his authorized representative. If the application is signed by a representative of the applicant, he must be:

(1) an attorney who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Internal Revenue Service a written declaration that he is currently qualified as an attorney and he is authorized to represent the principal;

(2) a certified public accountant who is duly qualified to practice in any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Internal Revenue Service a written declaration that he is currently qualified as a certified public accountant and he is authorized to represent the principal; or

(3) a person, other than an attorney or certified public accountant, enrolled to practice before the Internal Revenue

Service, and who files with the Internal Revenue Service a written declaration that he is currently enrolled (including in the declaration either his enrollment number or the expiration date of his enrollment card) and that he is authorized to represent the principal. (See Treasury Department Circular No. 230, Revised, C.B. 1966–2, 1171, as amended, C.B. 1967–1, 433 and C.B. 1970–2, 644, for the rules on who may practice before the Internal Revenue Service.) The above requirements do not apply to an individual representing his full time employer, or to a bona fide officer, administrator, trustee, etc., representing a corporation, trust, estate, association, or organized group, including a labor organization.

.04 An application for exemption relating to an individual transaction will not ordinarily be considered separately if a class exemption which would encompass the individual transaction either (1) has been the subject of an exemption proceeding or (2) is under consideration by the Secretary.

Section 4. *Instructions to applicants.* .01 If an exemption is sought under both section 408(a) of the Act and section 4975(c)(2) of the Code, two copies of the application shall be filed with: Exemption Application (Dual), Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216 and two copies shall be filed with: Internal Revenue Service, Attention E:EP:T, 1111 Constitution Avenue NW Washington, D.C. 20224.

.02 If an exemption is sought solely under section 408(a) of the Act and not under 4975(c)(2) of the Code, two copies of the application shall be filed with: Exemption Application, Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216.

.03 If an exemption is sought with respect to an individual retirement account described in section 408(a) of the Code, or an individual retirement annuity described in section 408(b) of the Code, or any other transaction covered solely by section 4975(c)(1) of the Code and not under section 406 or 407(a) of the Act, two copies of the application shall be filed with: Internal Revenue Service, Attention: E:EP:T, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

.04 Any exemption application which is filed solely under section 408(a) of the Act with respect to a transaction which would also be prohibited under the corresponding provisions of section 4975(c)(1) of the Code, and any application which is filed solely under section 4975(c)(2) of the Code with respect to a transaction which would also be prohibited under the corresponding provisions of section 406 of the Act, shall be treated as an application for exemption under both section 408(a) of the Act and section 4975(c)(2) of the Code.

.05 An application submitted under this procedure shall contain all of the information specified in subsection .06 if such application is for an exemption other than for a class of transactions, class of fiduciaries, or class of disqualified persons. If the application is for a class of transactions, class of fiduciaries, or class of disqualified persons, the application need contain only the information required under paragraphs (4) through (10), (16), and (17) of subsection .06. If any of the information specified in subsection .06 cannot be furnished, an explanation of why it cannot be furnished shall be provided.

.06 Information to be submitted with application for exemption:

(1) The name and type of plan or plans (e.g. pension, profit-sharing, or welfare plan);

(2) The Employer Identification Number (EIN), the Plan Number (PN) used by the plan in reporting to the Internal Revenue Service on Form 4848, and the WP number, if one was assigned under the Welfare and Pension Plans Disclosure Act;

(3) The estimated number of plan participants;

(4) A detailed description of the transaction and the fiduciary or disqualified person, or class thereof, for which an exemption is requested;

(5) The possible violation or violations of the prohibited transaction provisions for which exemptions are requested;

(6) Whether such transaction or transactions have been already entered into or are transactions which the parties intend to enter into if the exemption is granted;

(7) Whether the transaction or transactions are customary for the industry or class involved;

(8) The hardship or economic loss, if any, which would result to the person or persons on whose behalf the exemption is sought, to the plan, and to its participants and beneficiaries from denial of the application;

(9) At the option of the applicant, a draft setting forth the exemption proposed by the applicant;

(10) A statement explaining why such exemption would be:

(a) Administratively feasible;

(b) In the interest of the plan or plans which would be affected if the exemption were granted and of their participants and beneficiaries; and

(c) Protective of the rights of the participants and beneficiaries of the affected plan or plans;

(11) Whether, to the best knowledge of the applicant, the plan or trust has ever been found by the appropriate Secretary or by a court to have violated the exclusive benefit rule of section 401(a) of the Code, or to have engaged in a prohibited transaction under section 503(b) of the Code or corresponding provisions of prior law, section 4975(c)(1) of the Code, or sections 406 or 407(a) of the Act;

(12) Whether, to the best knowledge of the applicant, any relief under section 408(a) of the Act or section 4975(C)(2) of the Code has been requested by, or provided to, the applicant or any of the parties on behalf of whom the exemption is sought and, if so, a description of such relief (see § 2.08 of this procedure);

(13) Whether, to the best knowledge of the applicant, the applicant or any of the parties to the transaction sought to be exempted is currently, or has been within the last five years, a defendant in any lawsuit concerning such person's conduct as a fiduciary, party in interest, or disqualified person with respect to any plan;

(14) Whether, to the best knowledge of the applicant, the affected plan or plans have experienced any reportable events under section 4043 of the Act;

(15) Whether, to the best knowledge of the applicant, a notice of intent to terminate has been filed respecting the affected plan or plans under section 4041 of the Act;

(16) With respect to the notification of interested persons in accordance with section 7 of this procedure, the applicant shall include the following:

(a) A description of the interested persons to whom notice will be provided;

(b) The manner by which such notice will be provided; and

(c) The time period within which such notice will be given (see § 7.03 of this procedure);

(17) A certification by the applicant that, to the best of the applicant's knowledge, the application is accurate and complete.

Section 5. *Conferences.* .01 The applicant shall indicate whether a conference is desired in the event the Secretary contemplates not granting the requested exemption. Any such conference shall be held in Washington, D.C.

.02 If more than one applicant has requested an exemption with respect to the same or similar classes of transactions, and the Secretary contemplates not granting the exemption, and if more than one applicant has requested a conference, such conferences will be scheduled, insofar as possible, as a joint conference with all such applicants present.

.03 An applicant is entitled to only one conference. If an application falls within § 4.01 of this procedure, such conference shall be a joint conference with representatives of both the Department of Labor and the Internal Revenue Service.

.04 In any case in which a hearing is held, an applicant shall not be entitled to a conference.

Section 6. *Publication of notice in the* FEDERAL REGISTER. .01 Before granting an exemption under this procedure, the Secretary shall publish notice of the pendency of such exemption in the FEDERAL REGISTER, stating the earliest date upon which a decision may be entered.

.02 The notice shall provide that any interested person may, within the period of time specified therein, submit to the Secretary in writing any comments relating to the proposed exemption, including a statement of the nature of the person's interest in the matter.

.03 Where the exemption involves one or more transactions described in sec-

tion 406(b) of the Act or section 4975(c)(1)(E) or (F) of the Code, between a plan and a fiduciary, the notice shall also provide that any interested person may, within the period of time specified therein, request that a hearing be held, stating the reasons for requesting such a hearing and the nature of the person's interest in the matter.

Section 7. *Notification of interested persons.* .01 If a notice is published in the FEDERAL REGISTER in accordance with section 6 of this procedure, the applicant shall give adequate notice to interested persons of the pendency of the exemption. If the Secretary deems the notice that the applicant proposes to give to interested persons pursuant to § 4.06(16) of this procedure to be inadequate, the Secretary shall, prior to the publication of the pendency of the exemption, specify in writing to the applicant the notice that would be considered to be adequate, and shall secure the applicant's written confirmation that such notice will be provided.

.02 The notice specified in § 4.06(16) shall not be considered adequate unless:

(1) It contains a copy of the notice of pendency of such exemption published in the FEDERAL REGISTER in accordance with § 6.01 of this procedure;

(2) It timely informs interested persons of their right to comment (and in the case of transactions prohibited by section 406(b) of the Act or section 4975(c)(1)(E) or (F) of the Code, of their right to request a hearing), within the period set forth in the notice of the pendency of the exemption; and

(3) In the case of a plan or plans, any of the participants of which are members of one or more employee organizations within the meaning of section 3(4) of the Act, it provides such organizations a copy of such notice.

.03 No exemption will be granted unless the applicant provides evidence satisfactory to the Secretary that adequate notice was timely provided to interested persons.

Section 8. *Inaccuracies, changes of fact, and documentation.* .01 If any material fact contained in the application or any documents or testimony adduced by the applicant in support thereof is discovered by the applicant to be inaccurate, or if any such fact substantially changes, the applicant shall promptly notify the Secretary in writing and, in the case of an inaccuracy, shall include a statement of the reasons for such inaccuracy.

.02 The Secretary may require the applicant to provide such documentation as is considered necessary to verify the statements contained in the application.

Section 9. *Effect of exemptions.* .01 An exemption which is granted shall be effective to the extent and under the conditions described in such exemption. Except in the case of an exemption granted with respect to a class of fiduciaries or disqualified persons, or class of transactions, an exemption may be relied upon only by the parties so exempted or the parties to the transaction so exempted.

.02 The Secretary may at any time revoke or limit an exemption. Before ordering any such revocation or limitation, the Secretary shall give the applicant and any persons who filed comments or testified at a hearing with respect to the application for exemption at least 30 days notice of the proposed revocation or limitation, including the reasons therefor, and an opportunity to comment with respect to such revocation or limitation.

.03 Except in rare or unusual circumstances, any revocation or limitation of an exemption will not be given retroactive effect, if the party or parties covered by the exemption have relied in good faith upon the exemption, and such retroactive revocation or limitation would result in significant injury to them. Retroactive revocation or limitation may be ordered, however, with respect to one or more parties covered by the exemption where there has been a misstatement or omission of a material fact with respect to the exemption. In addition, retroactive revocation or limitation may be ordered where there has been a substantial change in a material fact with respect to the exemption and such change has not been reported as required by § 8.01 of this procedure; but such revocation or limitation will not be made retroactive prior to the time of such substantial change of material fact.

Section 10. *Public inspection.* Applications for exemption (including documents submitted in support of such applications) and all comments and records of hearings and conferences (if any) pertaining thereto shall be open to public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue, NW, Washington, D.C. 20224, except that applications submitted under § 4.02 of this procedure shall be open to public inspection at the Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216.

Section 11. *Effective date.* This procedure is effective April 28, 1975.

Signed at Washington, D.C. this 24th day of April, 1975.

PAUL J. FASSER, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.75-11192 Filed 4-24-75;4:06 pm]

DEPARTMENT OF DEFENSE

Corps of Engineers

ILLINOIS

Application

APRIL 18, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 USC 185), Wolverine Pipeline Company has applied for a fuel-carrying pipeline right-of-way in, through, and across the following U.S. Government-owned lands, said lands being a part of Joliet Army Ammunition Plant, Illinois:

WILL COUNTY, ILLINOIS

T. 34 N., R. 9 E.,
Sec. 23 and 24.
and
T. 34 N., R. 10 E.,
Sec. 18, 19 and 20.

The pipeline, in its entirety, will convey petroleum from Joliet, Illinois, to Hammond, Indiana.

The purpose of this notice is to inform the public that the Corps of Engineers will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Those persons who desire to make comments or objections should state their views in detail and send them to the District Engineer, Omaha District, Corps of Engineers, 6014 U.S.P.O. & Courthouse, Omaha, Nebraska 68102, within 30 days of the date of publication of this notice.

RUSSELL A. GLENN,
Colonel, Corps of Engineers
District Engineer.

[FR Doc.75-11019 Filed 4-25-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. NORRIS INDUSTRIES

Written Comments Upon Consent Judgment and Department of Justice Responses Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the following written comments on the proposed judgment filed with the United States District Court in the Central District of California in Civil Action No. 73-1036, United States of America v. Norris Industries, Inc., were received by the Department of Justice and are published herewith, together with Justice's responses to the comments.

Dated: April 22, 1975.

THOMAS E. KAUPER,
Assistant Attorney General
Antitrust Division.

INSTITUTE FOR PUBLIC INTEREST REPRESENTATION,
GEORGETOWN UNIVERSITY LAW CENTER,
Washington, D.C., February 28, 1975.

U.S. Department of Justice,
Antitrust Division,
Washington, D.C. 20530.

Re *United States of America v. Norris Industries, Inc.*, Civil Action No. 73-1036 WPG
Proposed Consent Decree: Competitive Impact Statement.

GENTLEMEN: These comments are submitted by the writer personally pursuant to Section 2(d) of the Antitrust Procedures and Penalties Act, which provides that "the United States shall receive and consider written comments relating to the proposal for the consent judgment." Contrary to the implication in the Competitive Impact Statement (hereinafter CIS) cited above, these comments may be filed whether or not the

commentator believes "that the proposed judgment should be modified."

The argument of the United States in the above CIS concedes that although "the prayer for relief in this case sought divestiture of all of the stock or assets acquired" from PST, the "proposed settlement would permit Norris to retain PST plant two, if it promptly sells plant one." The CIS seeks to justify this compromise because it will result in "*prompt* restoration of PST as a competitor in those lines of commerce where it and Norris were direct and substantial competitors prior to the acquisition." [Emphasis added.]

By its terms, defendant has 18 months from the date the decree becomes effective (4½ years from the date the Complaint was filed) to divest. To put it politely, it is not accurate to characterize this time period as "prompt."

Reasons for the compromise settlement given in the CIS include the following:

"Many general considerations are involved in every enforcement decision. Here, for example, an appraisal of the time and effort that would be required for a trial on the merits was obviously a factor. Also, the proof of a potential competition case, such as is involved in industrial cylinders, is significantly more difficult than for a case involving existing competition. Moreover, Norris' past inability to successfully manufacture industrial cylinders compounded these problems and was a factor in gauging the likelihood of success on this part of the case."

This justification is too vague as to be of assistance to the Court. Specifically, the justification does not gauge the likelihood of success at trial. Rule 11 of the Federal Rules of Civil Procedure provides that when an attorney files a complaint he believes that "there is good ground to support it." The CIS, notably, does not state that there is no longer good ground to support the Complaint's prayer for divestiture.

I urge the Antitrust Division to file an amended CIS. If it decides not to do so, I respectfully suggest that the Court should decline to approve the proposed judgment.

Respectfully submitted,

VICTOR H. KRAMER.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., April 21, 1975.

VICTOR H. KRAMER, *Esquire, Institute For Public Interest Representation, Georgetown University Law Center, 600 New Jersey Ave. NW., Washington, D.C. 20001.*

Re: *United States v. Norris Industries, Inc.*

DEAR MR. KRAMER: Thank you for your letter of February 28, 1975 commenting upon the Competitive Impact Statement ("CIS") filed in connection with the proposed settlement of *United States of America* v. *Norris Industries, Inc.*

Your letter raises two basic points. First, you state that "it is not accurate to characterize" the 18 month time period for divestiture as "prompt."[1] We disagree. First, the 18 month period is the maximum allowable time for divestiture. It could take place sooner, however. In any case, transactions of this nature usually require some months to complete, as you know. Also, without this settlement, it would probably have taken at least one year to complete discovery and other pretrial procedures, to try the case, to submit post-trial briefs and findings and to receive a decision from the court. Then there was a possibility that an appeal would have been taken to the Court of Appeals and perhaps the Supreme Court. After completion of the appellate process and assuming that the government prevailed, the district court would still have to allow a reasonable time for divestiture, probably 18 months or more. Thus, under these circumstances, we believe that divestiture under the consent decree would indeed be prompt.

Second, you state that although Rule 11 of the Federal Rules of Civil Procedure provides that an attorney believe "there is good ground to support" a pleading, the CIS does not state that there is no longer good grounds to suppport the complaint's prayer for divestiture, or specifically gauge the likelihood of success at trial. The government believes that the complaint is supported now and was supported when it was filed. But there were problems with this case, as with almost all cases, and these problems (which are stated in the CIS) required that a realistic appraisal of the case reflect the possibility that after the lengthy and expensive process of litigation, the government might receive no better relief, or even less relief, than through this settlement.

Thus, we believe that the CIS fully Complies with the requirements of the Antitrust Procedures and Penalties Act, and does not require the amendments which you suggest.

Sincerely yours,

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division,

By HUGH P. MORRISON, Jr.
Chief, Special Trial Section.

UNITED STEEL WORKERS OF AMERICA,
PRESSED STEEL TANK LOCAL NO. 1569,
A.F.L.-C.I.O.

March 24, 1975.

Mr. HUGH MORRISON, *Chief*
Special Trial Section,
Anti-Trust Division,
Department of Justice,
Washington, D.C. 20530.

Dear Mr. MORRISON: The United States Justice Department, pursuant to the Anti-Trust procedures and Penalties Act, and Norris Industries Inc. have recently entered into a consent decree directly related to the Pressed Steel Tank Company in Milwaukee, Wisconsin. The consent decree demands that Norris Industries divest themselves of what is termed "Piant Number One" within eighteen months of entry of this judgment. The decree offers an alternate, that being Norris Industries must divest themselves of Pressed Steel Tank Company in its entirety within thirty-six months of final judgement.

Top level management of the Pressed Steel Tank Company have indicated it is the intention of Norris Industries to sell Plant Number One, which houses 430 employees, and retain Plant Number Two which houses 190 employees. While the consent decree may seem fundamental and conducive to cylindrical tank competition, it has done nothing for the employees except complicate their lives and has created a demoralizing "monster". It must be pointed out that this long established company has been exposed to sale at least two times in the past eight years. Each sale has subjected the employees to the trials and tribulations of not knowing whether or not the labor agreement would remain in full force and effect, not knowing what to look forward to with new management and all the other insecurities inherent to and associated with such transactions.

Generally speaking, the employees at Pressed Steel Tank are "long term" rather than the sojourn variety. As members of Local #1569, chartered in 1942, they have stood shoulder to shoulder a good number of times during labor disputes to achieve an enviable position in our society and a more than respectable labor agreement. It would be remiss not to say that the eminent sale has already adversely affected their lives. The circumstances surrounding this divestiture are more complex and demanding as compared to past sales, due to the fact it will undoubtedly create a division of local union members, finances, property and due to different profit margins on the products the negotiating abilities will vary and the end result will be dissimilar labor agreements. In the past these employees have always *shared* the fruits of their *togetherness*. It is inconceivable that erosion of the bargaining unit of Local #1569, United Steelworkers of America, could be accomplished with just one stroke of a pen.

It must be pointed out that when Norris Industries initially purchased Pressed Steel Tank Company in 1970, management was well aware of the possibility of a Sherman Anti-Trust suit against them. Norris Industries has plants in California and other states producing the same type tanks manufactured at Piant Number One. The compelling reason for purchase was to attain the "know-how" and to enter into the more marketable, less competitive high pressure tank business. The Company, in spite of the above mentioned presumption entered into a purchase agreement which now could conceivably have an adverse affect on the lives of over six-hundred members of Local #1569.

Upon reviewing the cylinder sales and volume data provided in the FEDERAL REGISTER, dated February 21, 1975, I do not believe these figures bear out the Justice Department's contention that potential competition has been lessened as the result of Norris Industries' acquisition of Pressed Steel Tank Company.

It is my understanding that a consent decree is not final and binding on either party for a period of sixty days after issuance pending intervention by interested parties. That being a fact, I am asking, on behalf of the total membership of Local #1569 that the Justice Department withdraw of its consent to the proposed final judgment. If it is not possible to withdraw its consent, it is the wish of the members that it be modified to reflect all inclusive and total divesture of Pressed Steel Tank Company from Norris Industries Inc.

It is with sincere interest that the Justice Department review their position in this matter and consider the above request.

Sincerely & fraternally yours,

JACK E. HUDSON,
President,
Local #1569, U.S.W.A.

RODNEY J. KLEMETT,
Recording Secretary,
Local #1569, U.S.W.A.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., April 21, 1975.

JACK E. HUDSON, *President, Rodney J. Klemett, Recording Secretary, United Steel Workers of America, Local No. 1569, 1310 N. 37th Place, Milwaukee, Wisconsin 53208.*

DEAR MESSRS. HUDSON AND KLEMETT: Thank you for your letter of March 24, 1975 regarding the proposed consent decree in *United States* v. *Norris Industries, Inc.*

Your letter states that divestiture by Norris of PST plant one, instead of the entire

[1] You also state that the 18 month period would end 4½ years after the complaint was filed. Divestiture would in fact be completed in 3½ years. The complaint was filed in May 1973.

PST company, may have the undesirable effect of dividing your union local.

While we do not know whether your union's rules would require this result, we still believe that entry of the proposed consent decree is in the public interest. The competitive impact statement sets out the many factors which we considered before entering into this settlement.

Although the settlement may have a temporary effect upon your local, we must stress that the purpose of our suit against Norris was to restore competition. The proposed consent decree will accomplish this promptly and with minimal expense and risk. We believe that restoration of competition will in the long-run benefit all who deal with this industry.

Sincerely yours,

THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division.

By HUGH P. MORRISON, Jr.,
Chief,
Special Trial Section.

[FR Doc.75-10975 Filed 4-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 22447]

ROCKY MOUNTAIN NATURAL GAS COMPANY, INC.

Notice of Pipeline Application

APRIL 18, 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), Rocky Mountain National Gas Company, Inc., Box 700, Glenwood Springs, Colorado 81601, has applied for a right of way for an 8⅝ inch o.d. natural gas pipeline, approximately 20 miles long, across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 96 W.,
Sec. 27, S½SW¼;
Sec. 28, NW¼, SE¼, NE¼;
Sec. 29, N½SE¼;
Sec. 30, E½SW¼, SW¼SW¼, N½SE¼;
Sec. 31, lot 4 (in the SW¼SW¼).
T. 9 S., R. 97 W.,
Sec. 15, NW¼SE¼, SW¼NE¼;
Sec. 25, SW¼, SE¼SE¼;
Sec. 26, N½SE¼, SE¼SE¼;
Sec. 36, NE¼NW¼, E½SE¼;
T. 8 S., R. 97 W.,
Sec. 6, NE¼, E½NW¼SE¼;
Sec. 20, NE¼NW¼.
T. 7 S., R. 97 W.,
Sec. 8, NW¼SW¼, SW¼SW¼ (lots 5 and 6);
Sec. 17, lot 8 (SW¼SW¼);
Sec. 19, NW¼SE¼;
Sec. 30, W½SE¼, SE¼SE¼;
Sec. 31, NE¼, SE¼.
T. 4 S., R. 97 W.,
Sec. 4, lot 2 (NW¼NE¼), SW¼SE¼;
Sec. 9, E½;
Sec. 16, NE¼;
Sec. 28, E½NE¼.
T. 3 S., R. 97 W.,
Sec. 3, lot 4 (NW¼NW¼), SW¼NW¼, W½SW¼;
Sec. 9, SE¼;
Sec. 10, NW¼;
Sec. 16, E½, SE¼SW¼;
Sec. 21, W½;
Sec. 28, W½;
Sec. 33, NW¼, NE¼SW¼, W½SE¼.
T. 2 S., R. 97 W.,
Sec. 21, SE¼;
Sec. 27, SW¼SW¼;
Sec. 28, E½;
Sec. 33, E½E½;
Sec. 34, NW¼NW¼.

The facility will enable applicant to supply natural gas needed in the area through which the pipeline will go and to transport it to applicant's customers.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-11032 Filed 4-25-75;8:45 am]

Bureau of Reclamation

JENSEN UNIT, CENTRAL UTAH PROJECT

Public Hearings

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the authorized Jensen Unit of the Central Utah Project. This statement (INT DES 75-22, dated April 14, 1975) was made available to the public on April 23, 1975.

The draft environmental statement deals with the construction of a northeastern Utah water resource project that would develop water for irrigation in the vicinity of Jensen, Utah, and municipal water to augment existing supplies to Vernal and nearby Ashley Valley towns. It would also provide fish and wildlife, recreation, and flood control benefits. Tyzack Dam, reservoir, aqueduct, and Burns pumping plant are main features of the unit.

A public hearing will be held in Vernal, Utah, to receive comments relating to the draft environmental statement. The hearing will be held in the auditorium of the Vernal Junior High School, 721 West 100 South, at Vernal, Utah, beginning at 7 p.m., May 28, 1975. The hearing will continue until all applicants have been heard.

The draft environmental statement is available for public review in the regional office of the Bureau of Reclamation, Room 7223, Federal Building, 125 South State Street, P.O. Box 11568, Salt Lake City, Utah 84111; or at the Utah Activities Office, 168 West 100 North, P.O. Box 1338, Provo, Utah 84601. Individual copies of the statement may be obtained without charge by writing to the Regional Director, Salt Lake City. A copy of the statement has also been made available at the Uintah County Library in Vernal, Utah, for public inspection.

Individual oral statements at the hearing will be limited to 10 minutes. Any person desiring additional time must secure prior approval. An oral statement may be supplemented by a written statement which may be submitted to the hearing officer at the time of presentation of the oral statement or may be mailed to the regional office of the Bureau of Reclamation in Salt Lake City. Each organization wishing to present oral testimony will be limited to one individual unless prior approval is obtained. Approval for additional time or witnesses must be obtained from the Regional Director. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524-5592, prior to 4:30 p.m., May 23, 1975. Speakers will be scheduled according to the time mentioned in their letter or telephone request whenever possible. Any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Written comments from those unable to attend the hearing or those wishing to supplement their oral presentation at the hearing may be submitted to the Regional Director until June 6, 1975, for inclusion in the hearing record.

Dated: April 23, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-10983 Filed 4-25-75;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS

Report on Emergency Use of M-44 Devices During February 1975

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of February. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in

accordance with 40 CFR 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER notice of June 20, 1974 (39 FR 2216G).

Actual M–44 use for February 1975 is as follows:

M–44 emergency use—February 1975

State	Number of counties	Number of ranches	Number of cattle, sheep and goats protected	No. M–44's used
Arizona	3	17	1,415	210
California	1	4	2,023	31
Idaho	1	1	500	10
Montana	21	35	26,934	911
New Mexico	8	19	10,532	559
Oklahoma	8	17	1,204	174
Oregon	5	22	2,952	193
Texas	30	172	66,638	1,661
Utah	5	7	7,455	104
Wyoming	8	45	50,734	794
Total	90	339	170,387	4,647

One or more coyotes were taken with this device on 116 of the 339 emergency areas, but losses were not necessarily halted in each case. During this month, 307 coyotes were taken by this device. Other species taken with the device during this period include 68 foxes, 13 feral dogs, 1 raccoon, 28 skunks, 12 opossums, and 1 ringtail cat.

All of the above use of M–44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained Service personnel in accordance with the Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M–44 Device for the Control of Depredating Canids, as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

APRIL 22, 1975.

[FR Doc.75-11034 Filed 4-25-75;8:45 am]

FRESH WATER CRUSTACEANS

Review of Status

On September 9, 1974, the Department of the Interior received a petition from the National Speleological Society, Inc. of Washington, D.C., which is affiliated with the American Association for the Advancement of Science seeking inter alia, a Departmental review of the status of 67 freshwater crustaceans for the purposes of determining whether these species should be listed, pursuant to Section 4 of the Endangered Species Act of 1973, as endangered or threatened species.

On October 17, 1974, a notice was published in the FEDERAL REGISTER (39 FR 37078–79) that the Department of the Interior was reviewing the status of 61 molluscs and crustaceans, including 10 for which the National Speleological Society of Washington, D.C., is currently petitioning. Notice is hereby given, pursuant to Section 4(c)(2) of the Act, that the National Speleological Society, Inc. of Washington, D.C., has presented sufficient evidence to warrant a review of the remaining 57 species (most of which occur in caves or springs) to determine whether they should be proposed for listing as either endangered species or threatened species. The species to be reviewed are as follows:

Common name	Scientific name	Where found
Scud	*Allocrangonyx hubrichti*	Missouri.
Do	*Allocrangonyx pellucidus*	Oklahoma.
Do	*Apocrangonyx aracus*	Virginia.
Do	*Apocrangonyx lucifugus*	Illinois.
Norton's cave scud	*Apocrangonyx nortoni*	Tennessee.
Subtle cave scud	*Apocrangonyx subtilis*	Illinois, Missouri.
Scud	*Bactrurus hubrichti*	Missouri, Kansas, Oklahoma.
Do	*Crangonyx anomalus*	Indiana, Ohio, Kansas.
Do	*Crangonyx antennatus*	Tennessee, Virginia, Alabama.
Bobb's cave scud	*Crangonyx bobbi*	Florida.
Minor cave scud	*Crangonyx minor*	Iowa, Indiana, Illinois.
Packard's cave scud	*Crangonyx packardi*	Indiana, Kentucky.
Diminutive scud	*Gammarus sp.*	Texas.
Noel's scud	do	New Mexico.
Bousfield's scud	*Gammarus bousfieldi*	Kentucky.
Scud	*Gammarus acherondites*	Illinois.
Pecos scud	*Gammarus pecos*	Texas.
Texas cave sprimp	*Palaemonetes antrorum*	Do.
Florida cave shrimp	*Palaemonetes cummingi*	Florida.
Alabama cave shrimp	*Palaemias alabamae*	Alabama.
Kentucky cave shrimp	*Palaemias ganteri*	Kentucky.
Palm Springs cave crayfish	*Procambarus acherontis*	Florida.
Scud	*Stygobromus exilis*	Kentucky, Tennessee, Alabama.
Do	*Stygobromus heteropodus*	Missouri.
Do	*Stygobromus hubbsi*	Oregon.
Iowa scud	*Stygobromus lowae*	Iowa.
Scud	*Stygobromus mackini*	Virginia, Tennessee.

Common name	Scientific name	Where found
Do	*Stygobromus onodagaensis*	Missouri.
Do	*Stygobromus putealis*	Wisconsin.
Do	*Stygobromus smithi*	Alabama.
Oregon cave scud	*Stygobromus oregonensis*	Oregon.
Grady's cave scud	*Stygobromus gradyi*	California.
Hara's cave scud	*Stygobromus harai*	Do.
Wengerer's cave scud	*Stygobromus wengerorum*	Do.
MacKenzie's cave scud	*Stygobromus mackenziei*	Do.
Arizona cave scud	*Stygonbromus arizonensis*	Arizona.
Allegheny cave scud	*Stygonectes allegheniensis*	New York, Maryland, Pennsylvania.
Balcone's cave scud	*Stygonectes balconis*	Texas.
Barr's cave scud	*Stygonectes barri*	Missouri.
Bifurcated cave scud	*Stygonectes bifurcatus*	Texas.
Bowman's cave scud	*Stygonectes bowmani*	Oklahoma.
Clanton's cave scud	*Stygonectes clantoni*	Kansas, Missouri.
Cooper's cave scud	*Stygonectes cooperi*	West Virginia.
Scud	*Stygonectes dejectus*	Texas.
Do	*Stygonectes elatus*	Arkansas.
Do	*Stygonectes emarginatus*	Maryland, West Virginia.
Do	*Stygonectes flagillatus*	Texas.
Do	*Stygonectes gracilipes*	Maryland, Virginia, West Virginia.
Do	*Stygonectes hadenoecus*	Texas.
Do	*Stygonectes longipes*	Do.
Mountain cave scud	*Stygonectes montanus*	Arkansas.
Morrison's cave scud	*Stygonectes morrisoni*	West Virginia, Virginia.
Ozark cave scud	*Stygonectes ozarkensis*	Oklahoma, Missouri, Arkansas.
Peck's cave scud	*Stygonectes pecki*	Texas.
Scud	*Stygonectes reddelli*	Do.
Spring cave scud	*Stygonectes spinatus*	West Virginia.
Scud	*Stygonectes tenuis*	Connecticut, Maryland, Washington, District of Columbia, Virginia.

The Department is seeking the views of the Governors of the States of Indiana, Ohio, Kentucky, Tennessee, Virginia, Alabama, Pennsylvania, Maryland, Florida, Iowa, Illinois, Texas, New Mexico, Oklahoma, Missouri, Oregon, Wisconsin, California, Arizona, New York, Connecticut, Kansas, West Virginia, Arkansas, and the Mayor of Washington, D.C., on the issues presented by the petition.

All other interested parties are hereby invited to submit factual information concerning this review of the status of these species. Such information should be sent to "Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240." These views and recommendations together with the evidence presented and available to the Secretary and that provided with the petition of the National Speleological Society, will be reviewed to determine whether sufficient evidence is available to support the action requested by the petition.

LYNN A. GREENWALT,
Director.

APRIL 21, 1975.

[FR Doc.75-11035 Filed 4-25-75;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Amendments

A permit to take Pacific Walrus for scientific research was issued to Dr. G. Carleton Ray and Dr. Francis H. Fay, on July 3, 1974, pursuant to the Marine Mammal Protection Act of 1972. A notice containing the application for the permit was published in the FEDERAL REGISTER on April 16, 1974 (39 FR 13692), soliciting public comment for a period of 30 days. A notice of issuance of the permit was published on July 12, 1974 (39 FR 25674).

The permittee has submitted a request for significant amendments to the permit. Published herewith is a copy of the terms of the permit, and the permittee's request for amendments. This request is being considered pursuant to § 13.23 of Fish and Wildlife regulations, Title 50 of the Code of Federal Regulations (see 39 FR 1162).

PSF/LE-ENF 7-02

Date: JULY 3, 1974.

Permittees:
Dr. G. Carleton Ray
Department of Pathobiology
Johns Hopkins University
615 North Wolfe Street
Baltimore, Maryland 21205

Dr. Francis H. Fay
Department of Wildlife and Fisheries
University of Alaska
Fairbanks, Alaska 99701

MARINE MAMMAL SCIENTIFIC RESEARCH PERMIT NO. SR MM-3

Effective: July 1, 1974.
Expires: August 15, 1974.

1. In accordance with section 101 of the Marine Mammal Protection Act of 1972, and the regulations issued thereunder, and pursuant to the letter of application submitted on March 18, 1974, by Dr. G. Carleton Ray, Johns Hopkins University, and Dr. Francis H. Fay, University of Alaska, the permittees or their authorized agents are authorized:

TO TAKE—by means of immobilizing drugs, for the purpose of attaching radio tags, using surgical techniques, or by means of a "limpet" device, ten (10) PACIFIC WALRUS (*Odobenus rosmarus*), on Round Island, Alaska;

TO TAKE—twenty (20) dead PACIFIC WALRUS, found on beaches on Round Island, Alaska, for the purpose of conducting a research program.

All of the activities authorized in this permit must be carried out in accordance with and for the purposes described in the application, and subject to all conditions and requirements of this permit, the applicable regulations, and applicable State and Federal law.

2. In the course of this research program every reasonable effort must be made not to harass any other fish or wildlife.

3. No more than five (5) people associated with this research program can be on Round Island, Alaska, at any given time.

4. All takings permitted under this permit shall be included in a written report to the Director, Fish and Wildlife Service, Washington, D.C. 20240, at the close of this project.

5. This permit must be in the possession of the persons to whom it is issued, or an authorized agent of such person, during

(i) The time of the authorized tagging or taking;

(ii) The period of any transit of such person or agent which is incidental to such taking;

(iii) Any other time while any Pacific Walrus, or their parts, taken under this permit, is in the possession of such person or agent.

6. A duplicate copy of this permit must be physically attached to the container, package, enclosure, or other means of containment, in which the walrus, or their parts, are placed for purposes of storage, transit, supervision or care.

7. The granting of this permit acknowledges receipt of a permit fee of fifty dollars.

C. R. BAVIN,
Chief,
Division of Law Enforcement.

SCHOOL OF HYGIENE AND PUBLIC HEALTH,
THE JOHN HOPKINS UNIVERSITY,
DEPARTMENT OF PATHOBIOLOGY,
Baltimore, Md. February 11, 1975.

DIRECTOR,
Bureau of Sport Fisheries & Wildlife,
Department of the Interior,
Washington, D.C. 20240

DEAR SIR: This letter is written for two reasons; (1) to request an extension to permit No. SR MM-3 issued 3 July 1974 and (2) to request an addition to our permit which would allow the collection of skin samples of walruses, taken from animals killed in the native harvest of that species.

Attached are: (*1*) our request for permit dated 18 March 1974, (2) the permit from Alaska Fish and Game dated 12 July 1974, (3) your permit No. SR MM-3, and (*4*) a copy of our "Report on Pacific Walrus Investigations" 14-21, July 1974 and sent to you on 1 August 1974. Rather than write a new and separate permit request, I will note the following changes in our original request in hopes that an extension of *Permit No. SR MM-3, can be issued by this means.*

First the applicants are Dr. G. Carleton Ray, Dr. Douglas Wartzok, and Mr. T. J. Eley, Jr. all of the above address. You already have my data. Those for Dr. Wartzok and Mr. Eley are:

	Dr. Wartzok	Mr. Eley
Date of birth	May 10, 1942	Mar. 31, 1947.
Height	6 ft.	6 ft.
Weight	160 lbs.	175 lbs.
Color of hair	Red	Dark brown.
Color of eyes	Blue	Brown.
Sex	Male	Male.

The purpose, justification, and use of the animals for radio tagging are all identical to our previous application. However, we would like to request that the place be altered to include the entire range of walruses throughout the Bering and Chukchi Seas. As logistics become available, we would like the permission to apply radio tags to animals wherever they occur, either with the aid of research vessels as in 1974, or the aid of the U.S. Coast Guard or natives as in previous years research on walrus (see below).

The radio tags to be used are slightly lighter and smaller editions of the ones described in our previous permit application. However, we have now settled on the "limpet" device which as you will see by our report worked reasonably well. We are not going to use any immobilization techniques. We are

now entering a second generation of limpets which also will be fired pyrotechnically, but which will have modified barbs that will be fired at angles to each other so as to prevent the limpet from becoming detached. The barbs will in no case be so long that they will penetrate through the blubber and into the musculature. The purpose is that they penetrate only through the skin to the extent necessary for firm attachment.

In conclusion, for purposes of this permit we would like to request a three year extension and the total number of animals would be ten per year, that is thirty animals to be tagged. We are currently attempting to locate a boat which will help us radio tag in the Round Island area. The personnel involved will be myself, Dr. Wartzok, and a graduate student Mr. Thomas J. Eley, Jr. We may require from 1 to 3 assistants in addition to that number, bringing the total personnel from 3 to 6. Should we not be able to find a boat for transport to and radio tagging around Round Island, then we will have to depend on icebreakers and/or other ship support for radio tracking walruses in the annual sea ice of the Bering and Chukchi Seas. A scarcity of such logistic support makes it impossible for us at this time to give further information.

The second matter concerns obtaining skin samples. One of the requirements of our research is to estimate the thermal flux to and from skin of walruses. This research will be done totally by observational methods from Round Island, from icebreakers, or from Eskimo skin boats over the next three years. No "taking" is contemplated for this thermal-sensing research so we presume that no permit will be necessary for that aspect. However, in order to fulfill the requirements involved in estimates of thermal flux we will need to collect some skin samples from walruses. For this purpose we would like further to apply for a permit to collect approximately 1 dozen skin samples from walruses which have been killed during native subsistence hunting. The initial place where we will work will be Gambell, St. Lawrence, Alaska and the time will be May of 1975. In other years we may wish to work from other native villages. The collector of these specimens will be Mr. Thomas J. Eley, Jr. of this institute. Please note that Dr. F. H. Fay of the University of Alaska has also applied for a permit to collect walrus anatomy. Possibly, we could obtain our specimens from him.

I trust that this information will be sufficient, but in case not we will be happy to supply additional information.

Sincerely,

G. CARLETON RAY,
Associate Professor.

In keeping with the spirit of the Marine Mammal Protection Act of 1972, this notice is being published to allow public comment on the request for amendments. Interested persons may comment on these amendments by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 28, 1975, will be considered.

Dated: April 21, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.75-10916 Filed 4-25-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-83]

EASTOVER MINING CO. NO. 4

Petition for Modification of Application of Mandatory Safety Standard; Correction

A notice appeared in 40 FR 8235 on Wednesday, February 26, 1975, bearing the heading "Bell Company". The correct heading should read as set forth above. The reference to "Bell Company" in the second paragraph should read "Eastover Mining Company No. 4."

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

APRIL 18, 1975.

[FR Doc.75-11036 Filed 4-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Status

The purpose of this document is to give public notice concerning the status of plant protection and quarantine programs of the Department as they relate to environmental impact statements on continuing programs. Pursuant to the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321, et seq.) and Executive Order 11514 (35 FR 4247) of March 7, 1970, in providing timely public information on Federal plans and programs with environmental impact, notice is hereby given that on March 25, 1975, the Animal and Plant Health Inspection Service provided the Council on Environmental Quality with the following status report:

Plant Protection and Quarantine Programs has prepared or collaborated in the preparation of environmental impact statements for the following activities in 1972 and 1973: Airport treatment programs, boll weevil diapause program, gypsy moth, grasshoppers, imported fire ant, and witchweed. The 1975 final addendum to the gypsy moth statement has been reviewed and revised and should be submitted shortly. An addendum to the imported fire ant statement, USDA-APHIS-ADM-73-2, was submitted January 10, 1975.

The pesticide use proposed for 1975 on these programs has been reviewed by the Program Review Panel of the Federal Working Group on Pest Management. Only minor comments were received and will not materially affect the planned pest work.

The statement for airport treatment programs, USDA-APHIS-PPQ-ADM-73-1, is still current and no significant changes are contemplated.

The statement for the cooperative boll weevil diapause control program, USDA-APHIS-PPQ-ADM-72-4, describes our current plans with the following exceptions. In the original plan, aldicarb (Temik) was applied infurrow at planting time in the trap plots at 1 pound per acre and 4 to 6 weeks later as a sidedress treatment at 2 pounds per acre. In the 1975 plan, aldicarb will not be used. It is estimated the base acreage to be treated with malathion in 1975 will be about 175,000 acres. In the statement it is approximately 100,000 acres.

The statement for grasshopper control, USDA-APHIS-PPQ-72-2, is essentially the same for 1975. It is estimated about 1 million acres could be treated in Colorado, Montana, New Mexico, Oklahoma, Texas, and Wyoming. Last year approximately 850,000 acres were treated in 6 Western States.

The statement for witchweed control is still current except for the use of ethylene gas on about 18,000 acres. This will involve the use of one application applied by injection to cultivated land at a rate of 1½ pounds per acre. A wide range of agricultural crops may be planted on the treated lands. An exemption from tolerance for residues of ethylene has been obtained for corn, cotton, soybeans, and peanuts from the Environmental Protection Agency under Pesticide Petition Number 4E1457. An exemption from tolerance has been requested for other crops planted in the witchweed area.

In the event nonregistered pesticides are required in the above programs, their use will be carried out in accordance with the applicable sections of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Done at Washington, D.C., this 22nd day of April 1975.

JAMES O. LEE, JR.,
Acting Deputy Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-10979 Filed 4-25-75;8:45 am]

Forest Service

FORKS UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Forks Unit Plan, Ouachita National Forest, Hot Springs, Ark., USDA-FS-R8-FES (ADM.)-75-5.

The proposed action is to manage, administer and utilize the forest resources of the Forks Unit. The 75,813 acre Unit is in Garland, Montgomery, Yell and Perry Counties, Arkansas. Actions involved are the management of human resources, environmental protection, natural resource management, and protection and administration of the Forks Unit. Major actions are regenerating commercial timber stands on approximately 6,900 acres, thinning timber on approximately 13,700 acres, increasing wildlife habitat, providing minimum demand for expected recreation users, man-

aging the range resource, and constructing 81 miles of road by timber purchasers.

This final environmental statement was transmitted to CEQ April 21, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., NW., Rm. 804
Atlanta, GA 30309

USDA, Forest Service
Fourche Ranger District
Box 468
Danville, Ark. 72833

Jessieville Ranger District
Hot Springs National Park
Arkansas 71901

Oden Ranger District
Oden, Ark. 71935

A limited number of single copies are available upon request to Forest Supervisor Alvis Owen, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71901.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

APRIL 21, 1975.

[FR Doc.75-10946 Filed 4-25-75;8:45 am]

OZARK-ST. FRANCIS NATIONAL FORESTS, ARK.

Vegetation Management With Herbicides; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Vegetation Management with Herbicides on the Ozark-St. Francis NFs in Arkansas, USDA-FS-R8-DES-ADM-75-18.

The environmental statement concerns the use of heribcides 2,4-D, 2,4,5-T, Silvex, and Picloram for temporary reduction and control of target plant species on approximately 18-22,000 acres per year. The proposed action will increase the productivity yield and quality of the forests timber, range and wildlife, and resources.

The draft environmental statement was transmitted to CEQ on April 18, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., NW., Room 804
Atlanta, Georgia 30309

USDA, Forest Service
Forest Supervisor
Ozark-St. Francis NFs
P.O. Box 1008
Russellville, Arkansas 72801

A limited number of single copies are available upon request to Larry Henson, Forest Supervisor, Ozark-St. Francis NFs, Box 1008, Russellville, Arkansas 72801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Larry Henson, Forest Supervisor, Ozark-St. Francis NFs, Box 1008, Russellville, Arkansas, 72801. Comments must be received by June 16, 1975, in order to be considered in the preparation of the final environmental statement.

DAVID F. JOLLY,
Regional Environmental Coordinator.

APRIL 18, 1975.

[FR Doc.75-10947 Filed 4-25-75;8:45 am]

WALLOWA-WHITMAN NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Wallowa-Whitman National Forest Grazing Advisory Board will meet at 10 a.m., June 20, 1975, at the Range and Wildlife Habitat Laboratory in La-Grande, Oregon. The purpose of this meeting is to discuss direction and emphasis in the range program on the Forest, financial direction and outlook, permit reissuance including fee billing procedures, Project Inform, possible use of vacant areas on the Forest, and other subjects that may come before the meeting.

The meeting will be open to the public. Persons who wish to attend should notify the Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814, or telephone 503-523-6391. Written statements may be filed with the committee before or after the meeting.

Public participation will be scheduled following dispatch of regularly scheduled business.

Dated: April 21, 1975.

A. G. OARD,
Forest Supervisor, Pacific Northwest Region.

[FR Doc.75-11017 Filed 4-25-75;8:45 am]

Soil Conservation Service

EAST FORK POND RIVER WATERSHED PROJECT, KENTUCKY

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the East Fork Pond River Watershed Project, Christian, Muhlenberg, and Todd Counties, Kentucky, USDA-SCS-EIS-WS-(ADM)-74-1(F) KY.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, 2 floodwater retarding structures, and 15.8 miles of channel work for flood prevention. Channel work includes enlarging and, where necessary, realigning the unmodified natural stream. Continuous flow occurs within the channel during some seasons of the year but is usually dry during the summer months.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA
333 Waller Avenue
Lexington, Kentucky 40504

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 17, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-11018 Filed 4-25-75;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10 a.m. to 4 p.m. on Wednesday, June 18, 1975, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of four work-groups which are addressing the areas of Problem Definition, Benchmark Program Transferability, Preliminary Benchmarking Guidelines, and Workload Definition.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National

Bureau of Standards, Washington, D.C., 20234 (Phone 301-921-3485).

Dated: April 22, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-11014 Filed 4-25-75;8:45 am]

National Oceanic and Atmospheric Administration

CONSUMER AND TRADE EDUCATION AND PROMOTION OF INSPECTED FISHERY PRODUCTS

Statement of Interest and Intent

APRIL 21, 1975.

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, operates a voluntary, fee-for-service, seafood inspection program relating to the inspection, grading, and certification of fishery products and processing plants, as authorized by the Agricultural Marketing Act of 1946, as amended, 7 U.S.C. 1622, 1624, and the Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742(e). The fishery products inspection program has been operating since 1958. Revised regulations (Part 260, Title 50 Code of Federal Regulations) for the conduct of this program by the Department of Commerce became effective December 3, 1971.

In 1972, the Department of Commerce, Office of Audits, conducted a review of the fishery products inspection program. One of the key observations made in the report was that most consumers of fishery products probably assume or believe that all fish products are under mandatory inspection, as are meat, poultry and eggs under laws and regulations administered by the United States Department of Agriculture. This is not the case, although the Department of Commerce, various segments of the seafood industry and others have supported the need for mandatory seafood inspection on numerous occasions in the past in testimony before Congress. It was recommended, therefore, that the Department of Commerce "increase consumer education regarding the functions of the voluntary fishery inspection service in assuring the availability of quality fishery products."

Furthermore, in a 1974 NMFS survey of all known processors of fishery products, NMFS determined that many processors were not familiar with its fishery product inspection program and its benefits.

The Director of NMFS concluded, therefore, that a need exists to expand its ongoing educational program into a broad-scale effort to inform both the trade and the general public of the availability of the fishery products inspection program and of the availability and benefits of inspected products so identified with an inspection mark on the product label.

The Director has already intensified efforts to inform the trade of the availability and benefits of the various inspection services offered under the inspection program.

Further, a national consumer educational campaign is planned to begin in October 1975, and will use all mass communication media (public service time), as well as exhibitions at conventions, pamphlets, and printed material for distribution to consumer organizations. The objective of the consumer educational program will be to provide the general public with information on the availability and advantages of inspected products.

At this stage, it would be highly useful to establish the widest possible communication between NMFS and interested parties. Therefore, the Director, NMFS, invites written views concerning the need for and appropriateness of this kind of an educational program, types of educational materials needed, and suggestions for methods of implementing the program from all parties with an interest in consumer and trade education, including the general public, regarding the inspection program and inspected fishery products.

All comments should be submitted in writing to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235, on or before May 30, 1975.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-11020 Filed 4-25-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[75-126 FDA-225-75-4021]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the North Dakota State Laboratories and Consumer Affairs

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 North Dakota State Laboratories and Consumer Affairs on January 27, 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 NORTH DAKOTA STATE LABORATORIES & CONSUMER AFFAIRS 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 Laboratories Division, Lock Box 937, Bismarck, North Dakota 58501.

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.* North Dakota State Laboratories & Consumer Affairs, Lock Box 937, Bismarck, North Dakota 58501.

V. *Liaison Officers.* For North Dakota State Laboratories & Consumer Affairs: Mr. Orvin

Foss, Office Manager. Address: North Dakota State Laboratories & Consumer Affairs, Lock Box 937, Bismarck, North Dakota 58501. Telephone No.: (701) 224-2486.

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 North Dakota State Laboratories & Consumer Affairs: Ailsa Simonson, Director. Date: January 27, 1975.

Approved and accepted for the Food and Drug Administration: E. Pitt Smith, Deputy Regional Food & Drug Director. Date: *January 23, 1975.*

Effective date. This Memorandum of Understanding became effective January 27, 1975.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10963 Filed 4-25-75;8:45 am]

[75-125 FDA-225-75-4040]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Wisconsin 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 Wisconsin Department of Agriculture on January 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 WISCONSIN 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 the Agriculture Building, 801 West Badger Road, Madison, Wisconsin 53713.

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.* Wisconsin Department of Agriculture, 801 West Badger Road, Madison, Wisconsin 53713.

V. *Liaison Officers.* For Wisconsin Dept. of Agriculture: N. E. Kirschbaum, Admin., Food & Standards Division. Address: Wisconsin Dept. of Agriculture, 801 West Badger Rd., Madison, WI 53713. Telephone No.: (608) 266-2227.

For FDA: Marlin V. Bergerson, Consumer Safety Officer. Address: DHEW/PHS/Food & Drug Administration, 240 Hennepin Ave., Minn., MN 55401. Telephone No.: (612) 725-2121.

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 Wisconsin Department of Agriculture: N. E. Kirschbaum, Administrator, Food & Standards Division. Date: January 28, 1975.

Approved and accepted for the Food and Drug Administration: Anthony C. Celeste, Acting Regional Food and Drug Director, Region V. Date: January 21, 1975.

Effective date. This Memorandum of Understanding became effective January 28, 1975.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10964 Filed 4-25-75;8:45 am]

[75-124FDA-225-75-4019]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Texas 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 Texas State Department of Health on January 27, 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 TEXAS 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 Division of Food and Drugs, Texas State Department of Health, 1100 West 49th Street, Austin, Texas 78756.

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.* Texas State Department of Health, Division of Food and Drugs, 1100 West 49th Street, Austin, Texas 78756.

V. *Liaison Officers.* For Texas State Dept. of Health: James M. Doughty, Dir., Division of Food & Drugs.

Address: Texas State Dept. of Health
Division of Food and Drugs
1100 W. 49th St.
Austin, TX 78756.

Telephone No.: (512) 454-3781.

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 Texas State Department of Health: J. E. Peavy, M.D., Commissioner of Health. Date: January 27, 1975.

Approved and accepted for the Food and Drug Administration: James E. Anderson, Acting Regional Food and Drug Director. Date: January 21, 1975.

Effective date. This Memorandum of Understanding became effective January 27, 1975.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10965 Filed 4-25-75;8:45 am]

PRODUCTION OF IODINE-123 FOR APPLICATION IN NUCLEAR MEDICINE

Public Meeting

The Food and Drug Administration (FDA), under the Public Health Service Act, has the authority to conduct research studies and issue information on the protection of the public health from radiation hazards. Research studies have indicated that Iodine-123 can replace Iodine-131 in diagnostic nuclear medicine procedures and reduce significantly the radiation dose to the patient. To further such dose reductions, the Food and Drug Administration will hold a public meeting to discuss the practicality of producing Iodine-123 in sufficient quantities to replace Iodine-131 in diagnostic nuclear medicine. Topics to be discussed include the logistics of processing and distributing this nuclide as a radiopharmaceutical, its clinical application, and dosimetric characteristics.

Recommendations resulting from this meeting may lead to the development of a voluntary guideline through which the Commissioner of Food and Drugs will offer guidance concerning radiation exposure. Such a voluntary guideline could be useful in encouraging the reduction of radiation doses resulting from diagnostic nuclear medicine procedures. The guideline would be implemented through educational programs and cooperative activities with professional organizations, manufacturers and distributors, and State radiation control agencies.

The public meeting will be held at 9 a.m. on May 19 and 20, 1975 at the Bureau of Radiological Health, in Rm. 416, 12720 Twinbrook Parkway, Rockville, MD. Interested persons are invited to participate. A detailed agenda will be available upon request and will be distributed at the meeting.

Documentation of views by interested individuals and organizations as to the dimensions of the problem of production, distribution, and application would be especially helpful. Observations and position statements will be accepted for consideration for 30 days following the May 19-20, 1975 meeting.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10962 Filed 4-25-75;8:45 am]

[75-225 FDA-225-75-5011]

MEDICAL DEVICE EXPERIENCE DATA

Memorandum of Understanding With the Veterans Administration

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future agreements or 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 Veterans Administration on March 19, 1975. The purpose of the memorandum is to establish procedures for exchanging medical device experience data. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE VETERANS ADMINISTRATION AND THE FOOD AND DRUG ADMINISTRATION

The Veterans Administration (hereinafter called VA) and the Food and Drug Administration (hereinafter called FDA) hereby jointly agree to the terms and conditions as described herein.

Purpose. To establish procedures for exchanging medical device experience data.

Background. The VA and FDA have a mutual responsibility to the patient for assuring that medical devices and diagnostic products are safe, efficacious and that the health community is advised of any unsafe or ineffective devices or diagnostics. To carry out this responsibility, the VA and FDA agree that it would be mutually beneficial to utilize their respective information systems by coordinating reports of medical device and diagnostic product experiences. The VA can provide the FDA with medical device experience data from its hospital system. In addition, VA can provide technical expertise in the identification and resolution of medical device and diagnostic product problems.

This information will be of great value in the identification of health and safety hazards, the collection of historical data for trend analysis and the exchange of general data to benefit patient care and the health community.

I. *Definition of Work.* A telephone and teletype link will be established between the VA Marketing Center at Hines, Illinois, and FDA/Bureau of Medical Devices and Diagnostic Products, Rockville, Maryland. The VA's Department of Data Management will work as a liaison with FDA/BMDDP in establishing this communications link. This system will be used by both parties for the transmission of data concerning medical device and diagnostic product problems, especially those requiring immediate investigations, warning, or recalls. This exchange of information will also serve as a base upon which future working relationships can be built.

FDA and VA at a time designated by the VA, will develop and conduct an education and awareness program intended to acquaint VA health personnel with the opportunity to report, and the procedures for reporting, medical device and diagnostic product problems encountered in the VA hospital system.

Subsequent to the establishment of the communications interface, the VA and FDA will develop and pilot test the concept of a project manager; where selected VA hospital personnel are identified and assigned responsibility for the identification, generation, and transmission to FDA of medical device and diagnostic product problems encountered at their respective stations.

The VA will review its reporting procedures which involve product malfunctions, patient incidents, safety hazards, product defects, and other related matters. The objective of this review is to develop improved procedures for identifying and collecting product problem experience data within the VA, thereby facilitating exchange of information between the two parties.

The VA and FDA will share any cost(s) involved in establishing a communications interface. Each agency will also absorb its respective transmission and personnel costs.

To insure proper coordination between the two agencies, the on-going liaison responsibility for these programs will be assigned to the Director, Bureau of Medical Devices and Diagnostic Products (FDA), and the VA's Chief Medical Director, or designees. Once the system is established, the Director, Supply Service or Manager, VA Marketing Center, as appropriate, will serve as the liaison with FDA/BMDDP. Conversely, the Director, Bureau of Medical Devices and Diagnostic Products, or designee, will serve as liaison with the VA.

II. *Name and Address of Participating Agencies.* Veterans Administration, Department of Medicine and Surgery, Washington, DC 20420, and Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, 5600 Fishers Lane, Rockville, Maryland 20852.

III. *Liaison Officers.*

A. Mr. Donald P. Whitworth, Director, Supply Service, Department of Medicine and Surgery, The Veterans Administration, Washington, D.C. 20420. Telephone: (202) 389-2314.

B. Mr. Chester T. Reynolds, Division of Compliance (HFK-100), Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852. Telephone: (301) 443-4627.

IV. *Period of Agreement.* This agreement, when accepted by both parties, covers an indefinite period of time, and may be modified by mutual consent of both parties or terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Veterans Administration: Donald P. Whitworth, Director, Supply Service. Date: March 19, 1975.

Approved and accepted for the Food and Drug Administration: Sam D. Fine, Associate Commissioner for Compliance. Date: March 3, 1975.

Effective date. This Memorandum of Understanding became effective March 19, 1975.

Dated: April 17, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10966 Filed 4-25-75;8:45 am]

Office of the Secretary

ARKANSAS

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Arkansas Foundation For Medical Care for the State of Arkansas, which area is designated a Professional Standards Review Organization area in 42 CFR 101.6.

The Secretary has determined that the Arkansas Foundation For Medical Care is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Arkansas, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Arkansas. As stipulated in its Articles of Incorporation, the principal officers of the Arkansas Foundation For Medical Care are:

	NAME AND OFFICE HELD
1.	C. C. Long, M.D. President
2.	William S. Orr, Jr., M.D. Vice Chairman
3.	Elvin Shuffield, M.D. Secretary
4.	Kenneth R. Duzan, M.D. Treasurer

The official address of the corporation is 216 North Twelfth Street, Fort Smith, Arkansas 72901.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Arkansas who objects to the Secretary entering into an agreement with the Arkansas Foundation for Medical Care on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health relation institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,180 doctors of medicine and osteopathy are engaged in active practice in the State of Arkansas. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Arkansas Foundation for Medical Care is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.75-11061 Filed 4-25-75;8:45 am]

CALIFORNIA

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization, PSRO Area III

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the North Bay PSRO for PSRO Area III, which area is designated a Professional Standards Review Organization area in 42 CFR 101.7.

The Secretary has determined that the North Bay PSRO is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of California, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III of the State of California. As stipulated in its Articles of Incorporation, the principal officers of the North Bay PSRO are:

	NAME AND OFFICE HELD
1.	John McGee, M.D. Director
2.	Ellis Mitchell, M.D. Director
3.	Gerald Hill, M.D. Director

The official address of the corporation is 4460 Redwood Highway, San Rafael, California 94901.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of California who objects to the Secretary entering into an agreement with the North Bay PSRO on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine

or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,235 doctors of medicine and osteopathy are engaged in active practice in PSRO Area III of the State of California. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the North Bay PSRO is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.75-11059 Filed 4-25-75;8:45 am]

IDAHO

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Idaho Professional Review Organization for the State of Idaho, which area is designated a Professional Standards Review Organization area in 42 CFR 101.16.

The Secretary has determined that the Idaho Professional Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Idaho, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Idaho. As stipulated in its Articles of Incorporation, the principal officers of the Idaho Professional Review Organization are:

NAME AND OFFICE HELD

1. Howard E. Adkins, M.D. President
2. John B. Meyers, M.D. Vice President
3. Lloyd S. Call, M.D. Secretary-Treasurer

The official address of the corporation is 411 West Bannock Street, Boise, Idaho 83702.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Idaho who objects to the Secretary entering into an agreement with the Idaho Professional Review Organization on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 879 doctors of medicine and osteopathy are engaged in active practice in the State of Idaho. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Idaho Professional Review Organization is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.75-11056 Filed 4-25-75;8:45 am]

MARYLAND

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for Area III

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Montgomery County, Maryland, Medical Care Foundation, Inc., for PSRO Area III, which area is designated a Professional Standards Review Organization area in 42 CFR 101.24.

The Secretary has determined that the Montgomery County, Maryland, Medical Care Foundation, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Maryland, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Maryland. As stipulated in its Articles of Incorporation, the principal officers of the Montgomery County, Maryland, Medical Care Foundation, Inc. are:

NAME AND OFFICE HELD

1. Horace W. Bernton, M.D. President
2. John P. Nassou, M.D. Vice President
3. Joseph O'Neill, M.D. Secretary
4. Michael M. Healy, M.D. Treasurer

The official address of the corporation is 2446 Reedie Drive, Wheaton, Maryland 20902.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Maryland who objects to the Secretary entering into an agreement with the Montgomery County, Maryland, Medical Care Foundation, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,410 doctors of medicine and osteopathy are engaged in active practice in PSRO Area III of the State of Maryland. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Montgomery County, Maryland, Medical Care Foundation, Inc. is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.75-11060 Filed 4-25-75;8:45 am]

MARYLAND

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for Area VII

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation

process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Delmarva Foundation for Medical Care, Inc. for PSRO Area VII, which area is designated a Professional Standards Review Organization area in 42 CFR 101.24.

The Secretary has determined that the Delmarva Foundation for Medical Care, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Maryland, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area VII of the State of Maryland. As stipulated in its Articles of Incorporation, the principal officers of the Delmarva Foundation for Medical Care, Inc. are:

NAME AND OFFICE HELD

1. Joseph H. Cutchin, Jr., M.D. President
2. James L. Clifford, M.D. Vice President
3. Peter W. Rieckert, M.D. Secretary
4. Aubrey C. Smoot, M.D Treasurer

The official address of the corporation is P.O. Box 987, Easton, Maryland 21601.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VII of the State of Maryland who objects to the Secretary entering into an agreement with the Delmarva Foundation for Medical Care, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 361 doctors of medicine and osteopathy are engaged in active practice in PSRO Area VII of the State of Maryland. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Delmarva Foundation for Medical Care, Inc. is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.75-11057 Filed 4-25-75;8:45 am]

PENNSYLVANIA

Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for Area VI

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Allegheny Professional Standards Review Organization for PSRO Area VI, which area is designated a Professional Standards Review organization area in 42 CFR 101.42.

The Secretary has determined that the Allegheny Professional Standards Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Pennsylvania, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the PSRO Area VI of the State of Pennsylvania. As stipulated in its Articles of Incorporation, the principal officers of the Allegheny Professional Standards Review Organization are:

NAME AND OFFICE HELD

1. James R. Dornenburg, M.D. Chairman
2. Michael P. Levis, M.D. Vice Chairman
3. Donald J. Valentine Secretary-Treasurer

The official address of the corporation is Suite 450, One Allegheny Square, Pittsburgh, Pennsylvania 15212.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI of the State of Pennsylvania who objects to the Secretary entering into an agreement with the Allegheny Professional Standards Review Organization on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 3,239 doctors of medicine and osteopathy are engaged in active practice in PSRO Area VI of the State of Pennsylvania. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Allegheny Professional Standards Review Organization is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.

[FR Doc.75-11058 Filed 4-25-75;8:45 am]

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Meeting

The Child and Family Development Research Review Committee will meet on Tuesday, May 27, 1975 through Friday, May 30. The meeting will be held daily from 9 a.m. to 5 p.m. in Room 5549, Office of Child Development, 400 Sixth Street, SW, Washington, D.C., and will be closed to the public except for the opening remarks. The purpose of the Committee is to review applications for research and demonstration projects in the areas of child development and child welfare and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Acting Director, Office of Child Development, followed by the review of research and demonstration proposals concerned with child abuse and neglect, child development and the family, and children at risk and the child welfare system which have been submitted to the Office of Child Development for the award of grants. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which 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 the applications, the disclosure of which would constitute a clearly unwarranted

invasion of personal privacy. These are matters listed in 5 U.S.C. 552(b) (4), (5), and (6).

A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755-7758

Date: April 10, 1975.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.75-11062 Filed 4-25-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26494; Agreement C.A.B. 25004 Agreement C.A.B. 25006 R-1 through R-28; order 75-4-79[1]]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares Between the Pacific and Europe/Middle East/Africa Direct and Via the Western Hemisphere; Erratum

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of April 1975.

Change heading of column in finding paragraph 2 to read Agreement C.A.B. 25006, which appears on pages 2, 3, and 4.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APRIL 18, 1975.

[FR Doc.75-11021 Filed 4-25-75;8:45 am]

[Docket No. 25280, Agreement C.A.B. 25051, 25052, R-1 and R-2, 25053, 25061, 25062, order No. 75-4-30]

TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority, April 4, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted pursuant to the provisions of IATA Resolution 590 dealing with specific commodity rates and reflect unprotested filings by various carriers.

With respect to air transportation as defined by the Act, the agreements propose revisions to the specific commodity rate structures applicable over the Atlantic and Pacific. We will approve these revisions, outlined in the attachment hereto, which reflect reductions from otherwise applicable general cargo rates.

[1] Published at 40 FR 17630, 4-21-75.

Jurisdiction will be disclaimed on those portions of the agreements involving rates wholly between foreign points, which are not combinable with rates to/from U.S. points.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

(1) It is not found that Agreements C.A.B. 25051; C.A.B. 25052, R-1 and R-2; and C.A.B. 25053 are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered; and

(2) It is not found that Agreements C.A.B. 25061 and C.A.B. 25062 affect air transportation within the meaning of the Act.

Accordingly, *It is ordered*, That:

1. Agreements C.A.B. 25051; C.A.B. 25052, R-1 and R-2; and C.A.B. 25053 be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. Jurisdiction be and hereby is disclaimed with respect to Agreements C.A.B. 25061 and C.A.B. 25062.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

IATA commodity item No.[1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight (kilograms)	Market
AGREEMENT C.A.B. 25051			
0006	[2] 101	250	Fukuoka to Guam.
	[2] 51	500	
AGREEMENT C.A.B. 25052			
2102	123	1,000	Tel Aviv to New York.
2094 [3]	74	4,000	Auckland to Los Angeles.
AGREEMENT C.A.B. 25053			
The following rates have been deleted:			
0006	[2] 68	250	Okinawa to Guam.
	[2] 71	250	Osaka to Guam.
	[2] 71	250	Tokyo to Guam.

[1] See applicable tariffs for commodity descriptions.
[2] Based on 02lb rate 1 U.K. pence = USD .02605.
[3] New description—natural wool yarn.

AGREEMENT C.A.B. 25053

NEW COMMODITY DESCRIPTIONS

Item No.	*Description*
4702	Machines for processing metal, textiles, plastic, wood, stone, leather, hides, food, beverages, tobaccos. Machines for abrading, grinding, cutting, polishing, binding, drilling, moulding, postage franking, packaging, riveting, welding, cleaning, washing, dyeing, drying, sprinkling liquids, heating, cooling, well drilling, excavating, conveying, weighing, papermaking. Aircraft arresting, catapulting and retrieving machines. Bearings, ball, needle, pivot, radial, roller, shaft, thrust, castings, forgings including rolled shapes, cetrifuges. Coin operated machines. Compressors. Construction machines. Cutlery and razor blades. Gaskets. Metal hand tools. Pumps. Taps and dies. Anchors, bolts, nails, nuts, screws and/or studs made of brass, copper, iron, or steel. Casters and glides. Valve and pipe fittings, washers. Welding electrodes/rods/wire, welding paste/powder and welding apparatus—excluding steamship and/or motorship machine parts, N.E.S.
6857	Plastic articles used in animal husbandry.
9558	Suitcases, overnight bags, briefcases, attache cases, handbags, purses, and wallets.

COMMODITY DESCRIPTIONS DELETED

1535	Betel leaves.
3126	Razor blades.
3952	Valves for atomizers.
4262	Bicycles.
4752	Compressor parts.
4785	Printing press rollers.
6108	Bloodserum.
8433	Photographic films, unexposed.
9002	Costume jewelry.

[FR Doc.75-11027 Filed 4-25-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE 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 Delaware State Advisory Committee (SAC) will convene at 12 noon on May 23, 1975, at YMCA—11th and Washington Streets, Wilmington, Delaware 19807.

Persons wishing to attend this meeting should contact the Commiteee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20037.

The purpose of this meeting is to plan follow-up to conference on equal employment opportunity.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 23, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-10980 Filed 4-25-75;8:45 am]

MARYLAND 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 Maryland State Advisory Committee (SAC) to this Commission will convene at 8 p.m. on May 15, 1975, Social Security Building, Room G-20, 6401 Security Boulevard, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20037.

The purpose of this meeting is to hear subcommittee reports and to discuss issues to be raised in a meeting with Secretary Dunlap, DOL, regarding an affirmative action plan for Baltimore.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 23, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-10981 Filed 4-25-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CZECHOSLOVAK SOCIALIST REPUBLIC

Certain Cotton Textile Products

APRIL 23, 1975.

On August 29, 1969, the United States Government concluded a comprehensive bilateral cotton textile agreement with the Government of the Czechoslovak Socialist Republic concerning exports of cotton textile products from the Czechoslovak Socialist Republic to the United States over a two-year period beginning on May 1, 1969. The bilateral agreement was extended for an additional two-year period beginning May 1, 1971 and was further extended for four years beginning May 1, 1973. Among the provisions of the agreement, as extended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit a specific limit on Category 26 (other than duck) for the agreement year beginning on May 1, 1975.

Accordingly, there is published below a letter of April 23, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in Category 26 (other than duck) produced or manufactured in the Czechoslovak Socialist Republic which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning May 1, 1975 and extending through April 30, 1976, be limited to the designated level. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

UNITED STATES DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS, WASHINGTON, D.C. 20230

APRIL 23, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: Pursuant to the Bilaterial Cotton Textile Agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective May 1, 1975 and for the twelve-month period extending through April 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 26 (other than duck)[1], produced or manufacured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,340,095 square yards.

Cotton textile products in Category 26 (other than duck)[1], produced or manufactured in the Czechoslovak Socialist Republic and which have been exported prior to May 1, 1975, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period May 1, 1974 to April 30, 1975. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on Category 26 (other than duck)[1] may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for comsumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Czechoslovak Socialist Republic and with respect to imports of cotton textile products from the Czechoslovak Socialist Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-11043 Filed 4-25-75;8:45 am]

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320.01 through 04, 06, 08, 321.01 through 04, 06, 08, 322.01 through 04, 06, 08, 326.01 through 04, 06, 08, 327.01 through 04, 06, 08, 328.01 through 04, 06, 08.

MACAU

Cotton, Wool and Man-Made Fiber Textile Products

APRIL 23, 1975.

On August 14, 1973, there was published in the FEDERAL REGISTER (38 FR 21962) a letter dated August 6, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in Macau and exported from Macau for which Macau had not issued a visa. One of the requirements is that each visa include the signature of an official authorized to issue visas. Macau has requested that Dr. Jose Francisco Cadorio Ferreira Lino be authorized to issue visas replacing Dr. Jose Correia Montenegro. The list of authorized officials was previously amended on March 6, 1975 (40 FR 11636).

Accordingly, there is published below a letter of April 23, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of August 6, 1973, effective on April 30, 1975. A facsimile of the signature of the newly-designated official is filed as part of the original document with the Office of the Federal Register. A complete list of officials currently authorized to issue visas for cotton, wool and man-made fiber textile products exported to the United States from Macau is enclosed with the letter to the Commissioner of Customs.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

UNITED STATES DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR DOMESTIC, AND INTERNATIONAL BUSINESS, WASHINGTON, D.C. 20230

APRIL 23, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of August 6, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-64; wool textile products in Categories 101-126, 128, and

131–132; and man-made fiber textile products in Categories 200–243, produced or manufactured in Macau for which Macau had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Macau official authorized to issue visas. The directive of August 6, 1973 was previously amended by directive of March 6, 1975.

Under the provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements of December 22, 1972, as amended, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of August 6, 1973 is further amended, effective on April 30, 1975, to authorize Dr. Jose Francisco Cadorio Ferreira Lino to issue visas in place of Dr. Jose Correia Montenegro, who will no longer sign. A complete list of Macau officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

MACAU OFFICIALS CURRENTLY AUTHORIZED TO ISSUE VISAS FOR COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Dr. Jose Francisco Cadorio Ferreira Lino
Dr. Armando Gil Lopes de Campos
Mrs. Olivia Maria dos Remedios Cesar

[FR Doc.75-11442 Filed 4-25-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities and Military Resale Items to Procurement List 1975, November 12, 1974 (39 FR 39964).

Class 6530:
Urinal, incontinent
6530-00-512101
6530-00-290-8292.

Item No.:	Description
481	Auto whisk.
482	Auto whisk kit.
483	Snow brush.
484	White wall brush.
485	Chamois.
486	Ice-scraper-squeegee.
487	Bug-away.
491	Auto sponge.
494	Tuff line auto tow strap.

Comments and views regarding these proposed additions may be filed with the Committee on or before May 28, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-10945 Filed 4-25-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS SPECIAL IMPACT 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 Consumer Affairs Special Impact Advisory Committee will meet Thursday, May 15, 1975 at 9 a.m., Room 3400, 12th and Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide FEA with diversified knowledge and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Electric utility rates.
2. Three-Cent retail dealer margin.
3. Citizen energy platform.
4. Old business.
5. New business.
6. Staff progress report.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (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 23, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-10984 Filed 4-23-75;2:00 pm]

ENVIRONMENTAL 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 Environmental Advisory Committee will meet on Wednesday, May 21, 1975 at 9 a.m., Departmental Auditorium, Conference Room B, Constitution Avenue between 12th and 14th Streets, NW., Washington, DC.

The Committee was established to provide advice and information to the Federal Energy Administration concerning environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. Review of FEA draft environmental impact statement on the Energy Independence Act.
2. Reports and review of recommendations from task forces in the following areas:
   a. OCS development/energy facility siting.
   b. Coal leasing and mining.
   c. Fuel economy and emission standards.
   d. Energy conservation.
   e. Air quality.
3. New business.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer (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, DC.

Issued at Washington, DC on April 23, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-10986 Filed 4-23-75;2:00 am]

STATE REGULATORY 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 State Regulatory Advisory Committee will meet Friday, May 16, 1975, at 10 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with advice and information concerning its plans and programs which are related to the responsibilities of State regulatory commissions.

The agenda for the meeting is as follows:

1. Committee organization.
2. Discussion of utility programs.
   a. Administration's proposals.
   b. Other proposals.
   c. Joint FEA/Regulatory Commission cooperative studies.

3. Further discussion of committee organization.
4. Discussion of state regulatory problems.
   a. Consumerism.
   b. Conservation.
   c. Energy Development.
5. Potential state affirmative actions independent of the Federal Government.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (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 23, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-10985 Filed 4-23-75;2:00 pm]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 366-3]

CHEVRON CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAB 5H5081) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in raisins at 10 parts per million resulting from use of the insecticide in a proposed experimental program involving application to growing grapes.

Dated: April 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-11040 Filed 4-25-75;8:45 am]

[FRL 363-8]

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Review Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of March 1, 1975 and March 31, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as set forth in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix II contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: April 21, 1975.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Mar. 1 and 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-B82001-ME	Cooperative spruce budworm suppression 1974 project, Aroostock, Piscataquis, Penobscott, and Washington Counties, Maine.	LO-1	B
D-AFS-J65005-CO	Timber management plan for Routt National Forest, Colo.	ER-2	I
D-AFS-J65012-CO	Timber management plan for medicine Bow National Forest, Colo.	ER-2	I
D-AFS-L61014-WY	Timber management plan for Bighorn National Forest, Wyo.	ER-2	I
D-AFS-L61016-ID	Land use plan for the South Fork Salmon River planning unit, Payette and Boise National Forests, Idaho.	LO-2	K
D-AFS-L65003-AK	Latouche Island Timber sale, Chugach National Forest, Cordova, Alaska.	LO-1	K
D-SCS-B36003-ME	Twenty-five Mile Stream watershed project, Waldo, Kennebec, Penobscot, and Somerset Counties, Maine.	ER-2	B
D-SCS-D36009-WV	North and South Mill Creek subwatershed of the Potomac River watershed, Grant, Pendleton, and Hardy Counties, W. Va.	ER-2	D
D-SCS-E36014-GA	Big Mortar-Snuff Box Swamp watershed, Long and McIntosh Counties, Ga.	ER-2	E
D-SCS-G36013-NM	Cottonwood-Walnut Creek watershed, Chaves and Eddy Counties, N. Mex.	LO-2	G
D-SCS-H36006-NB	Long Branch watershed, Nebr.	3	H
D-SCS-H36010-MO	Little Black watersheds, Butler, Carter and Ripley Counties, Mo.	ER-2	H
Corps of Engineers:			
DS-COE-A32476-OO	Replacement Gallipolis Locks and Dam, Ohio River, Ohio and W. Va.	LO-1	D
D-COE-B32001-ME	Frenchboro Harbor dredging, Long Island, Maine	LO-1	B
D-COE-C36001-NJ	Proposed Con Edison-Long Island Lighting Co. power transmission cable, Long Island Sound, Hempstead Harbor, N.Y.	ER-2	C
D-COE-C36001-NJ	Construction permits for proposed fuel oil storage terminal in Hudson River, Weehawken Cove, Hudson County, N.J.	3	C
D-COE-C36010-NY	Flood control project for Chappaqua, N.Y.	ER-2	C
D-COE-C85003-NJ	Mayer Corp., Pebble Beach, Indianola complex residential lagoon development permit application, Ocean City, N.J.	ER-2	C
D-COE-D35005-VA	Maintenance dredging Chincoteague Harbor and Refuge, Accomack County, Va.	LO-1	D
D-COE-E36013-MS	Flood control, Mississippi River and tributaries, Yazoo River Basin, Miss.	ER-2	E
D-COE-F36004-MI	Holland Harbor, mitigation of shore damage from navigation structures, Michigan.	LO-1	F
D-COE-F32014-MI	Maintenance dredging, Monroe Harbor, Mich.	ER-2	F
D-COE-F32016-MI	Sterling State Park Harbor, Monroe County, Mich.	ER-2	F
D-COE-F32017-MN	Lutsen and Beaver Bay Harbors, Cook and Lake Counties, Minn.	ER-2	F
D-COE-F32018-OH	Huron Harbor, Ohio operations and maintenance project, Erie County, Ohio.	EU-2	F

Identifying No.	Title	General nature of comments	Source for copies of comments
D-COE-F35008-OH	Toledo Harbor, maintenance dredging of polluted sediments, Ohio.	ER-2	F
D-COE-G32012-TX	Maintenance dredging, Freeport Harbor, Tex.	LO-2	G
D-COE-G32013-LA	Mermentau River, Gulf of Mexico navigation channel, Federal assumption of maintenance, Louisiana.	ER-2	G
D-COE-G36030-TX	Aubrey Lake, supplement, Cooke County, Tex.	LO-1	G
D-COE-H36005-MO	County Line Lake, James River Basin, Mo.	3	H
D-COE-H36012-MO	St. Johns Bayou and New Madrid Floodway, New Madrid, Scott and Mississippi Counties, Mo.	LO-1	H
D-COE-L36001-AK	Lost River mining project, Lost River, Alaska	LO-2	K
D-COE-L36015-OO	Lower granite project, Snake River, Wash. and Idaho	LO-2	K
D-COE-L36016-OR	Siuslaw and Umpqua Estuary dredging, Smith River, Douglas and Lane Counties, Oreg.	LO-1	K
Department of Commerce:			
D-NOA-L81004-WA	Proposed NOAA western regional headquarters facility development, Sand Point, King County, Wash.	LO-1	K
Energy Resources Development Agency:			
D-ERD-A00109-NJ	Tokamak fusion test reactor facilities, Princeton Plasma Physics Laboratory, Princeton, N.J.	ER-2	A
Federal Energy Administration:			
LD-FEA-A07086-CO	Coal conversion program, Energy Supply and Environmental Coordination Act of 1972, Sec. 2.	ER-2	A
Federal Power Commission:			
D-FPC-K05002-CA	California aqueduct project, No. 2426, California	3	J
General Services Administration:			
D-GSA-E81004-AL	Proposed disposal of a portion of the former Alabama Army Ammunition Plant, Childersburg, Talladega, County, Ala.	LO-2	E
Department of Housing and Urban Development:			
D-HUD-C85002-NJ	Potter urban renewal project, NJR-11 and the north Edison No. 2 urban renewal project, NJR-61, Edison Township, Middlesex County, N.J.	LO-2	C
D-HUD-E85005-FL	Tampa neighborhood development program, areas 1 and 4, Tampa, Fla.	ER-2	E
D-HUD-K80001-CA	City of San Francisco community development block grant, San Francisco, Calif.	LO-1	J
RD-HUD-A80078-OO	Flood plain management regulations of the national flood insurance program.	ER-2	A
Department of the Interior:			
D-BOR-F60001-MN	Minnesota Memorial Hardwood Forest, land acquisition, Minnesota.	ER-2	F
D-IBR-L36014-WA	Columbia Basin project, Washington	LO-2	K
Nuclear Regulatory Commission:			
D-ALC-A06146-TN	Hartsville nuclear plants of the Tennessee Valley Authority, Dockets Nos. 50-518, 50-519, 50-520, 50-521, Smith and Trousdale Counties, Tenn.	ER-2	A
D-AEC-A06147-OR	Pebble Springs Nuclear Plant, units 1 and 2, Portland General Electric Co., Dockets Nos. 50-514 and 50-515, Gilliam County, Oreg.	3	A
D-AEC-A00029-OO	Wide-scale use of plutonium powered cardiac pacemakers	LO-2	A
D-NRC-A06148-WA	Skagit nuclear power project, units 1 and 2, Puget Sound Power and Light Co., Dockets Nos. STN 50-522, 50-523, Skagit County, Wash.	ER-2	K
Department of Transportation:			
DA-DOT-A41101-KS	I-435, Johnson and Wyandotte Counties, Kans.	LO-1	H
D-FHW-B40009-MA	Center city service link to I-291, Chicopee-Holyoke, Mass.	ER-2	B
D-FHW-C40011-NY	Interstate Route 88, New York	LO-2	C
D-FHW-D40010-MD	I-83, Gay St. to fleet, Baltimore, Md.	ER-2	D
D-FHW-D40012-MD	I-83, Boston St. to Ponca St., I-95 and I-83 interchange, Baltimore, Md.	ER-2	D
D-FHW-D40011-MD	I-83, Fleet St. to Boston St., Baltimore, Md.	ER-2	D
D-FHW-G40021-TX	Loop 1, from RM 2244 southwest of Austin, south to U.S. 290 W., Travis County, Tex.	ER-2	G
D-FHW-G40025-LA	LA-3026, Pineville, Rapids Parish, Tioga Highway, La.	ER-2	G
D-FHW-G40027-TX	Development leading to completion of an increment of beltway 8, north as a controlled access facility, TX-45 and U.S. 59, Harris County, Tex.	ER-2	G
D-FHW-H40018-IA	Freeway 592, Polk and Warren Counties, Iowa	ER-2	H
D-FHW-L40018-OR	Powers Highway, OR-242, Coos County, Oreg.	LO-1	K
Tennessee Valley Authority:			
D-TVA-E06001-TN	Hartsville Nuclear Plant, construction and operation, 4 units, Smith and Trousdale Counties, Tenn.	ER-2	E
U.S. Water Resources Council:			
D-WRC-B20001-00	New England River Basin Commission plan for Long Island Sound, Conn. and N.Y.	LO-1	B

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action.—LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action. ER—Environmental Reservations.

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement—Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Mar. 1 and 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-A60088-MN	Land exchange proposed by Inland Steel Co., Superior National Forest, Minn.	EPA had no major objections to the project as proposed. EPA has recommended that Inland Steel Co. formulate plans for the reclamation of strip-mined land and waste-rock disposal areas.	F
F-AFS-A65103-MT	Upper Fisher planning unit, Montana.	EPA had no objections to this plan but feels that a continuous buffer zone along the wilderness boundary will better protect wilderness values.	I
F-AFS-A65104-CA	Timber management plan, Shasta-Trinity National Forest, Calif.	EPA had no objections to the proposed project	J
F-REA-F08002-MN	230 kV transmission line, Canadian border to Hibbing, Minn.	do	F
F-SCS-A36363-MI	Indian Creek watershed, Lapeer, Sanilac and Tuscola Counties, Mich.	do	F
Corps of Engineers:			
F-COE-A30075-SC	Hunting Island Beach, public beach restoration, Beaufort County, S.C.	do	E
Department of Agriculture:			
F-AFS-A60088-MN	Land exchange proposed by Inland Steel Co., Superior National Forest, Minn.	EPA had no major objections to the project as proposed. EPA has recommended that Inland Steel Co. formulate plans for the reclamation of strip-mined land and waste-rock disposal areas.	F
F-AFS-A65103-MT	Upper Fisher planning unit, Montana.	EPA had no objections to this plan but feels that a continuous buffer zone along the wilderness boundary will better protect wilderness values.	I
F-AFS-A65104-CA	Timber management plan, Shasta-Trinity National Forest, Calif.	EPA had no objections to the proposed project	J
F-REA-F08002-MN	230 kV transmission line, Canadian border to Hibbing, Minn.	do	F
F-SCS-A36363-MI	Indian Creek watershed, Lapeer, Sanilac and Tuscola Counties, Mich.	do	F
Corps of Engineers:			
F-COE-A30075-SC	Hunting Island Beach, public beach restoration, Beaufort County, S.C.	do	E
F-COE-A32410-AL	Dauphin Island Bay, maintenance dredging, navigation, Mobile County, Ala.	do	E
F-COE-A34104-SC	Cooper River re-diversion project, Charleston Harbor, S.C.	do	E
F-COE-A35116-MI	Modification of Ludington Harbor and Channel at Ludington, Mich.	EPA generally had no objections to the project as proposed.	F
F-COE-A36075-KS	Onaga Dam and Lake project, Vermillion Creek, Kans.	EPA had no objections to the proposed project. However, concern was expressed regarding possible degradation of reservoir water quality as a result of current high coliform counts in Vermillion Creek and the potential for development of eutrophic conditions in the proposed reservoir.	H
Department of Transportation:			
F-CGD-A50124-FL	Proposed south crosstown expressway project, dual fixed bridges and approaches across the Hillsborough River, Tampa, Hillsborough County, Fla.	EPA generally had no objections to the proposed project. However, EPA recommended that an air quality supplement to the final EIS be prepared to further discuss the expected impact of the project on the attainment and maintenance of the standard for photochemical oxidants.	E
F-CGD-A52066-NY	Proposed New York vessel traffic system for the Port of New York, Hudson River and Long Island Sound, N.Y.	EPA had no objections to the project as proposed	C
F-FAA-A51851-FL	Bay County Airport, Panama City, Fla.	EPA generally had no objections to the proposed project. However, EPA recommended that a supplement be issued addressing EPA's points of concern expressed in the draft EIS comment letter.	E
F-FHW-A42079-MN	I-35, interchange west of Owatonna at Bridge St., Steele County, Minn.	EPA generally had no objections to the proposed project.	F
NF-FHW-F40015-IL	Federal aid I-55, Lawndale to McLean and Logan Counties, Ill.	EPA had no objections to the decision to issue a negative declaration. The determination was made based upon the noise analysis and the precautions to be followed along the Kickapoo Creek.	F

APPENDIX III.—*Final environmental impact statements for which comments were issued between Mar. 1 and 31, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
General Services Administration:			
F-GSA-E81002-TN..	Federal youth center for correctional treatment programs, Memphis, Shelby County, Tenn.	EPA had no objections to the project as proposed.	E

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Mar. 1 and 31, 1975*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-A61225-00...	Management plan for the Cohutta Mountains planning unit, Chattahoochee National Forest, Tenn., Cherokee National Forest, Ga.	E
F-AFS-A65087-MO..	Cedar Creek purchase unit Clark National Forest, Mo	H
F-AFS-A65003-OR..	Gifford Pinchot National Forest timber management plan 1975-1984, Oregon..	K
F-AFS-J08002-WY..	Boulder Lake country estates subdivision, transmission powerline, Wyoming..	I
F-AFS-L61003-ID...	Proposed land use plan, mountain home planning unit, Boise National Forest, Idaho.	K
F-AFS-L61010-WA..	Soleduck planning unit, Washington	K
F-REA-J08000-CO..	Bayfield to Pagosa Springs, 115 kV transmission lines, Basalt to Aspen and snowmass tapline, Colo.	I
F-SCS-A36340-TX..	San Felipe Creek watershed project, Val Verde County, Tex	G
F-SCS-A36406-WA..	Newman Lake watershed project, Spokane County, Wash	K
Corps of Engineers:		
F-COE-A30041-LA..	New Orleans to Venice, hurricane protection, Louisiana	G
F-COE-A32394-FL..	Intracoastal waterway, Jacksonville to Miami, Fla	E
F-COE-A32501-AK..	Operation and maintenance of the Dillingham small-boat harbor, Dillingham, Alaska.	K
F-COE-A35105-VA..	Maintenance dredging of Parker Creek, Parker County, Va	D
F-COE-A36203-CA..	Alameda Creek flood control, Alameda County, Calif	J
Department of Defense:		
F-USN-A11039-VA..	Improvement and addition of ship berthing spaces, Naval Station, Norfolk, Va.	D
F-USN-A11050-TT..	Farallon de Medinilla Bombardment Range, Mariana Islands, Trust Territory..	J
General Services Administration:		
F-GSA-E81001-SC..	Federal Building and Courthouse, Columbia, S.C	E
Department of Transportation:		
F-FAA-A51872-WA..	Seattle-Tacoma International Airport, Seattle, King County, Wash	K
F-FHW-A42012-IA..	Freeway 502, Marion, Mahaska Counties, Iowa	H
F-FHW-A42217-SC..	Beaufort County, U.S. 278, improvements, Hilton Head Island Bridge, S.C...	E
F-FHW-A42228-ND	ND-14, Lake Metigoshe W., Bottineau County, N. Dak	I
F-FHW-A42240-MS..	Yazoo City bypass, U.S. 49 W., Yazoo County, Miss	E
F-FHW-A42295-FL..	FL-84, Broward County, Fla	E
F-FHW-A42350-LA..	LA-67, Clinton-Mississippi State Line Highway, East Feliciana Parish, La...	G
NF-FHW-A41138-NC.	New connector between U.S. 29-601 and I-85, Salisbury, Rowan County, N.C..	E
NF-FHW-A42056-SC.	Improvement of U.S. 221 from I-85 to Chesnee, Spartanburg County, S.C....	E
F-FHW-G40013-TX	Loop 436, U.S. 59, Panola County, Tex	G

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Mar. 1 and 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
A-AFS-A65112-00...	Outline of Forest Service plans for implementing the Forest and Rangeland Renewable Resources Planning Act of 1974.	EPA generally had no objections and commended the Forest Service for involving the public at an early stage in the planning process. EPA's comments were intended to insure that certain considerations would be taken into account when the Forest Service prepares the "Renewable Resource Assessment."	A
Corps of Engineers:			
R-COE-A30113-00..	33 CFR P. 265, Planning Assistance to States, Proposed Policies and Procedures.	EPA generally had no objections to the proposed regulations. However, EPA suggested modifications to several sections especially in the areas of air and land use impact.	A
R-COE-A82161-00..	33 CFR P. 273, Aquatic Plant Control Program.	EPA had no objections to the proposed regulations. However, EPA did suggest modification to several sections of the regulations to strengthen them from an environmental point of view.	
Federal Energy Administration:			
R-FEA-A09032-00..	10 CFR P. 215, Power Generator Fuel Regulation-Petroleum Sulfer Content: Public Hearing.	EPA was unable to adequately address all of the environmental impacts of this proposal. However, several language changes were suggested where appropriate. A more thorough review of this proposal awaits the completion of our review of forthcoming FEA revisions to 10 CFR P. 211.22(C).	A

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Mar. 1 and 31, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Health, Education, and Welfare:			
R-FDA-A90097-00..	21 CFR Pts. 121, 2620, Authorization of the use of Acrolonitrile/Styrene Copolymer in Disposable Beverage Containers.	EPA generally had no objections to the proposed action. However, EPA recommends a full environmental analysis for every substance used or intended for use in disposable beverage containers.	A A
Department of Housing and Urban Development:			
R-HUD-A80082-00..	24 CFR Pts. 1910, 1911, National Flood Insurance Program.	The proposed regulations represent significant improvement over present practices involving flood plain management and flood disaster relief. Modifications were offered which would further the long-term goals of achieving more responsible use and management of flood plains and for providing a means for the purchase of flood insurance at affordable rates.	A
Department of the Interior:			
R-IGS-A01028-00....	30 CFR Pts. 211, 216, Coal Mining Operating Regulations.	EPA generally had no objections to the proposed regulations. However, EPA recommended that if more stringent Federal standards are promulgated in accordance with new Federal authority, the regulations should provide that those stricter standards will apply to lands governed by the subject regulations.	A
R-IGS-A02015-00....	Notice, OCS subsea production equipment, Gulf of Mexico, Mafia area.	EPA expressed reservations concerning the use of subsea production systems particularly in the case of deepwater tracts where the increased use of subsea completions is predicted and where more sophisticated drilling equipment would be required if it became necessary to drill a relief well.	A
R-IGS-A02038-00....	Notice, proposed revision of OCS order No. 8, Gulf of Mexico area, "Platforms, structures and associated equipment.	EPA generally had no objections to the proposed regulation. However, EPA recommends that the review of the proposed order be made concurrent with the proposed OCS order No. 7.	A
R-IGS-A02067-00....	Notice, proposed OCS orders for the Gulf of Alaska.	EPA's review noted an apparent deficiency in accounting for the potential hazards that offshore drilling would impose upon the unique and fragile biota endemic to the Gulf of Alaska area. EPA recommended that the proposed orders be revised in consideration of several specific recommendations provided by EPA.	A
R-IGS-A02068-00....	Notice, intention to develop an OCS order on systems design analysis.	EPA commended the Geological Survey for undertaking the initiative in developing an OCS order on systems design analysis. Specific comments related to the applicability to existing facilities compliance with all applicable environmental standards, and the applicability of new-source performance standards, for gas turbines and stationary internal combustion engines.	A
R-DOI-A90006-00...	Notice, water resources-use and management policy statement.	EPA expressed concern over the lack of specificity in the policy statement particularly regarding decisionmaking criteria. The Agency also expressed the need for the policy guidance regarding the interface with land resources policy. Several specific recommendations were made pertaining to the guidelines. It was recognition of the need to protect fishery resources and water quality in States supporting prior appropriation doctrines.	A
Interstate Commerce Commission:			
R-ICC-A52080-00....	49 CFR Pt. 1056, Motor Carriers of Property.	A reduction in circuity limitations has been proposed. The immediate environmental impact on air quality is accurately stated: The long-term indirect impact on air quality is unknown because interregional trading patterns have a substantial influence on the growth and economic development of small and moderate-size cities.	A
Nuclear Regulatory Commission:			
R-AEC-A00080-00..	10 CFR Pts. 19 and 20, Radiation Protection-Implementation of NCRP recommendations for Lower Radiation Exposure Levels for Fertile Women.	EPA generally had no objections to the proposed regulations. However, EPA suggested that NRC cite more complete statistical data in the preamble to include the medical category of occupationally exposed persons. Further, in implementing the proposed policy, NRC should give special consideration to groups with a significant percentage of fertile women.	A
R-AEC-A00081-00..	10 CFR Pt. 40, Use of Depleted Uranium in Industrial Products or Devices.	EPA generally had no objections to the proposed regulations. EPA recommends that NRC closely follow the activities of general and specific licensees to determine whether the regulation is being satisfactorily implemented.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-10803 Filed 4-25-75;8:45 am]

[FRL 366-5; OPP-180036]

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Receipt of Application for Specific Exemption To Use Carbofuran on Potatoes

On March 26, 1975, the New Jersey Department of Environmental Protection applied to the Environmental Protection Agency (EPA) for a specific exemption to use carbofuran (Furadan) on potatoes. It is anticipated that approximately 15,000 pounds each of the granular and the flowable formulations will be needed to treat some 5,000 acres of potatoes grown in New Jersey. Treatment is to start in April and end in August. This specific exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice does not indicate a decision by this Agency on the application. Interested parties may review the application in the Office of the Director, Registration Division (WH-567), Office of

Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: April 21, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-11041 Filed 4-25-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

1979 WARC CONFERENCE WORKING GROUP

Cable Television Related Services; Meetings

APRIL 14, 1975.

In preparation for the 1979 World Administrative Radio Conference (WARC), two conference preparatory working groups under the Cable Television Bureau will be meeting at the Commission during the week of May 12th, 1975.

The Satellite Distribution Working Group, headed by A.M. Rutkowski will meet on Tuesday, May 13, 1975, at 10 a.m. in Room 6331. The Radio Relay Working Group, headed by Raymond E. Daly will meet on Tuesday, May 13, 1975, at 2 p.m. in Room 6331. Both meetings will be held at the Commission's offices at 2025 M St. NW, Washington, D.C. The meetings will be for the purpose of examining the projected requirements for the transmission of analog and digital information ancillary to cable television and similar distributive/collective broadband communications systems. The working groups will be organized and appropriate task forces established for developing requirements for spectrum allocations made evident.

Numerous service-oriented working groups have been formed by the Commission to investigate the spectrum needs of the United States to the year 2000. The outputs of the various groups will be channeled to one or more of four functional committees which will examine spectrum requirements and give recommendations based on these requirements to the FCC Steering Committee. The Steering Committee, composed of representatives of each of the Commission's Bureaus and Offices, will be responsible for formulating the Commission's basic spectrum recommendations for use at the 1979 Conference.

Members of industry and the public may participate as observers at the Working Group level of activity. Persons wishing to attend the above meetings who have not previously registered for WARC participation may complete their registration forms at the time of the meetings. Persons wishing additional information should communicate with: A. M. Rutkowski, Rm. 6216, FCC, Washington, D.C. 20554, telephone 202-632-9797.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-11008 Filed 4-25-75;8:45 am]

[Report No. 750]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 21, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21302-CD-P-75, Edward C. Smith d.b.a. AnsweRite Professional Telephone Service (KIY581), C.P. for additional facilities to operate on 454.050 MHz at Loc. #2: 2.38 miles N. of Hwy. 50 & 420, Christmas, Florida.

21447-CD-P-75, Minnesota Communications Corporation (KSV993), C.P. to replace transmitter and change antenna system operating on 158.70 MHz located at 120 South 6th Street, Minneapolis, Minnesota.

21448-CD-P-75, Cass County Telephone Company (New), C.P. for a new 2-way station to operate on 152.54 MHz to be located Behind Dial Bldg. on Front Street, Virginia, Illinois.

21449-CD-AL-(2)-75, Communication Specialists Co., Inc. Consent to Assignment of License from Communication Specialists Co., Assignee to Mobile Telephone Company, Inc., Assignee. Stations: KOP296, Astoria, Oregon & KOP297, The Dalles, Oregon.

21450-CD-AL-75, David W. Gustafson. Consent to Assignment of License from David W. Gustafson, Assignor to Answer Iowa, Inc., Assignee. Station: KFJ900, Duluth, Minnesota.

21451-CD-P-(9)-75, South Central Bell Telephone Company (KKJ448), C.P. to change antenna system operating on 152.60 & 152.63 MHz and for additional facilities to operate on 454.375, 454.400, 454.450, 454.500, 454.550, 454.600, 454.650 MHz, located at 333 North 6th Street, Baton Rouge, Louisiana.

21453-CD-P-(4)-75, W.L. & R.L. Meadow d.b.a. Jacksonville Radio Dispatch Service (KIB388), C.P. to change antenna system operating on 454.025, 454.250, 152.09 & 152.21 MHz, located at 1510 Montana Avenue, Jacksonville, Florida.

21454-CD-MP-75, Southern Message Service, Inc. (KUC982) (Air-Ground), C.P. to change antenna system and change transmitter operating on 454.675 & 454.750 MHz located at Beck Bldg., Travis & Edwards Street, Shreveport, Louisiana, at Loc. #2.

21455-CD-P-75, Southern Message Service, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at corner of Front & Pujo Streets, Lake Charles, Louisiana.

21456-CD-P-75, Tri-County Telephone Company, Inc. (New), C.P. for a new 1-way signaling station to operate on 152.84 MHz to be located at Harrison & Water Streets, Linden, Indiana.

21457-CD-AP-75, David M. Crouch d.b.a. Cactus Communications. Consent to Assignment of Permit from Cactus Communications, Assignor to Cactus Communications, Inc., Assignee. Station: KUS217, Devine, Texas.

Major Amendment

21141-C2-P-74, Answering by Birken, Inc. (New), Billings, Montana. Amend to relocate antenna site to Lat. 45°45'31" N., Long. 108°27'05" W. Also to increase effective radiated power. All other particulars to remain as reported on PN #695 dated April 8, 1974.

21142-C2-P-74, Answering by Birken, Inc. (KOP295), Billings, Montana. Amend to relocate antenna site to Lat. 45°45'31" N., Long. 108°27'05" W. All other particulars to remain as reported on PN #695 dated April 8, 1974.

Corrections

Edward C. Smith d.b.a. Answerite Professional Telephone Service, file number 21648-C2-P-(4)-74, which was put on PN July 8, 1974 and amended on July 22, 1974 should have been and is now considered a major amendment to file number 20147-C2-P-(2)-74.

21629-C2-P-(3)-74, Comex, Inc. (KCI295). Correct PN #707 dated July 1, 1974 to read: C.P. to add antenna location #7 to operate on 43.22 and 43.58 MHz to be located at North Peak, Mt. Ascutney, Vermont and control antenna location to operate on 459.325 to be located at Uncanoonuc Mountain near Goffstown, New Hampshire.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

6383–C2–P–68, Bell Telephone Company of Pennsylvania (New), Philadelphia, Pennsylvania. Correct PN #746 dated March 24, 1975, to include a request to delete proposed locations Nos 4, 5, 6, & 7 as reported on PN #402–1 dated August 28, 1968.

Informatives

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations by reason of potential electrical interference.

New Jersey

7587–C2–P–73, Tra-Mar Communications (New), Hainesville, New Jersey.
21085–C2–P–(3)–74, Lehigh Valley Mobile Telephone Co. (New), Montana, New Jersey.

Vermont 43.58 MHz

21580–C2–P–74, Charles Rotkin d.b.a. Northeast Comms (New), Berlin, Vermont. Lat. 44°11'52" N., Long. 72°27'08" W.
21629–C2–P–(3)–74, Comex, Inc. (KCI295), Mt. Ascutney, Vermont. Lat. 43°26'40" N., Long. 72°27'13" W.

New Jersey

8950–C2–P–72, Empire Paging (KRS674), Trenton, New Jersey.
8737–C2–P–(2)–72, Radio Broadcasting Co. (KGB874), Philadelphia, Pa.
821–C2–P–(5)–73, Airsignal International (KGC596), Philadelphia, Pa.
579–C2–P–(2)–73, Empire Paging (New), Pine Hill & Milmay, New Jersey.

RURAL RADIO SERVICE

60315–CR–P–75, Upper Peninsula Telephone Company (New), C.P. for a new central office-fixed station to operate on 152.51 MHz to be located at 0.5 mile NE. of Toivola, Michigan.
60316–CR–P–75, Upper Peninsula Telephone Company (New), C.P. for a new rural subscriber-fixed station to operate on 157.77 MHz to be located at Windigo Inn., Isle Royale, Michigan.
60317–CR–P–75, Upper Peninsula Telephone Company (New), C.P. for a new rural subscriber-fixed station to operate on 157.77 MHz to be located at Rock Harbor Lodge, Isle Royale, Michigan.
60318–CR–P–75, Upper Peninsula Telephone Company (New), C.P. for a new rural subscriber-fixed station to operate on 157.77 MHz to be located at Mott Island, Isle Royale, Michigan.

POINT TO POINT MICROWAVE RADIO SERVICE:

3256–CF–P–75, The Mountain States Telephone and Telegraph Company (KPS46), 302 West Callender, Livingston, Montana. Lat. 45°39'37" N., Long. 110°33'43" W. C.P. to change alarm center location, antenna system, power and frequencies 6390.OH and 11075V MHz to 11605V MHz toward Bozeman Radio, Montana on azimuth 268°25'.
3257–CF–P–75, Same (KPS45), Bozeman Radio, 11.5 Miles East of Bozeman, Montana. Lat. 45°39'19" N., Long. 110°48'22' W. C.P. to change antenna system, power and frequency 11525V MHz to 11155V MHz toward Livingston, Montana on azimuth 88°14'; delete frequencies 6078.6H and 6049.0H MHz; change polarization from Horizontal to Vertical on frequency 10955 MHz toward Bozeman, Montana.
3258–CF–P–75, Same (KVH80), 114 South Willson Avenue, Bozeman, Montana. Lat. 45°40'40" N., Long. 111°01'15" W. C.P. to change antenna system, power and transmitter; delete frequency 6241.7H MHz; change polarization from Horizontal to Vertical on frequency 11405 MHz toward Bozeman Radio, Montana.
3262–CF–R–75, New York Telephone Company (WJM69), Albany, New York. Renewal of Radio Station License (Developmental) expiring April 12, 1975. Term: April 12, 1975 to April 12, 1976.
3263–CF–R–75, Same (WJM70), Troy, N.Y. Renewal of Radio Station License (Developmental) expiring April 12, 1975. Term: April 12, 1975 to April 12, 1976.
3280–CF–P–75, General Telephone Company of the Northwest, INC. (KTF52), 509 S. Howard Street, Moscow, Idaho. Lat. 46°43'-51" N., Long. 116°59'31" W. C.P. to add frequency 11685V MHz toward Paradise Ridge, Idaho on azimuth 167°16'.
3281–CF–P–75, Same (KTF53), Paradise Ridge, 3.8 Miles SE. of Moscow, Idaho. Lat. 46°40'42" N., Long. 116°58'29" W. C.P. to add frequency 11155V MHz toward Moscow, Idaho on azimuth 347°16'.
3284–CF–P–75, General Telephone Company of Florida. (KIL88), Corner of Zack and Morgan Streets, Tampa, Florida. Lat. 27°-57'01" N., Long., 82°27'24" W. C.P. to add frequency 4070.0V MHz toward Wimauma, Florida on azimuth 155°33'.
3285–CF–P–75, Same (KIO65), Corner of Pine Place and Bamboo Lane, Sarasota, Florida. Lat. 27°20'06" N., Long. 82°32'10" W. C.P. to add frequency 4030.0V MHz toward Verna, Florida on azimuth 57°57'.
3286–CF–P–75, Same (WIU84), 2.4 Miles on an azimuth or 276° from Wimauma, Florida. Lat. 27°42'57" N., Long. 82°20'13" W. C.P. to add frequency 4030.0V MHz toward Verna, Florida on azimuth 172°35'; add 4030.0V MHz toward Tampa, Florida on azimuth 335°37'.
3287–CF–P–75, Same (WIU85), Verna, 10.9 Miles on an azimuth of 135° FTN from Parrish, Florida. Lat. 27°27'59" N., Long. 82°18'02" W. C.P. to add frequency 4070.0V MHz toward Wimauma, Florida on azimuth 352°36'; add 4070.0V MHz toward Sarasota, Florida on azimuth 238°03'.
3267–CF–P–75, The Mountain States Telephone and Telegraph Company (WPX83), Crow Valley Hill, 12 Miles NW. of Briggsdale, Colorado. Lat. 40°45'24" N., Long. 104°27'58" W. C.P. to add frequency 2178.-0H MHz toward a new point of communication at Briggsdale, Colorado on azimuth 139°14'.
3301–CF–R–75, The Pacific Telephone and Telegraph Company (KMQ44), located in any temporary location within the territory of the Grantee. Renewal of Radio Station License (Developmental) expiring May 29, 1975. Term: May 29, 1975 to May 29, 1976.
3004–CF–P–75, Continental Telephone Company of Minnesota (New), Near Lake Kabetogama, 10 Miles East of Ray (Koochiching) Minnesota. Lat 48°26'40" N., Long. 93°02'55" W. C.P. for a new station on frequency 2112.0V MHz toward International Falls, Minnesota on azimuth 305°28'; 2128.0H MHz toward a new point of communication at Ash River Falls, Minnesota on azimuth 104°37'.
3005–CF–P–75, Same (WAX92), ¾ Mile East of International Falls, Minnesota. Lat. 48°-35'55" N., Long. 93°22'33" W. C.P. to add frequency 2162.0V MHz toward a new point of communication at Lake Kabetogama, Minnesota on azimuth 125°13'.
3311–CF–P–75, Northwestern Bell Telephone Company (KAK53), 409 First Avenue North, Fargo, North Dakota. Lat. 46°52'39" N., Long. 96°47'05" W. C.P. to change power and modify transmitters from frequencies 6197.2V and 10955V MHz toward Leonard, North Dakota, from Western Electric, TM–1 and TL–2 to Western Electric, TM–B1 and TL–A2.
3312–CF–P–75, Same (KTG62), 0.3 Mile North of Leonard, North Dakota. Lat. 46°39'28" N., Long. 97°14'31" W. C.P. to change power and modify transmitters for frequencies 5974.8V and 11405V MHz toward Fargo, North Dakota, from Western Electric, TM–1 and TL–2 to Western Electric, TM–B1 and TL–A2.
3313–CF–P–75, Arvig Telephone Company (New), 1.8 Miles North of Ash River Falls, Minnesota. Lat. 48°24'16" N., Long. 92°-49'10" W. C.P. for a new station on frequency 2178.0H MHz toward a new point of communication at Lake Kabetogama, Minnesota on azimuth 284°47'.
3298–CF–P–75, Western Union Telegraph Company (KNG31), Ritz Tower Building, 13th & Chancellor Streets, Philadelphia, Pennsylvania. Lat. 39°56'55" N., Long. 75°09'46" W. C.P. to change frequency 6256.5V MHz to 6197.2H towards Pittsgrove, New Jersey on azimuth 184°12'.

Corrections

3226–CF–P–75, Southern Pacific Communications Company (New), Correct station location to read: Edgerly, Louisiana. Lat. 30°13'59" N., Long. 93°30'27" W. Public Notice dated 4–14–75.
2435–CF–P–75, Microwave Transmission Corporation (WAN96), 8.6 Miles South of Pomeroy, Washington. Lat. 46°20'52" N., Long. 117°36'06" W. C.P. to add 6034.2V MHz toward Bald Butte, Washington on azimuth 50°58'.
2436–CF–P–75, Same (New), Bald Butte, 2.4 Miles East, ½ mile North of Johnson, Washington. Lat. 46°38'02" N., Long. 117°-05'14" W. C.P. for a new station on 6315.9V MHz toward Moscow, Idaho and Pullman, Washington on azimuths 27°00' and 330°-00', respectively.

NOTE: A waiver of 21.701(1) is requested by Microwave Transmission Corp.

[FR Doc.75–11007 Filed 4–25–75;8:45 am]

[Docket No. 20407, etc.; File No. BP–19047 etc.]

GILBERT BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Gilbert Broadcasting Corp., Newark, N.J., Docket No. 20407, File No. BP–19047; Community Group for North Jersey Radio, Inc., Newark, N.J., Docket No. 20408, File No. BP–19079; Sound Radio, Inc., Newark, N.J., Docket No. 20409; File No. BP–19080; Fidelity Voices, Inc., Newark, N.J., Docket No. 20410, File No. BP–19081; W. M. E. D. Associates, Inc., Newark, N.J., Docket No. 20411, File No. BP–19083; Venture III Corp., Newark, N.J., Docket No. 20412, File No. BP–19086; Request: 1430 kHz, 5 kW, DA–2, U (Deleted facilities of WNJR, Newark, New Jersey), for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek regular authority to operate the facilities of WNJR, Newark, New Jersey.

2. Examination of the applications and amendments filed by the Gilbert Broadcasting Corporation [Gilbert] and Sound Radio, Inc. [Radio], indicates that Gilbert and Radio are financially qualified. However, the financial material on file for Community Group for North Jersey Radio, Inc. [Community], Fidelity Voices, Inc. [Fidelity], W. M. E.

D. Associates, Inc. [WMED], and Venture III Corporation [Venture] is not sufficiently current to provide a basis for findings of financial qualifications. Accordingly, an appropriate issue will be specified.

3. The Commission requires broadcast applicants to determine the composition of their communities, to consult with community leaders and a random sample of members of the general public to ascertain community problems. Applicants are then required to propose program features, including length, duration and time segments, to meet the problems which have been ascertained. Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507, 36 FR 4092 (1971).

4. The positions in the community of some of the individuals classified by Fidelity as community leaders have not been indicated. Thus, it cannot be determined whether those individuals are indeed community leaders. Fidelity has also filed pages containing notes of what appear to be the records of interviews of members of the general public. On the basis of these pages, it cannot be determined whether these consultations represent a true random sampling of members of the general public.

5. WMED states that its consultations with members of the general public were conducted by local college students. It is not indicated that those students have any former or prospective connection with the applicant other than in their capacity of interviewers in connection with the survey. The students were trained and supervised by a corporate principal with the assistance of a Research Associate for the Rutgers Department of Urban Studies. It does not appear that this group would be a professional research service within the meaning of answer 11(b) of the Primer. An issue will be specified to permit Fidelity and WMED to clarify the ascertainment efforts.

6. Except as indicated by the issues specified below, the applicants are qualified to operate the facilities of station WNJR, Newark, New Jersey, as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Community Group for North Jersey Radio, Inc., Fidelity Voices, Inc., W. M. E. D. Associates, and Venture III Corporation are financially qualified to operate as proposed.

2. To determine the efforts made by Fidelity Voices, Inc., and W. M. E. D. Associates, Inc., to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

8. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 16, 1975.

Released: April 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-11004 Filed 4-25-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Service (RTCM) meetings scheduled for the future are as follows:

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service", notice of 30th meeting, Wednesday, May 14, 1975—9:30 a.m. (all-day meeting), Conference Room A205, 1229 20th Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Continue preparation of SSB receiver standards.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 U.S. Highway #1, Elizabeth, N.J. 07202 Phone: (201) 527-0300.

Special Committee No. 68, "Marine Radiotelephone Operator Education," notice of 6th meeting, Wednesday, May 14, 1975—1:30 p.m., Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Progress reports on incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Massachusetts 02173. Phone: (617) 862-6600 (Ext. 414).

To: Special Committee No. 65 "Ship Radar."
Subject: Notice of 37th meeting.
Date/Time: Wednesday, May 14, 1975—1:30 p.m.
Location: Conference Room 6331, 2025 M Street NW., Washington, D.C.

Collision Avoidance Working Group: The Collision Avoidance Working Group will hold a meeting on Wednesday, May 14, 1975, beginning at 9:30 a.m., in Conference Room 6331, 2025 M Street, N.W., Washington, D.C.

If other Working Group meetings are scheduled, Group members will be notified.

AGENDA FOR SC-65 COMMITTEE MEETING

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-65 Summary Record. March 19, 1975. Paper 52-75/SC 65-186.*
4. Progress Reports: a. Collision Avoidance Working Group; b. Reliability Working Group.
5. Small Boat Radar Specifications—Paper 43-75/SC 65-184.
6. Transponder Specifications—Paper 109-74/SC 65-168.*
7. Other business.
8. Establishment of next meeting date. (Proposed June 18, 1975.)

Note: Meeting Room location is subject to change. Check at Room 6331 first.

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554. Phone: (202) 632-7197.

RTCM Executive Committee, notice of May meeting, Thursday, May 15, 1975—9:30 a.m., Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of Minutes.
4. Committee Reports.
5. Status Reports on Other Committees.
6. Review of Terms of Reference for Special Committees.
7. Status report on "Federal Advisory Committee Act" requirements.
8. Report of Finance Committee.
9. Report on 1975 St. Louis Assembly Meeting.
10. Summary Reports and Announcements.
11. New business.
12. Establishment of next meeting date.

To comply with the advance meeting notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each meeting are available at that meeting. Those desiring more specific information may contact either

* For approval at this meeting.

the designated Chairman or the RTCM Secretariat (Phone: (202) 632-6490).

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-11006 Filed 4-25-75;8:45 am]

[Interpretation 33 Restated, FCC 75-418]

SPONSORSHIP IDENTIFICATION RULES

Applicability

APRIL 21, 1975.

In 1963, the Commission revised the sponsorship identification rules for the broadcast services (34 F.C.C. 829) thereby implementing section 317 of the Communications Act of 1934 as amended by Pub. L. 86-752 (74 Stat. 889, 895-6). By *Report and Order*, adopted April 17, 1975, in Docket No. 19513 these rules were amended (and consolidated as new § 73.1212) effective May 30, 1975 (FCC 75-417).

When the 1963 revision was made, the Commission adopted a public notice, entitled "Applicability of Sponsorship Identification Rules," which contained illustrative interpretations (40 F.C.C. 141). These, except for Interpretation 33, are consistent with the amended rule.

To reflect the provisions of § 73.1212, Interpretation 33 is revised to read as follows:

33. A station broadcasts an announcement or other material on behalf of a candidate for public office or on behalf of the proponents or opponents of a bond issue (or any other controversial issue of public importance). The station announces a "disclaimer" or states that the matter "was a paid political announcement." Such announcement per se does not comply with the sponsorship identification rule. The rule does not require that either of these types of announcement be made but rather that identification announcement be made which fully and fairly discloses the true identity of the person or persons or entity by whom or on whose behalf payment was made or promised, or from whom or on whose behalf services or other valuable consideration was furnished. If the station knows or by the exercise of reasonable diligence could know that a person or persons or entity is acting on behalf of another, the announcement(s) shall identify the person(s) or entity on whose behalf such action is being taken. If the entity on whose behalf such action is being taken is a corporation, committee, association, or other group, the announcement(s) shall divulge the name of such group. Additionally, a station broadcasting any matter on behalf of such group shall make available for public inspection at the place which the station has designated that its file is available for inspection under Section 1.526 of the rules (the station's main studio or other accessible place in the community of the station's license) a list of the chief executive officers, members of the executive committee, or members of the board of directors of that entity. If the broadcast is network originated, the list may be retained at the network's headquarters office or at the location where the originating station maintains its public inspection file under § 1.526.

The *Report and Order* in Docket No. 19513 also amends the sponsorship identification rules for origination cablecasting (§ 76.221) to conform to the new § 73.1212 for broadcasting. The interpretations of the 1963 public notice as modified by the present public notice are applicable to origination cablecasting as well as to the broadcast services.

Action by the Commission April 17, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, and Washburn.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-11010 Filed 4-25-75;8:45 am]

AQUARIUM THERMOSTATS

FCC Finds New Interference Source

APRIL 15, 1975.

The newest and most novel source of interference to radio reception has just been detected by the FCC—thermostats on fish aquarium heaters.

Investigating public complaints of interference, Commission experts have found a new cause to be undesirable radiation emitted at the thermostat, or from power lines supplying the house or store, or from power lines supplying other buildings from the same transformer.

The interference does not appear directly related to the age of the thermostats, the FCC said, because it has found some new units emitting more radiation than older ones. (The FCC defines radiation as the emission of radio frequency energy that may cause undesirable and harmful interference to broadcast and other radio service reception.)

So far, Commission engineers said, commercially available power line filters have not been effective in eliminating thermostat interference.

The complaints on thermostats that unintentionally emit radio frequency energy are but one category in an increasing number of public complaints received for investigation.

Because of this trend, the FCC today alerted the public, and particularly manufacturers and sellers, that incidental radiation devices—for example, thermostats, electric shavers, vacuum cleaners, electric mixers, etc.—are subject to § 15.15 of the rules:

§ 15.15 Operating requirements: Incidental radiation device.

An incidental radiation device shall be operated so that the radio frequency energy that is radiated does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

In the past, the FCC considered this regulation adequate, since interference from such devices was not a major problem and could be corrected easily. However, because of the improved sensitivity of communication equipment and the proliferation of electrical devices in recent years, interference complaints have increased substantially.

Therefore, the Commission said, the FCC position of merely requiring that all such equipment be operated on a non-interference basis may have to be re-evaluated, particularly in light of national and international concern over interference.

"In view of the above," the FCC said, "the Commission expects manufacturers of such equipment to take measures to eliminate or substantially reduce the level of such interfering radiation.

"If the Commission finds that voluntary efforts by industry are not effective, it may be forced to initiate a rulemaking proceeding to establish legal requirements to control the interference potential of the devices mentioned."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-11009 Filed 4-25-75;8:45 am]

[Dockets Nos. 20252, 20253; File Nos. BP-19550, BP-19595; FCC 75R-165]

JULIE P. MINER AND ALBERT L. CRAIN

Construction Permits; Memorandum Opinion and Order Enlarging Issues

1. This proceeding, which was designated for hearing by Order, 39 FR 45075, published December 30, 1974, involves the mutually exclusive applications of Julie P. Miner (KDXU) (Miner) and Albert L. Crain (Crain) [40 F.R. 14118] for a new standard broadcast station at St. George, Utah. Presently before the Review Board is a petition to enlarge issues, filed January 14, 1975, by Miner, seeking the addition of financial Suburban, network affiliation, Section 1.580, programming and misrepresentation issues against Crain.[1]

2. *Financial Issue.* Crain amended its financial proposal subsequent to the filing of the instant petition to enlarge issues. As a result of the acceptance of this amendment,[2] many of Miner's allegations, most notably those concerning cost estimates, have been mooted. However, Miner's allegations relating to availability of funds retain their vitality and will therefore be considered. According to his amended financial plan, Crain proposes that his first-year revised construction and operation costs of $130,823 will be met by available funds of $324,600, the latter consisting of "cash on hand" of $25,000 "by the time the application is granted", a $63,000 bank loan, $24,000 in operating profits from two broadcast stations owned by Crain,[3] the sale of Station WMSO should additional funds be required,[4] and, finally, anticipated revenues of $87,600 from the

[1] Also before the Board are the following related pleadings: (a) Opposition, filed February 19, 1975, by Crain; (b) errata to (a), filed February 20, 1975, by Crain; (c) Broadcast Bureau's comments, filed February 19, 1975; (d) errata to (c), filed February 21, 1975, by the Broadcast Bureau; and (e) reply, filed March 3, 1975, by Miner.

proposed first-year operation. Miner's allegations question the availability of several of the funds relied upon by Crain. First, Miner avers that the most recent Crain balance sheet, which reflects all of the applicant's assets, indicates that Crain has less than $20,000 in current assets. Second, Miner alleges that a review of the financial statements of Crain's presently owned stations indicates that neither can generate the anticipated profits upon which he intends to rely. Miner further contends that Crain cannot rely upon the proposed sale of Station WMSO because it is not an "easily liquidatable [sic] current asset", and also because the WMSO transmitter site and equipment, both of which are already subject to a $40,000 mortgage, are specified as part of the required security for Crain's proposed bank loan. Finally, Miner asserts that Crain has not supplied an adequate basis for reliance upon anticipated revenues.[5]

3. The Review Board will add an availability of funds issue. As an initial matter, we note that Crain's February 15, 1975, balance sheet reflects that he has only approximately $10,000 in current assets over current liabilities. Second, we agree that Crain has failed to demonstrate that he can rely upon $24,000 in operating profits from his presently owned stations. As we recently noted in Erwin O'Conner Broadcasting Co., 37 FCC 2d 983 at 991, 25 RR 2d 782 at 792 (1972), an applicant may not rely on cash flow from existing stations when it "has supplied no balance sheets, operating statements or other financial statements which would enable [the Commission] to determine whether the cash flow generated by these stations would in fact be available for the construction and operation of the proposed station." See also Bexar Broadcasting Co., Inc., 14 FCC 2d 916, 14 RR 2d 477 (1968). Similarly, Crain's estimate of anticipated revenues from the proposed station is unsupported by evidence as to its source or likelihood, other than Crain's broadcast experience, which cannot be considered as having probative weight in this regard. See e.g., Erwin O'Conner Broadcasting Co., supra; Tri-Cities Broadcasting Corp., 10 FCC 2d 490, 11 RR 2d 609 (1967); and Ultravision Broadcasting Company, 1 FCC 2d 544, 5 RR 2d 343 (1965). Next, although Crain states in his recent amendment that he has recently received an offer to purchase Station WMSO for $160,000, the Board is of the opinion that he has not provided adequate documentation of the liquidity of this asset. And, in this regard, it is well established that fixed assets, in the absence of proof of marketability or liquidity, afford no reasonable assurance that the estimated proceeds from the sale will, in fact, be available. See, e.g., Seaboard Broadcasting Corp., 24 FCC 2d 259, 19 RR 2d 538 (1970); Vista Broadcasting Company, Inc., 18 FCC 2d 636, 16 RR 2d 838 (1969); and Miami Broadcasting Corporation, FCC 67R-327, 9 FCC 2d 694. Of greater importance, however, is the fact that Crain's contingent proposal to sell Station WMSO, if necessary, is clearly inconsistent with his proposed bank loan arrangement, since the station's transmitter site and equipment are required security for the proposed bank loan. As a consequence, Crain's contingent or secondary reliance on the proceeds of the sale of the station must be disallowed. In sum, after deducting some $15,000 in projected available cash on hand, the $87,600 in projected revenues from the proposed station, the $24,000 in operating profits from existing stations, and the $125,000 from the proposed sale of Station WMSO, we find that Crain has established the availability of approximately some $74,000 to meet estimated first-year expenses of approximately $131,000. Therefore, an issue inquiring into availability of the additional funds needed, i.e., $57,000, will be specified.

4. *Suburban Issue.* Next, Miner criticizes numerous aspects of Crain's ascertainment showing. First, petitioner contends that, contrary to the requirements of the Primer, Q. & A. 9,[6] Crain has failed to submit the sources of information from which it determined the demographic composition of St. George. Miner next asserts that Crain's ascertainment showing is defective in that he failed to explain his "apparent decision" not to serve a considerable number of major communities within his proposed service contours. Miner also alleges that 50 percent of Crain's contacts with community leaders were conducted by telephone and that, while telephone contacts are not per se unacceptable, such a high percentage of telephone contacts calls into question whether or not Crain has, in fact, established a "meaningful dialogue" with the leaders. In any event, petitioner alleges that the community leader survey itself is suspect because in reporting its efforts in this regard Crain failed to denote the positions of leadership held by numerous interviewees or else listed persons who do not appear to qualify as community leaders. Further, states petitioner, even though Crain's demographic data indicates that there are agricultural and manufacturing groups in the area, he has failed to conduct any interviews with the leaders of these groups.[7] Thus, Miner concludes that a Suburban issue is warranted, citing Bangor Broadcasting Corp., 50 FCC 2d 222, 32 RR 2d 409 (1974).

5. The Review Board will add the requested Suburban issue. As an initial matter, the Board agrees with Miner that the demographic data supplied by Crain is insufficiently detailed to adequately demonstrate the composition of the proposed city of license.[8] The data submitted is extremely sketchy, and, in our view, appears deficient on its face since no civic, cultural or public service organizations are listed. As a result, it is impossible to determine whether a representative cross-section of community leaders has been consulted. However, the Board also finds difficulties in the limited community leader showing submitted. Thus, although Crain's original application (Exhibit 5(e)(1)) lists contacts with approximately 90 persons, the list does not indicate which of these persons interviewed were community leaders and few persons are identified by title or position. As a result, it is impossible to determine to what extent contacts with community leaders actually were conducted. Nor do we believe that Crain's November 12, 1974, amendment serves to adequately cure this deficiency.[9] For example, of the eight persons interviewed under the headings of "commerce/business" and "agriculture" in this amendment only one is clearly designated as a leader and Crain has given no indication of why the other seven should be considered community leaders.[10] Moreover, it is apparent that Crain has failed to consult with leaders of ascertained groups within its proposed community of license. Thus, although there is a junior college, and numerous womens' groups in the community,[11] Crain does not appear to have contacted any leaders of these groups. Next, while it is true that telephone contacts are not per se unacceptable, Lexington County Broadcasters, Inc., 40 FCC 2d 694, 27 RR 2d 416 (1973), we believe that where, as here, an extremely high percentage of the community leader contacts were via telephone, a question is raised as to the meaningfulness of the dialogue between the interviewees and

[1] The amendment was accepted by the Presiding Judge by Order, FCC 75M-504, released March 17, 1975.

[2] Crain is the licensee of Stations KBSN, Crane, Texas, and WMSO, Collierville, Tennessee.

[3] Crain estimates that a "conservative" valuation of the station would be $125,000 and that he recently received an offer of $160,000 but rejected it due to the requirement of "unusual warranties."

[4] Miner notes that Crain's estimate of these revenues is based solely on Crain's "experience in the ownership and operation of broadcast station. . . ."

[6] *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[7] Petitioner also asserts that Crain has failed to interview student leaders, Indians, womens' groups, diverse religious leaders and cultural organizations, all of which, according to Miner, are also present in the area.

[8] We do, however, disagree with petitioner's statement that Crain has failed to provide the source of his demographic data. By amendment dated September 14, 1974, Crain states that the data relied upon came from the 1970 U.S. Census and the 1969 Census of Agriculture.

[9] This amendment indicates interviews with "leaders" of the following groups: city government, law enforcement, religious, commerce/business, agriculture, education, eleemosynary organizations, and "U.S.A."

[10] The generalized titles are, respectively: businessman, contractor, farmer and rancher. The one specific designation is the manager of the Chamber of Commerce.

[11] These include such groups as Rotarianes, Lady Lions, and other ladies auxiliarys. And, in this connection we again point out that while certain interviewees are listed as members of these groups Crain has not adequately demonstrated their leadership therein, see St. Cross Broadcasting, Inc., 39 FCC 2d 1067, 1068, 26 RR 2d 1311, 1312-13 (1973).

the proposed station's decision making personnel.[12] Finally, we note that the Primer, Q. & A. 6, requires that, if an applicant chooses not to serve a major city within its service contours, a showing must be submitted explaining why. Thus, while a number of petitioner's criticisms of Crain's survey of the outlying area can be excused on the basis that the communities involved are for the most part extremely small, we do believe that Crain should be required to explain why he apparently has not ascertained the needs of Cedar City, a relatively large community (8,946) within Crain's proposed service contour. Accordingly, the requested Suburban issue will be added.

6. Network Affiliation Issue. Miner requests a network affiliation issue, contending that since ABC already has an affiliate in St. George, Crain will not be able to obtain an ABC network affiliation as proposed in its application.[13] As a related matter, Miner suggests that this unavailability has "special significance" in light of Crain's reliance on such programming to effectuate his proposal to broadcast public affairs programming relating to national and regional issues. In our view, while it now appears that Crain will not be able to obtain the ABC affiliation, Crain and the Broadcast Bureau are correct in concluding that this apparent unavailability does not so seriously affect Crain's proposed operation as to require an evidentiary inquiry. Thus, although Crain does propose to rely on this affiliation as a source of news, he also lists seven other sources to facilitate his news operations, including, e.g., national wire services, the Inter-Mountain News Network, wire services of Arizona and Nevada newspapers and mailing lists. Absent some showing that these sources are insufficient to effectuate the Crain proposed programming, the requested issue will be denied.

7. *Programming Issue.* In support of the requested programming issue, Miner asserts that although Crain proposes to broadcast a total of 25% of "other" programs exclusive of entertainment and sports, Crain's listing of programs, falls far short of that percentage. Miner also alleges that "current practices in the broadcast industry" make Crain's proposal to broadcast ABC network public affairs programming between 10 and 11 a.m., "unrealistic", and, in any event, continues petitioner, Crain would have to obtain permission from ABC for delayed broadcasting and to do so would necessitate additional operational costs. The requested issue will be denied. First, it appears that Miner has misinterpreted the purpose of Crain's listing of proposed programs,[14] which was in response to a programming requirement of Part I of Section IV–A, which requires a showing of typical and illustrative programs to be broadcast to meet ascertained community needs and interests, rather than a breakdown by percentages of the applicant's entire proposed programming as called for by Part III of that Section. KOWL, Inc., 49 FCC 2d 962, 31 RR 2d 1589 (1974). Finally, aside from the fact that Miner's allegations as to Crain's use of ABC network programming are procedurally defective (in that they are highly speculative and not supported by the required affidavits), we have previously concluded that the unavailability of network programming in toto is not so serious as to raise a question as to Crain's effectuation of his proposal, paragraph 6, supra. Accordingly, we conclude that no further inquiry is warranted.

8. *Misrepresentation Issue.* Miner charges Crain with numerous misrepresentations. First, Miner alleges that, contrary to Crain's statement that he will employ four full-time and three part-time employees, it now appears that there will be five full-time employees.[15] And, in this regard, petitioner notes that Crain initially stated that he would not be required to submit an equal employment opportunity program since only four employees would be utilized full-time.[16] Further, petitioner states that Paul Jensen no longer resides in St. George and, therefore, will not be available for employment at Crain's proposed station. Next, Miner charges that Crain's application is internally inconsistent with respect to who conducted Crain's ascertainment surveys, since the original application indicated that most interviews were conducted on a personal basis, but a later amendment stated that 50 percent of the interviews were conducted by telephone. Third, Miner alleges that Crain submitted to the Commission, on January 5 and April 29, 1974, identical balance sheets reflecting, inter alia, the financial status of Crain's two radio stations; in petitioner's opinion, this identity in statements is "unreasonable, if not impossible" in view of the passage of time. In this connection, Miner urges that Crain has "juggled" the statements of his expenses and revenues and contends that, while Crain initially indicated $100,000 in potential funds from the sale of one of his broadcast stations, it is significant that no application for such a sale has been filed with the Commission.

9. The Review Board will not add the requested issue. Although it is apparent from Crain's amendments to his application (see note 15, supra) that five employees, rather than the four initially proposed by Crain, will be employed full-time, there is no basis for assuming that Crain misrepresented the nature of his initial proposal when submitted to the Commission. Moreover, no motive for deception is apparent since although the addition of another full-time employee would ordinarily require submission of an equal employment opportunity program, it apparently would not here. Thus, Section VI of the application form states that such program need not be filed if the area to be served has such an insignificant number of relevant minorities that a program would not be meaningful and Crain has filed a statement to that effect as required by the section. Nor do petitioner's remaining allegations support addition of the requested issue. First, as explained by Crain, Ms. Jensen will return to St. George in the event Crain's application be successful. Next, with respect to the ascertainment surveys, we agree with the Bureau that Crain's statement that 50% of the interviews were conducted by telephone was apparently made in reference to the later amendments, rather than the original showing and, thus, does not constitute an inconsistency. Third, as to the submission of identical sheets, we note that the difference in dates is less than two months, that the numbers used are rounded off to increments of $100 and, in the absence of a specific and adequately supported allegation of a substantial change, we do not believe that this raises a serious enough question to warrant an evidentiary inquiry as to misrepresentation.[17] Finally, Miner's allegations of "juggling" of finances by Crain are totally unsupported and, as a result, must be regarded as sheer speculation.

10. *Section 1.580 issue.*[18] In support of this issue, Miner notes that although Crain published the location of his public file on February 7, 14 and 21, 1974, it was not until May 23, 1974, and then only in response to a request from the Commission, that Crain notified the Commission of the dates of publication. Thus, in petitioner's view, an appropriate issue should be added in order to inquire into Crain's non-compliance with Section 1.580.[19] The Review Board disagrees. First, while Crain apparently

[12] And, we agree with petitioner that this is particularly so here because Crain is not presently a member of the proposed community of license. See Centreville Broadcasting Co., 50 FCC 2d 261, 32 RR 2d 251 (1974).

[13] In response to question 20 of Section IV–A of FCC Form 301, which asks whether the applicant will be affiliated with a national, regional or special radio network, Crain states "ABC, Entertainment, if available."

[14] In this regard, we note that the Bureau takes the position that Crain has failed to indicate the duration, frequency or time segment of a number of his proposed programs as required by Primer, Q. & A. 29. However, we believe that Crain's amendment, dated September 14, 1974, adequately reveals that information.

[15] Miner points to Crain's amendments, dated November 15 and 22, 1974, wherein Crain indicated that, in addition to himself and his son, Paula Jensen, June Crain and Dave Stone will be full-time employees.

[16] Part VI of FCC Form 301 states that such a program "need not be filed if the station has less than five fulltime employees * * *."

[17] Nor do we consider the fact that Crain has not yet filed an application for sale with the Commission a sufficient basis to raise a question regarding his intent to sell should it become necessary in order to finance his proposal.

[18] Section 1.580(h) of the Commission's Rules requires, *inter alia*, that within seven days of local publication of the location of the public file, the applicant must file a statement with the Commission indicating the dates of publication.

[19] Miner also notes that by letter of May 23, 1974, Crain stated that the required proof of publication was sent to the Commission on March 1, 1974. However, argues Miner, in the absence of supporting evidence, this statement should not be accepted.

violated the requirement of Rule 1.580, we do not believe that the two-month delay is so significant as to warrant an evidentiary inquiry. Also, in explanation, Crain states that he initially requested the newspaper to send proof of publication to the Commission and it was not until the FCC inquiry that Crain realized the required proof of publication had not been mailed. More importantly, in our review, it is undisputed that notice of the location of the public file was published in accordance with the rules, and, therefore, no injury to the public or parties resulted. Therefore, we conclude that no useful purpose would be served by further inquiry. Cf. Edward G. Atsinger, III, 29 FCC 2d 443, 21 RR 2d 1039 (1971); and Harry D. Stephenson and Robert K. Stephenson, 18 FCC 2d 337, 16 RR 2d 678 (1969).

11. *Accordingly, it is ordered*, That the petition to enlarge issues, filed January 14, 1975, by Julie P. Miner (KDXU) is granted to the extent indicated herein, and is denied in all other respects; and

12. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

1. To determine whether Albert L. Crain has available additional funds in an amount of approximately $57,000 to construct and operate his proposed station, and in light thereof, whether Albert L. Crain is financially qualified; and

2. To determine the efforts made by Albert L. Crain to ascertain the community needs and interests of the area to be served and the means by which he proposes to meet those needs and interests.

13. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the issues added herein shall be on Albert L. Crain.

Adopted: April 18, 1975.

Released: April 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-11005 Filed 4-25-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1554]

ALVAREZ SHIPPING CO., INC.

Order of Revocation

By letter dated March 11, 1975, Alvarez Shipping Co., Inc., 3960 Third Avenue, Bronx, New York 10457 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1554 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 8, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Section 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Alvarez Shipping Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1554 of Alvarez Shipping Co., Inc be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1554 be and is hereby revoked effective April 8, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Alvarez Shipping Co., Inc.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-11051 Filed 4-25-75;8:45 am]

ATLANTIC FAR EAST LINES, INC. (ORIENT OVERSEAS LINE)

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-40 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,046.

Whereas, Atlantic Far East Lines, Inc. and/or Chinese Maritime Trust, Ltd. and/or Orient Overseas Line, Inc. (Orient Overseas Line) c/o Orient Overseas Services, Inc., 510 Montgomery Street, San Francisco, California 94111, have ceased to operate the passenger vessels Oriental Jade and Oriental Pearl,

It is ordered, That Certificate (Performance) No. P-40 and Certificate (Casualty) No. C-1,046 covering the Oriental Jade and Oriental Pearl be and are hereby revoked effective April 22, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the Certificants.

By the Commission April 22, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-11053 Filed 4-25-75;8:45 am]

[Docket No. 74-36 (Sub. No. 1)]

MATSON NAVIGATION CO.

Proposed Increases in Auto Rates; Order of Investigation and Suspension

Effective April 25, 1975, Matson Navigation Co. (Matson) proposes to increase its rates on automobiles and related commodities[1] moving between the U.S. Pacific Coast and Hawaii. The increase will be accomplished by first melding the current bunker surcharge of 9.3 percent into the existing rate and then increasing the resulting rate by 3 percent in the case of autos and 8 percent on buses, fire trucks and trailers.

Matson's rates on these commodities are currently the subject of Docket No. 74-36—Matson Navigation Company—Increase in Rates on Motor Vehicles in the U.S. Pacific Coast/Hawaiian Trade, in which the Commission is considering the reasonableness of a 15 percent increase in Matson's rates on autos, buses, fire trucks and trailers which became fully effective[2] on January 1, 1975. Financial exhibits sponsored by Matson and by an accountant from the Commission's staff in that case contain widely different figures with respect to the profitability of Matson's auto carriage. The hearings in that proceeding have been concluded and the case remains only to be argued on brief.

The Motor Vehicle Manufacturers Association of the United States Inc. (MVA) filed a protest to the proposed increases, requesting suspension and investigation. The protest states that Matson has increased its rates on autos a total of some 40 percent in the period January, 1971 through January, 1975 and contends that further increases would be unjust and unreasonable.

Upon consideration of the protest and in view of the pending litigation in Docket No. 74-36, the Commission is of the opinion that the subject increases should be suspended and made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under sections 18(a) and 22 of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing,

Therefore, *It is ordered*, That pursuant to the authority of Sections 18(a) and 22 of the Shipping Act, 1916, as amended, and Sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended, an investigation is hereby ordered into the lawfulness of the proposed increases for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made part of this investigation;

It is further ordered, That pursuant to section 3 of the Intercoastal Shipping Act, 1933, the tariff matter listed in Appendix A to this order is hereby suspended and the use thereof deferred to and including August 25, 1975, unless otherwise ordered by this Commission.

[1] See Appendix A hereto for a listing of the pertinent tariff items.

[2] Matson originally filed a 25 percent increase to become effective on September 1, 1974 of which the Commission permitted 12 percent to become effective. Matson then voluntarily replaced the 25 percent increase with a 15 percent increase which went into effect at the end of the suspension period on January 1, 1975.

It is further ordered, That there shall be filed immediately with this Commission by Matson Navigation Company consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall fully reproduce this order and shall state that the aforesaid matter is suspended and may not be used until August 26, 1975, unless otherwise authorized by this Commission and that the suspended matter may not be changed except to the extent authorized by the next following paragraph until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission;

It is further ordered, That Matson is hereby authorized to reissue pages 12–B, 13 and 14 to its tariff FMC–F No. 145, upon one day's notice, to publish the rate on its:

(1) Item No. 8 as $50.28;
(2) Item No. 10 as $28.29; and
(3) Item No. 35 as $25.46.

Such rates to remain in effect to and including August 25, 1975, unless otherwise ordered by this Commission;

It is further ordered, That pursuant to section 16, First of the Shipping Act, 1916, as amended, a determination shall be made as to whether Matson, by the subject increases, is proposing to subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of that section;

It is further ordered, That Matson Navigation Company be named as respondent in this proceeding and that the Motor Vehicle Manufacturer's Association of the United States be named as complainant;

It is further ordered, That this proceeding be assigned for public hearing 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, but in any event, the hearing shall commence not later than October 21, 1975;

It is further ordered, That (1) a copy of this order be forthwith served upon the respondent and complainant herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondent, complainant and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's Rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

MATSON TARIFF FMC–F NO. 143

1st Revised Page 2
2nd Revised Page 7
9th Revised Page 9

MATSON TARIFF FMC–F NO. 145

Item 8 on 4th Revised Page 12–B
Item 10 on 6th Revised Page 13
Item 35 on 10th Revised Page 14

[FR Doc.75–11050 Filed 4–25–75;8:45 am]

MITSUI O.S.K. LINES (PASSENGER), LTD.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–89 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1,085.

Whereas, Mitsui O.S.K. Lines (Passenger), Ltd., c/o Mitsui O.S.K. Lines, Ltd., Suite 2211, One World Trade Center, New York, New York 10048, has ceased to operate the passenger vessel M. S. Brazil Maru; and

Whereas, Certificate (Performance) No. P–89 and Certificate (Casualty) No. C–1,085 issued to Mitsui O.S.K. Lines (Passenger), Ltd. and Mitsui O.S.K. Lines, Ltd. have been returned for revocation.

It is ordered, That Certificate (Performance) No. P–89 and Certificate (Casualty) No. C–1,085 applying to the M. S. Brazil Maru are hereby revoked effective April 22, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission, April 22, 1975.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75–11052 Filed 4–25–75;8:45 am]

[Independent Ocean Freight Forwarder License No. 587]

VALENCIA BAXT EXPRESS, INC.

Order of Revocation

By letter dated March 25, 1975, Valencia Baxt Express, Inc., GPO Box 2379, San Juan, Puerto Rico 00936 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 587 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 15, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Section 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Valencia Baxt Express, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 587 of Valencia Baxt Express, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 587 be and is hereby revoked effective April 15, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Valencia Baxt Express, Inc.

ROBERT S. HOPE, *Managing Director.*

[FR Doc.75–11054 Filed 4–25–75;8:45 am]

[Docket No. 73–35]

INTERMODAL SERVICE OF CONTAINERS AND BARGES AT THE PORT OF PHILADELPHIA

Possible Violations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933; Erratum

On April 21, 1975, the Commission issued a Notice of Intent to Make an Environmental Assessment in this proceeding. In the first sentence of the final paragraph of said Notice, the phrase "constitute a major federal action significantly affecting" should be substituted for the words "significantly affect."

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75–11049 Filed 4–25–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–8884]

CAROLINA POWER AND LIGHT CO.

Order Granting Interventions and Denying Motion To Modify Fuel Adjustment Clause

APRIL 21, 1975.

On July 1, 1974, the Carolina Power and Light Company (CP&L) tendered for filing changes in its rates for wholesale service. CP&L's filing was noticed by the Commission on July 10, 1974, with protests and petitions to intervene due on or before July 19, 1974.

An untimely petition to intervene was jointly filed on March 21, 1975, by Rufus L. Edmisten, Attorney General of North Carolina, on behalf of the using and consuming public of the State of North Carolina (UCP), and the Greater Asheboro Electrical Conservation Association (GAECA). Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

In addition, UCP and GEACA filed a motion to restrict the amount of money to be collected under CP&L's currently effective fuel adjustment clause so as to allow "only a 75 percent recovery for a period of at least 60 days". Such an action would be consistent with a similar action taken by the North Carolina Utilities Commission (NCUC) on February 3, 1975, in an Order Limiting Monthly

Charges Under Automatic Fossil Fuel Adjustment Clauses on Residential Customers, (NCUC) Docket Nos. E–2, SUB 234, et al. In our Order issued August 26, 1974, we ordered a hearing on the proposed rate increase filed by CP&L. One of the issues at that hearing and in this proceeding is the propriety of CP&L's fuel adjustment clause. Until a complete record is developed on this issue, we do not believe it would be appropriate to summarily modify CP&L's fuel adjustment clause. Accordingly, we shall deny the motion to UCP and GEACA without prejudice to their right to raise these issues in the proceedings in this docket.

The Commission finds. (1) It is desirable and in the public interest to allow the above-named petitioners to intervene.

(2) UCP and GAECA's motion to restrict amounts collected under CP&L's fuel adjustment clause should be denied.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) UCP and GAECA's motion to restrict amounts collected under CP&L's fuel adjustment clause is hereby denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10917 Filed 4–25–75;8:45 am]

[Docket Nos. CP73–340, CI74–430, CP75–243]

COLORADO INTERSTATE GAS CO., ET AL.

Extension of Time

APRIL 18, 1975.

In the matter of Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, Docket No. CP73–340; Colorado Oil and Gas Corporation and Gas Producing Enterprises, Inc., Docket No. CI74–430; and Northern Natural Gas Company, Docket No. CP75–243.

On April 16, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, Colorado Oil and Gas Corporation and Gas Producing Enterprises, Inc., and Northern Natural Gas Company filed a motion to extend the procedural date fixed by order issued April 15, 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 date for filing supporting testimony in the above matter is extended to April 28, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10918 Filed 4–25–75;8:45 am]

[Docket No. RP75–47–3]

COLUMBIA GAS TRANSMISSION CORP., ET AL.

Order Denying Motion To Hold Proceeding in Abeyance, Terminating Proceeding and Cancelling Hearing

APRIL 21, 1975.

Teledyne Ohio Steel (Teledyne) on February 27, 1975, pursuant to § 1.12 of the Commission's rules of practice and procedure, filed a motion to hold this proceeding in abeyance and to postpone indefinitely the hearing scheduled to be held upon its request for extraordinary relief from the currently effective curtailment procedures of Columbia Gas Transmission Corporation (Columbia). West Ohio Gas Company (West Ohio), Teledyne's distributor supplier, has deferred action upon the filing of certain information required of distributors by Commission Order No. 467–C pending a Commission ruling upon Teledyne's motion.

By order issued February 12, 1975, the Commission set for public hearing commencing March 6, 1975, the matters raised by Teledyne's request for extraordinary relief. In response to Teledyne's telegram request of February 26, 1975, the Commission Secretary's Notice issued March 3, 1975, postponed all procedural dates set forth in the aforesaid order pending further action of the Commission.

In its motion, Teledyne states that the curtailment level imposed by West Ohio was reduced from fifty percent to fifteen percent, effective February 20, 1975, as a result of mild weather conditions among other factors, and claims that it has initiated several conservation measures, including the conversion of all possible functions to fuel oil as an energy source. Teledyne asserts that it still faces a long range emergency because of anticipated future natural gas curtailments that cannot be quantified at the present time.

We have fully considered Teledyne's apprehension that it may again be confronted with additional gas curtailment due to the continuing nation-wide natural gas shortage. However, we also must be cognizant of the fact that natural gas shortages in a given area, together with other factors relating thereto, are in an ever-varying state of change from the standpoint of the overall depth of curtailment deemed necessary by each individual distributor and the impact of such curtailment upon a particular industry or class of consumer. We therefore deem it appropriate in the interest of orderly and expeditious processing of requests for relief from curtailment to dismiss the instant petition for extraordinary relief without prejudice to any future filing by Teledyne if warranted.

Pursuant to Notice published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before January 25, 1975. On February 14, 1975, petitions for leave to intervene out of time were filed by Union Carbide Corporation and Chas. Taylor Sons Company; and on February 26, 1975, by the Cities of Charlottesville and Richmond, Virginia. In light of our decision to dismiss without prejudice Teledyne's subject petition, the aforementioned petitions to intervene have been rendered moot.

The Commission orders. (A) Teledyne's motion to hold this proceeding in abeyance filed on February 27, 1975, is hereby denied for the reasons set forth in the recital above.

(B) The proceeding relating to Columbia Gas Transmission Corporation (West Ohio Gas Company and the Ohio Public Utilities Commission) in Docket No. RP75–47–3, which involves Teledyne's request for extraordinary relief, is hereby terminated; and the formal hearing that was scheduled to commence in this proceeding on March 6, 1975 (prior to postponement), by the Commission's order of February 12, 1975, is cancelled.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10919 Filed 4–25–75;8:45 am]

[Docket No. E–8522]

DELMARVA POWER AND LIGHT CO.

Compliance Filing

APRIL 21, 1975.

Take notice that on April 7, 1975, Delmarva Power and Light Company (Delmarva) tendered for filing a Third Supplemental Power Supply Agreement in compliance with a Commission order issued March 26, 1975, in the above-captioned docket. The following rate schedules were tendered on April 7, 1975:

Rate Schedule FPC No. 33 and Supplement 2 of Delmarva Power and Light Company.
Rate Schedule FPC No. 10 and Supplement 2 of Delmarva Power and Light Company of Maryland.
Rate Schedule FPC No. 5 and Supplement 2 of Delmarva Power and Light Company of Virginia.

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 8, 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.75-10920 Filed 4-25-75;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Further Extension of Procedural Dates

APRIL 22, 1975.

On April 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1974, as most recently modified by notice issued February 27, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony exclusive of depreciation, June 3, 1975.
Service of Intervenor's Testimony, June 23, 1975.
Service of Company Rebuttal, July 15, 1975.
Hearing, July 29, 1975 (10:00 a.m., e.d.t.).

The procedural dates regarding depreciation issues are deferred pending Commission action on Staff's motion filed March 21, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10921 Filed 4-25-75;8:45 am]

[Docket No. E-9161]

MONONGAHELA POWER CO. ET AL.

Extension of Procedural Dates

APRIL 21, 1975.

On April 8, 1975, Monongahela Power Company, The Potomac Edison Company, West Penn Power Company filed a motion to extend the procedural dates fixed by order issued March 10, 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 Companies' Direct Testimony, June 13, 1975.
Service of Staff's Testimony, August 8, 1975.
Service of Intervenor's Testimony, August 22, 1975.
Service of Company Rebuttal, September 5, 1975.
Hearing, September 16, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10922 Filed 4-25-75;8:45 am]

[Docket No. RP75-90]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition

APRIL 21, 1975.

Take notice that on April 15, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. RP75-90 a Petition pursuant to section 16 of the Natural Gas Act, § 1.7 of the Commission's rules of practice and procedure and § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act requesting that the Commission issue an order permitting Petitioner periodically to adjust its rates to reflect costs associated with certain payments made to facilitate exploration, development and production, all as more fully set forth in the Petition, which is on file with the Commission and open to public inspection.

Petitioner by this Petition seeks to obtain authorization of a procedure for the timely recoupment of the costs of certain gas supply programs. Petitioner states that it has incurred and will incur costs under two letter agreements with Exxon Company, U.S.A. under which Exxon has granted Petitioner the exclusive right to negotiate for the purchase of 20 percent of Exxon's interest in gas reserves in Prudhoe Bay, Alaska (Prudhoe Bay Agreement) and a continuing option to purchase 20 percent or 40 percent of Exxon's interest in gas reserves underlying certain blocks in the Gulf Coast, offshore Louisiana and offshore Texas (Gulf Coast Agreement). It is estimated that substantial additional supplies on the order of 2 Tcf could become available to Petitioner as a result of these arrangements. Petitioner will make semi-annual payments to Exxon that will approximate that interest expense that would be applicable if Exxon were to borrow funds to finance exploration, development and production costs incurred in Prudhoe Bay and on the Gulf Coast. The first payment under the Prudhoe Bay Agreement of $2,196,104 was made on March 27, 1975. The first payment under the Gulf Coast Agreement of $258,715 is due on April 14, 1975. Subsequent payments are to be made to Exxon semi-annually, on May 1 and November 1 of each year. After first deliveries of gas or December 31, 1982, whichever is earlier, payments under the Prudhoe Bay Agreement shall be reduced to zero over a five-year period. A similar provision for reduction and termination of the payments is included in the Gulf Coast Agreement. Petitioner proposes to make a semi-annual unit adjustment in its rates to reflect these semi-annual payments to Exxon.

Petitioner states that the Gulf Coast Agreement also provides for inclusion of Excess Royalty Reimbursement, Deregulation, Area and National Rate and Btu Adjustment provisions in existing gas purchase contracts between Petitioner and Exxon, and Exxon has agreed to undertake a work program of at least $4 million in fields currently attached to Petitioner's system to develop additional reserves and to increase deliverability.

Petitioner states that the Exxon arrangements will facilitate the exploration for and development of new gas reserves while placing the burden and risk of financing on Exxon and that the adjustment proposed in the Petition will result in a lower cost to the interstate consumer than traditional advance payments.

Any person desiring to be heard or to make any protest with reference to said Petition should on or before May 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this Petition 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 relief requested in the Petition 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 Petitioner to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10923 Filed 4-25-75;8:45 am]

[Docket No. CI75-433]

SKELLY OIL CO.

Order Setting Matter for Hearing and Establishing Procedures

APRIL 21, 1975.

On January 24, 1975, Skelly Oil Company (Applicant) filed an application pursuant to section 7(c) of the Natural Gas Act for a limited term certificate of public convenience and necessity for a period of one year with pregranted abandonment authorizing the sale of natural gas for resale in interstate commerce to Natural Gas Pipeline Company of America (Natural) from the Forty Niner Ridge Unit, Well No. 1 in Eddy County, New Mexico. The Applicant proposes to sell the gas at a rate of 65.0 cents per Mcf (at 14.65 psia) subject to upward and downward Btu adjustments.

Applicant commenced an emergency sale of the gas on January 14, 1975, at the proposed rate pursuant to § 159.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29). At the expiration of the 60-day emergency sale period (March 15, 1975), Applicant terminated the sale of the subject gas to Natural pending Commission action on the instant application.

Applicant proposes to initiate such sale for one year within contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Pursuant to a letter agreement adopted by Applicant and Natural on November 11, 1974, the period for such one-year sale was to have commenced on March 15, 1975, (the end of the 60-day emergency period) provided, Commission authorization for the limited term sale had been issued on or before such date. Applicant proposes to sell an estimated daily quantity of 4,000 Mcf of gas per day.

In support of its limited term certificate application, Applicant initially stated that such sale would be on a temporary limited term basis pending Applicant's determination whether or not it will utilize the subject gas for its own use. In support of the proposed price, Applicant contended that such price was justified in order to enable interstate pipeline companies to negotiate for additional supplies of gas which will help offset curtailment and which might not otherwise be available to the interstate market for long term dedication. More specifically, Applicant stated that Natural is in need of the limited term gas to aid it in assuring the maintenance of adequate service on its pipeline system and thereby minimize curtailment of service to its customers. Finally, Applicant states given increasing public demand and need for increased gas exploration and rising costs incurred in finding and producing such gas, the public convenience and necessity requires issuance of a certificate at the price and terms proposed.

In Opinion No. 699-B (52 FPC) which reinstated the limited term certificate provisions of § 2.70(b)(3) of the Commission's general policy and interpretations, the Commission stated that applicants for limited term certificates "will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market, and that the supply of gas is available for the limited period for which certification is sought" (mimeo, page 6). By letter dated February 20, 1975, Applicant was requested to supplement its application in accordance with Opinion No. 699-B to demonstrate by substantial evidence these required facts.

In response, Applicant on March 6, 1975, filed an amendment to its original application. In the amendment Applicant specifically stated that the subject gas may be available for only a one year period due to the fact that applicant is currently conducting a feasibility study regarding the possible construction of a manufacturing facility in New Mexico which would require utilization of natural gas from the subject well.[1] In addition, on the question of whether the proposed rate of sale under the limited term certificate was the lowest price at which that particular supply of gas could be purchased on the interstate market, Applicant stated it would accept the nationwide rate as established in Opinion No. 699-H subject to adjustment during the course of the one year sale but not to exceed the contract rate of 65.0 cents per Mcf.

No affiliation of record exists between Applicant and Natural.

After due notice of the application in the FEDERAL REGISTER on February 12, 1975 (40 FR 6540) Natural filed a Petition to Intervene in the instant proceeding within the period designated for such filings which expired on February 21, 1975. No further protests or petitions to intervene to the granting of the instant application have been filed as of this date of issuance. Based upon the pleadings before us, we believe that justification for the limited period for which the certificate of sale is sought as well as other public interest issues should be established by substantial evidence in a formal record. Accordingly, we will set this application for a formal hearing.

The Commission finds. (1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be the subject of a formal evidentiary hearing in accordance with the procedures as set forth below.

(2) The participation of Natural Gas Pipeline Company of America in this proceeding may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act and particularly sections 7 and 15 thereof, the Commission's rules of practice and procedures, and the regulations under the Natural Gas Act, a public hearing shall be held on June 17, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Skelly Oil Company in their application (as amended) filed on January 24, 1975.

(B) On or before June 3, 1975, Skelly Oil Company and any supporting party shall file with the Commission and serve on all parties including Commission Staff, their testimony and exhibits in support of their positions.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—see Delegation of Authority (18 CFR 3.5(d))—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure, and the purpose expressed in this order.

(D) Natural Gas Pipeline Company of America is hereby permitted to intervene in this proceeding subject to the rules and regulations of this Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting its asserted rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it may be aggrieved by any order entered by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10924 Filed 4-25-75;8:45 am]

[1] As of this date Applicant has not informed this Commission whether such study has been completed and if so whether Applicant's Board of Directors has approved such project.

[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.

Extension of Time

APRIL 18, 1975.

On April 10, 1975, the Agua Caliente Band of Mission Indians filed a motion to extend the date for filing statements of fact and of law in support of their position as required by ordering paragraph (B) of the order issued March 3, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing testimony in support of the above matter shall be filed on or before May 17, 1975. Statements of fact and law in reply to the aforementioned testimony may be filed on or before June 16, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10925 Filed 4-25-75;8:45 am]

[Docket Nos. RP72-121, PGA75-5c]

SOUTHWEST GAS CORP.

Filing Revised Tariff Sheets

APRIL 21, 1975.

Take notice that on April 2, 1974, the Southwest Gas Corporation (SGC) tendered for filing a Ninth Revised Sheet No. 3A constituting Original PGA01 and supporting schedules to be substituted for Ninth Revised Sheet No. 3A and supporting schedules of the filing by letter dated March 3, 1975. SGC states that the filing is intended to constitute a complete replacement and is filed in substitution for the previous filing.

SGC states the reason for this filing is to reflect the change made by the Northwest Pipeline Corporation (Northwest) in Docket No. RP72-154, PGA75-4a. In that docket, Northwest filed for a .011 cents per therm reduction.

SGC states that this filing is to change the rates of SGC under its Purchase Gas Adjustment Clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

SGC requests that this Commission permit the correction noted therein and allow the enclosed substitute tariff sheet to become effective on April 1, 1975.

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. 204.26, 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 16, 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.75-10926 Filed 4-25-75;8:45 am]

[Docket No. RI75-6]

SUN OIL CO.

Order Denying Reconsideration of Order Setting Date for Hearing

APRIL 21, 1975.

On March 27, 1975, Sun Oil Company (Sun) filed a petition for reconsideration of our order in Docket No. RI75-6, issued on February 28, 1975, that set this proceeding for hearing. More specifically, Sun requested that the Commission grant its petition for special relief filed in the instant Docket on July 2, 1974, pursuant to § 2.76[1] of the Commission's general policy and interpretations. In the alternative, Sun requested that we continue the hearing set in our February 28, 1975 order to June 2, 1975, with Sun's testimony and evidence to be filed on May 1, 1975. By Commission Notice of March 25, 1975, in this Docket, Sun was granted the requested continuance; the hearing was reset for June 2, 1975, with Sun's evidence to be served by May 1, 1975, the Commission Staff's evidence to be served by May 15, 1975, and rebuttal to be served by May 22, 1975.

Sun's petition for special relief requested a rate increase from 13.5 cents per Mcf, 14.65 psia, to 35.0 cents per Mcf, 14.65 psia, with an annual 1 cent per Mcf escalation for sales of natural gas produced from its interest in eight wells in the Bradshaw Field, Hamilton County, Kansas, to Kansas-Nebraska Gas Company, Inc., under Sun's F.P.C. Gas Rate Schedule No. 419.

For support of its petition, Sun relies largely on a showing made in a previous proceeding on a petition for (abandonment or in the alternative) special relief filed by LVO Corporation (LVO) in Docket No. CI74-19 concerning LVO's interest in a group of wells in the Bradshaw Field, 80 in number, which included seven of the eight wells involved in Sun's petition. In that proceeding, which culminated April 22, 1974, by way of Commission approval of a settlement, LVO was granted rate relief similar to that sought here by Sun. Also, in December 1974, Sun filed some cost and reserve data in further support of its petition.

On July 23, 1974, we issued six orders[2] with reference to petitions for special relief. All stated that the producer applicant who seeks special relief must furnish not only opinion evidence on the cost of the project and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. These orders also indicated that special relief applicants without adequate notice of this requirement might supplement their applications to include the necessary data.

An examination of Sun's petition for special relief and additional data subsequently filed by Sun in support thereof has raised a question of whether there is a sufficient data basis for this Commission to find that the increased rate sought by Sun is just and reasonable.

Sun's reliance on the LVO case with regard to the seven of its wells in which LVO also has an interest is not adequate, in itself, to support Sun's petition. The record in the LVO case, which was prior to the emphasis on underlying data, as noted in the six orders referred to above, was not developed in accordance with current standards. Also, the LVO case dealt with average costs and reserves of an interest in 80 wells. Sun's rate, which would be based on costs and reserves of seven of those 80 wells (and one other) could be far different from LVO's. And since Sun was not a party to the LVO case, its particular situation was not determined therein. See Commission order of April 1, 1975, in Mobil Oil Corporation, Docket No. RI75-40, wherein the Commission denied a petition for reconsideration by Mobil, similar to Sun's, under circumstances almost identical to those obtaining here, with regard to Mobil's interest in two of the 80 wells involved in the LVO case.

Sun has suggested that if its petition for reconsideration is denied, a consolidated hearing should be held including its petition with Mobil's petition referred to above. Since these cases are entirely separate, except for the fact that LVO owns an interest in most of the wells of both petitions, the Commission can see no reason for a consolidated hearing.

For the reasons discussed above, we conclude that reconsideration of our order issued February 28, 1974, should be denied.

The Commission orders. (A) Sun's Petition For Reconsideration Of Order Setting Date For Hearing filed March 27, 1975, is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10927 Filed 4-25-75;8:45 am]

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[1] Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R-458, 49 FPC 992 (issued April 12, 1973), 18 CFR 2.76.

[2] C.K. Oil Company, Docket No. RI74-234; Cities Service Oil Company, et al., Docket Nos. RI-74-142; et al., Dinero Oil Company, Docket No. RI74-220; Sun Oil Company, Docket No. RI74-236; Sun Oil Company, Docket No. RI74-237; Terra Resources, Inc., Docket No. RI74-240.

FEDERAL RESERVE SYSTEM

MIDWEST BANCSHARES, INC.

Order Denying Formation of Bank Holding Company

Midwest Bancshares, Inc., Poplar Bluffs, Missouri, 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)) of formation of a bank holding company through acquisition of 80 percent of the voting shares of Dexter National Bank, Dexter, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Comptroller of the Currency, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Missouri for the purpose of becoming a bank holding company through the acquisition of Bank. With deposits of $8 million, Bank holds approximately 15.1 percent of the total deposits held by commercial banks in the relevant banking market (approximated by Stoddard County) and is the third largest of the market's six banks.[1] Inasmuch as this proposal represents merely a reorganization of existing ownership interests, and since Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significantly adverse effect upon either actual or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes that a holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the Applicant in each case with this consideration in mind. In connection with this proposal, Applicant will incur acquisition debt which it proposes to service over a twelve-year period primarily through dividends from Bank. In the Board's view, the projected earnings of Applicant over the debt-retirement period appear to be somewhat optimistic in view of Bank's previous earnings and, even if actually realized, would not provide Applicant with the financial flexibility necessary to meet its annual debt service requirements while maintaining adequate capital at Bank.[2] Furthermore,

[1] All banking data are as of June 30, 1974, unless otherwise indicated.

[2] In a letter dated March 4, 1975 to the Board, the Comptroller of the Currency indicated that he was not recommending approval of the application because Bank's past earnings history and capital structure made it seem unlikely that the annual debt service requirements and the anticipated growth in business volume would be met by Bank's projected net earnings.

the financial requirements imposed upon Applicant as a result of the debt could prevent it from resolving any unforeseen problems that may arise and thereby impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of the above and other facts of record, the Board is of the view that it would not be in the public interest to approve the formation of a bank holding company with an initial debt structure that could result in impairing Bank's overall financial condition. Accordingly, the Board concludes that the considerations relating to the banking factors weigh against approval of the application.

As indicated above, the proposed formation essentially involves the reorganization of the ownership interest of Bank without any significant changes in Bank's operations or the services offered to customers of Bank. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of all of the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial conditions and prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[1] effective April 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-10948 Filed 4-25-75;8:45 am]

ATLAS TOWING COMPANY AND CRISS CONCRETE CO.

Request for Determination and Order, Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) by Atlas Towing Company and Criss Concrete Co., both of Parkersburg, West Virginia.

Atlas Towing and Criss Concrete, bank holding companies within the meaning of section 2(a) of the Act by reason of their ownership of, respectively, 44 per cent of the voting shares of stock of Mountain State Bank, Parkersburg, West Virginia, and 33 per cent of the voting shares of Williamstown National Bank, Williamstown, West Virginia, seek a Board determination that their status as bank holding companies has terminated.

Atlas Towing has transferred all of its shares of Mountain State Bank to the estate of Adrian V. Criss. Criss Concrete has transferred 1,200 shares of Williamstown National Bank to the same estate, thereby reducing its ownership of shares of that bank to less than 25 per cent. The bank holding companies seek a determination pursuant to section 2(g)(3) of the Act that they are not capable of controlling the estate of Adrian V. Criss notwithstanding that Adrian V. Criss, Jr., and L. D. Sisler, officers and directors of both Atlas Towing and Criss Concrete are also trustees of the estate of Adrian V. Criss.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 23, 1975. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, like reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such oral hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons who have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, April 22, 1975.

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

[FR Doc.75-11028 Filed 4-25-75;8:45 am]

FIRST SECURITY CORP.

Order Conditionally Approving Acquisition of Securities-Intermountain, Inc.

First Security Corporation, Salt Lake City, Utah, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and §225.4(b)(2) of the Board's regulation Y, to acquire all of the common[3] shares of Securities-Intermountain, Inc., Portland, Oregon ("Simco"),[2] a mortgage company that engages in the making and acquiring, for its own account and for the account of others, loans and other extensions of credit and the servicing of such loans for itself and for others; acting as an insurance agent, through a wholly-owned subsidiary, with respect to insurance directly related to said extensions of credit and insurance otherwise sold as a matter of convenience to borrowers, and participating as an investment adviser to a real estate investment trust through a 20 percent ownership interest in Bancorp Management Advisors, Inc. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3), (5), and (9)(ii)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 37544). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls eight subsidiary banks[3] with aggregate deposits of $1.4 billion.[4] It is the largest bank holding company in Utah, holding 29.4 percent of that State's commercial bank deposits. Through certain of its nonbanking subsidiaries, Applicant also engages in mortgage banking and acting as agent for credit life and credit disability insurance directly related to extensions of credit by subsidiaries of the holding company.

Simco, with a mortgage servicing portfolio of approximately $199 million (as of March 30, 1974), engages in a full range of mortgage banking activities including the origination, sale and servicing of all types of mortgage loans. Its main office is located in Portland, Oregon, and it operates three offices in the State of Washington and two offices in the State of California. It appears that consummation of the acquisition would not eliminate a significant amount of actual competition between Applicant and Simco since they are not significant direct competitors of one another in

[1] Voting for this action: Chairman Burns and Governors Mitchell, Holland, and Coldwell. Absent and not voting: Governors Sheehan, Bucher, and Wallich.

[2] It is proposed that all outstanding preferred shares of Securities-Intermountain, Inc. would be retired prior to consummation of the proposed acquisition.

[2] An application by U.S. Bancorp to acquire Simco was denied by the Board on January 31, 1972 (37 FR 2858).

[3] Applicant controls six banks in Utah, one in Idaho, and one in Wyoming. The banks in Idaho and Wyoming were owned by Applicant at the time of enactment of the Holding Company Act and are "grandfathered".

[4] Unless otherwise indicated, all financial data are as of June 30, 1974.

any mortgage banking market. Applicant's mortgage and banking subsidiaries operate primarily in the States of Utah, Idaho, Colorado, and New Mexico, while Simco operates in the States of Washington, Oregon, and California. Approximately $10 million, or 2.8 percent, of Applicant's $365 million servicing portfolio are mortgages on properties located in Washington, Oregon, and California and $1 million, or less than .5 percent, of Simco's servicing portfolio of $199 million represent mortgages on properties in markets served by mortgage and banking subsidiaries of Applicant. Furthermore, the markets served by Simco do not appear so concentrated that entry by Applicant through de novo expansion would produce such important benefits as to warrant denial of this proposal. Simco's market share does not exceed 1.4 percent in any market and it competes with numerous large commercial banks and large mortgage companies in each market in which it operates. On the basis of the facts of record, any elimination of actual and probable future competition between Applicant and Simco resulting from consummation of the proposed acquisition appears minimal.

Simco, indirectly, through Intermountain Insurance Agency ("Agency"), its subsidiary, also engages in the sale of homeowner's mortgage redemption, credit accident and health and other insurance directly related to extensions of credit by Simco to customers of Simco and to Simco itself. To some extent, Agency is currently engaged in activities impermissible for bank holding companies insofar as Agency derives 39 percent of its aggregate insurance premium income from the sale of "convenience" insurance. Applicant states that Agency has terminated solicitation of such "convenience" insurance, that prior to consummation of the proposed transaction, the sale of such "convenience" insurance will be terminated and existing policies will be terminated without renewal upon their expiration date. Thereafter, Applicant indirectly would only engage in the sale of insurance in accordance with Regulation Y and the Board's interpretation relating thereto.

Additionally, Simco is engaged in land development activities through three wholly-owned subsidiaries: Corley Mortgage Company, Inland Homes, Inc., and River View Homes, Inc. Land development activities are not permissible for bank holding companies under Regulation Y.[5] Applicant states that it would dispose of the impermissible land development holdings [6] of the three subsidiaries within six months of the date of consummation of the proposal, if the instant application is approved by the Board. The Board's action herein is conditioned upon such disposition.

[5] 12 CFR 225.126.

[6] The term "impermissible land development holdings" as used herein includes raw land, income-producing real property irrespective of whether construction has been completed and single family dwelling units in various stages of construction.

Simco also participates with U.S. Bancorp, Portland, Oregon ("Bancorp"), a bank holding company, through Simco's 20 percent ownership interest in Bancorp Management Advisors, Inc. ("BMA"), Portland, Oregon, in the management of a real estate investment trust, U.S. Bancorp Realty and Mortgage Trust, Portland, Oregon, and in the making or acquisition of commercial and mortgage loans. The remaining 80 percent of the equity in BMA is held directly and indirectly by Bancorp. In its Order of January 31, 1972 denying Bancorp's application to acquire shares of Simco, the Board found that an affiliation of the two companies would eliminate substantial existing competiton in two geographic markets and adversely affect potential competition in a third geographic market. Thereafter, BMA was formed and the mutual interest of Bancorp and Simco was established.

The Board has recognized that joint ventures require cooperation between venturers and that, where two venturers are competitors of one another, such cooperation may decrease competition in markets in which the two meet in direct competition.[7] That principle appears applicable to the instant application, and the Board concludes that the performance of investment advisory services by Simco through BMA gives rise to a serious possibility of decreased competition,[8] a possible adverse effect not outweighed by any benefit to the public that may be reasonably expected to derive from such performance.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests or other adverse effect on the public interest. Applicant states that affiliation with Simco should increase the financial resources available to Simco and thereby enable it to increase the availability of credit to its customers. Simco has experienced steady losses of its market shares since 1970. Applicant expects to reverse those losses. Thus, the Board regards public benefits considerations as lending slight weight toward approval of that portion of the application that does not relate to BMA. As to that portion of the application contemplating the indirect acquisition of shares of BMA, the Board finds that no benefit to the public may reasonably be expected to derive therefrom.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of the portion of this proposal not related to BMA can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved to the extent it contemplates the acquisition of shares of Simco, but is denied to the extent the application contemplates the indirect acquisition of shares of BMA. This determination is subject to the condition that the Agency's premium income which is not directly related to an extension of credit or directly related to the provision of other financial services be reduced to less than 5 per cent of the premium income of Agency in accordance with the Board's Regulation Y, that Applicant dispose of the aforementioned impermissible land development holdings within six months of the consummation of this proposal and that Simco dispose of all shares of BMA prior to consummation of the proposal. The approval further is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be consummated not 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 San Francisco pursuant to authority delegated hereby.

By order of the Board of Governors,[9] April 21, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-11029 Filed 4-25-75;8:45 am]

[7] Board's Order of April 15, 1974, approving applications of the Fort Worth National Corporation, Fort Worth, Texas, and Shawmut Association, Inc., Boston, Massachusetts, 60 Fed. Res. Bulletin 382, 384 (1974), 39 F.R. 14255, 14256 (1974).

[8] The prospect of decreased competition resulting from the BMA joint venture is not limited to the area of competition between Simco and Bancorp. Bancorp is the largest banking organization in Oregon; Applicant is the largest banking organization in Utah. Both are substantial banking organizations in the Northwestern United States. In the past, the two organizations have evidenced an inclination toward cooperation at least in the area of provision of data processing services, having filed, but subsequently withdrawn, an application to engage in that activity in a joint venture. The instant application suggests that an inclination toward cooperation may still exist.

[9] Voting for this action: Vice-Chairman Mitchell and Governors Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governors Sheehan and Coldwell.

MIDLANTIC BANKS, INC.

Order Approving Acquisition of Great Eastern Leasing Corporation

Midlantic Banks Inc., West Orange, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)), to acquire through its subsidiary, Midlantic Commercial Corporation, all of the voting shares of Great Eastern Leasing Corporation, New York, New York ("Company"), a company that engages in the activity of full pay-out leasing and equipment financing.[1] Such activity has been determined by the

Board to be closely related to banking (12 CFR 225.4(a)(6)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 1571). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is the third largest banking organization in New Jersey with approximately 7 per cent of the total deposits in commercial banks in the State. Applicant controls eight banks with aggregate deposits of approximately $1.4 billion.[2] Company, organized in 1968, has total assets of $1.9 million.[3] Company's leasing activities involve to equal extents both direct and vendor-originated leases. Most of its direct leases involve printing presses and machine tools, while the vendor-originated leases are in the office machine field. Most of Company's leases are of equipment valued under $25,000. Company operates primarily in the Metropolitan New York area market, approximated by southeastern New York State, the northern Counties of New Jersey, and the southern Counties of Connecticut. Applicant also engages in leasing activity in the same market through a department of its lead bank, Midlantic National Bank and also through Midlantic Commercial Corporation, a subsidiary. Through Midlantic National Bank Applicant held approximately $6.5 million in leasing receivables. Midlantic Commercial Co. commenced operations de novo in August, 1974. Although some existing and future competition would therefore be eliminated as a result of this proposal, in view of the large number of competitors and the intensity of competition in the New York market, such a reduction in competition as would occur would not be significant.

There is no evidence in the record that consummation of the proposed transaction would result in undue concentration of resources, conflicts of interests, unsound banking practices, unfair competition, or other adverse effects. Furthermore, it appears that Company, as a subsidiary of Midlantic Commercial Co., will be able to offer its present and future customers a wider range of financial services than it is currently providing.

Based upon the foregoing and other considerations reflected in the record, the Board finds necessary to assure comance with section 4(c)(8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y (12 CFR 225.4(c)) and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not 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 New York pursuant to authority delegated hereby.

By order of the Board of Governors,[4] effective April 18, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-11030 Filed 4-25-75;8:45 am]

[1] Non-lease equipment financing constitutes less than 10 percent of Company's volume and is a method of financing the same types of equipment as that leased by Company.

[2] Banking data are as of June 30, 1974.

[3] Company data are as of December 31, 1973.

[4] Voting for this action: Governors Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Chairman Burns and Governors Mitchell and Sheehan.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 18, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each 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 FMC forms 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 forms, comments (in triplicate) must be received on or before May 16, 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 MARITIME COMMISSION

Request for clearance of an extension (no change) of a statistical survey, Form 283, Schedules A, B, C, for Quarterly Reports of Loss and Damage Claims. The survey will require vessel operating common carriers by water (VOCC) and nonvessel operating common carriers by water (NVOCC) to file quarterly reports with the Commission. Respondent burden is estimated to be 60 hours per response for VOCC's and one hour for NVOCC's.

Request for clearance of a new tariff filing requirement, Filing of Tariffs by Common Carriers by Water in the Domestic Offshore Trades of the United States. The proposal to amend Title 46 CFR 531.5 will require that carriers publishing rates and charges (where the level of such rates and/or charges is relative to the capacity of the container/trailer utilized), on shipments transported in containers/trailers must specify the capacity of the container/trailer to which said rate and/or charge applies. Implementation of this rule is expected to resolve problems regarding container capacities faced by the military, as well as commercial shippers. Potential respondents are common carriers by water in the domestic offshore trades of the United States and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission. Respondent burden is estimated to average 14.4 hours per response.

Request for clearance of amendment 2 to the Commission's General Order 11 (46 CFR 512), Non-Vessel Operating Common Carriers: Balance Sheet and Income Statement Reports. The amendment requires that financial and operating data be filed with this Commission by non-vessel operating common carriers by water in domestic offshore trades (except persons engaged exclusively in the carriage of used household goods) and required by the International Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission. The estimated respondent burden is 16 hours per response.

Request for an extension (no change) of a reporting requirement, Shippers' Request and Complaints, as required by 46 CFR 527. Each conference and each other body with ratemaking authority under an approved agreement shall file with the Commission the quarterly report covering all shippers' requests and complaints received during the preceding 3-month period or pending at the beginning of such period, such report to include prescribed information for each request and complaint. The respondent burden is estimated to be ten hours per response.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.75-11015 Filed 4-25-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a questionnaire intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on April 22, 1975. See 44 U.S.C. 3512(c) and (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 SEC questionnaire 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 questionnaire, comments (in triplicate) must be received on or before May 16, 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.

SECURITIES AND EXCHANGE COMMISSION

Request for clearance of a new questionnaire to conduct a survey of State securities qualification and examination requirements. The purpose of this survey is to determine the acceptability of a State's securities qualification and examination requirements as being a satisfactory alternative to the Commission's general securities examination as provided in 17 CFR 240.15b8-1. The burden is estimated to average 2 man hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-11016 Filed 4-25-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

VOLUNTARY AGREEMENT AND PROGRAM; INTERNATIONAL ENERGY PROGRAM

Request to Oil Companies for Participation and Company Acceptances

Pursuant to section 708 of the Defense Production Act of 1950, as amended, a request, substantially as set forth below, was made by the Administrator of General Services to certain oil companies proposed by the Administrator, Federal Energy Administration, for participation in the Voluntary Agreement and Program Relating to the International Energy Program. The Agreement as approved by the Administrator of General Services, together with letters from the Administrator, Federal Energy Administration, recommending approval, from the Attorney General approving the Agreement and proposed participants, and from the Administrator of General Services to the Administrator, Federal Energy Administration, forwarding to him the approved Agreement, was published in 40 FR 16041 on April 8, 1975. A correction to the notice of April 8 appeared in 40 FR 16718 on April 14, 1975. The request to participate has been accepted by the companies listed herein.

TEXT OF REQUEST BY ADMINISTRATOR OF GENERAL SERVICES TO OIL COMPANIES

"Pursuant to Section 708(b) of the Defense Production Act and the authority vested in me by Section 501 of Executive Order 10480 and Section 3 of Executive Order 11725, I am requesting you and the affiliates designated by you to enter into the Voluntary Agreement and Program Relating to the International Energy Program which I have approved pursuant to Section 708(a) of the Defense Production Act and the aforesaid executive orders, and to undertake the actions contemplated therein. I find such participation and action to be in the public interest as contributing to the national defense of the United States for the reasons set out in Section 1 of the Agreement.

"Ten days prior notice of this request has been given to the Chairman of the Federal Trade Commission and the Attorney General, and the Attorney General has approved the making of this request. A copy of the Attorney General's letter approving this request and indicating that such request is sufficient to provide the immunity provided by Section 708 is enclosed.

"You may accept this request and become a participant in this Agreement by advising me and the Administrator of the Federal Energy Administration in writing of such acceptance. This request and its acceptance will be published in the FEDERAL REGISTER.

"As confirmed by the Attorney General's letter, this request and its acceptance will be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act of the United States with respect to such acts and omissions to act by your company and designated affiliates within the scope of the Voluntary Agreement. Your attention, however, is invited to the Attorney General's limitation to a period of thirty days of his approval with respect to coverage of affiliates. In this regard, the Administrator of the Federal Energy Administration, as sponsor of the Agreement, will carry out the procedures described in the Attorney General's letter. The affiliates, if any, designated by you and hereby addressed in this request are as in the Attachment hereto."

ACCEPTANCES AS OF APRIL 18, 1975, BY COMPANIES AND DESIGNATED AFFILIATES

Amerada Hess Corporation [1]
1185 Avenue of the Americas
New York, New York 10036

Continental Oil Company [2]
High Ridge Park
Stamford, Connecticut 06904

Exxon Corporation [3]
1251 Avenue of the Americas
New York, New York 10020

Getty Oil Company [4]
3810 Wilshire Boulevard
Los Angeles, California 90010

Gulf Oil Corporation [5]
P.O. Box 1166
Pittsburgh, Pennsylvania 15230

Marathon Oil Company [6]
539 South Main Street
Findlay, Ohio 45840

Mobil Oil Corporation [7]
150 East 42nd Street
New York, New York 10017

Murphy Oil Corporation [8]
200 Jefferson Avenue
El Dorado, Arkansas 71730

Skelly Oil Company
1701 Pennsylvania Avenue, NW
Suite 525
Washington, D.C. 20006

Standard Oil Company of California [9]
225 Bush Street
San Francisco, California 94104

Standard Oil Company (Indiana) [6]
200 East Randolph Drive
Chicago, Illinois 60601

Sun Oil Company [7]
240 Radnor-Chester Road
St. Davids, Pennsylvania 19087

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[1] Amerada Hess Shipping Corporation; Hess Oil Virgin Islands Corporation; Hess Pipeline Company; Hess Shipping Corporation; Berkshire Oil Company; Amerada Hess Corporation of Abu Dhabi; Amerada Petroleum Corporation of Libya; Amerada Petroleum Corporation of Norway; Amerada Hess Norwegian Exploration A/S; Amerada Petroleum Corporation of the United Kingdom Limited; Amerada Exploration Limited; Amerada Hess Abu Dhabi Trading Company; Amerada Hess Export Company.

[2] Douglas Oil Company; Coastal Oil Company; Kayo Oil Company.

[3] Esso Europe Incorporated; Esso Eastern Incorporated; Esso Inter-America Incorporated; Creole Petroleum Corporation.

[4] Getty Oil Company (Eastern Operations), Inc.; Hemisphere Transportation Corporation.

[5] Gulf Oil Company-Eastern Hemisphere; Gulf Oil Trading Company; Gulf International Trading Company.

[6] Marathon International Oil Company; Marathon Trading and Shipping Company.

[7] Mobil Chemical Company; Mobil Domestic International Sales Corporation; Mobil Export Corporation; Mobil Intra-West Trading Company; Mobil Marine Transport Inc.; Mobil Petroleum Company Inc.; Mobil Sales and Supply Corporation; Mobil Shipping and Transportation Company; Mobil Trading and Supply Corporation; Pinnacle Trading Company Inc.; Mobil East Inc.; Mobil Europe Inc.; Mobil South Inc.

[1] *Member Country Affiliates:* Mobil Oil AB Sweden; Mobil Oil Aktiengesellschaft in Deutschland; Mobil Oil A/S Norge; Mobil Oil Austria Aktiengesellschaft; Mobil Oil B.V.; Mobil Oil Canada, Ltd.; Mobil Oil Company (Ireland) Limited; Mobil Oil Company Limited; Mobil Oil de Espana S.A.; Mobil Oil Italiana Societa per Azioni; Mobil Oil New Zealand Limited; Mobil Sekiyu Kabushiki Kaisha; Mobil Oil A/S.

[8] Murphy Eastern Oil Company; Murphy Oil Trading Company (Eastern); Murphy Oil Trading Company (Western).

[9] Chevron Oil AG; Chevron Oil A.S.; Chevron Asphalt Company; Chevron Oil Bahamas Ltd.; Chevron Canada Ltd.; Chevron Erdoel Deutschland G.M.B.H.; Chevron International Oil Company Inc.; Chevron International Oil Company Ltd.; Chevron Investments (Netherlands) Inc.; Chevron Marine Corp.; Chevron Navigation Corp.; Chevron Oceanic Inc.; Chevron Oceanic (Middle East) Inc.; Chevron Oil Company; Chevron Oil Company AB; Chevron Oil Europe Inc.; Chevron Oil (Ireland) Ltd.; Chevron Oil Italiana-S.p.A.; Chevron Oil Sales Company; Chevron Oil Trading Company; Chevron Oil (U.K.) Ltd.; Chevron Shipping Company; Chevron Tankers (Nederland) B.V.; Eastern Transport Corp.; International Bitumen Emulsions Corp.; Overseas Tank Ship Corp.; S.A. Chevron Oil Belgium N.V.; Standard Oil Company of British Columbia Ltd.

[6] Amoco Oil Company; Amoco Production Company; Amoco International Oil Company; Amoco Overseas Oil Company; Amoco Shipping Company.

[7] Sun Oil Company of Pennsylvania; Sun Oil Company (Delaware); Sun Oil International, Inc.; Sun Oil Trading Company; Sun Oil Trading Limited; Sun Oil Company of Canada Limited.

Texaco, Inc.[1]
135 East 42nd Street
New York, New York 10017
Union Oil Company of California[2]
Union Oil Center, Box 7600
Los Angeles, California 90051

COMPANIES DECLINING THE REQUEST

Cities Service Company
P.O. Box 300
Tulsa, Oklahoma 74102

Dated: April 22, 1975.

LESLIE W. BRAY, Jr.,
Director, Office of Preparedness, General Services Administration.

[FR Doc.75-10949 Filed 4-25-75;8:45 am]

[Wildlife Order 125; D-Calif-527D]

PORTION-SIERRA ARMY DEPOT, HERLONG, LASSEN COUNTY, CALIF.

Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated December 4, 1974, the property comprising approximately 510 acres of unimproved land identified as a portion of Sierra Army Depot, Herlong, Lassen County, California, has been conveyed to the State of California.

2. The above described property was conveyed for wildlife purposes in accordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: April 18, 1975.

W. A. MEISEN,
Acting Commissioner, Public Buildings Service.

[FR Doc.75-10952 Filed 4-25-75;8:45 am]

[FPMR Temp. Reg. H-16]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to outlease oil and gas deposits in approximately 1,560 acres of the Laredo Air Force Base, Laredo, Texas, that is being conveyed to the City of Laredo for airport use.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Background.* The Geological Survey report of December 13, 1974, estimates that this property contains oil and gas deposits in significant quantities. The Secretary of the Interior recommends that because of the short supply of such minerals, these deposits be outleased by the Bureau of Land Management, Department of the Interior, to control development as quickly as possible. It is considered that the best interest of the Government would be served by GSA's delegating authority to the Department of the Interior to outlease the oil and gas deposists in this property since the Department of the Interior has expertise and experience in developing and leasing of such deposits.

4. *Delegation.* a. Pursuant to the authority vested in me by sections 203 and 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484, 486(d)), authority is delegated to the Secretary of the Interior to outlease the oil and gas deposits in the approximately 1,560 acres of the Laredo Air Force Base, Laredo, Texas, that is being conveyed to the City of Laredo for airport purposes. Any proposed mineral exploration will require prior approval from the Chief, Houston Airports District Office, Federal Aviation Administration. When the Department of the Interior has completed the disposal of all the oil and gas that is commercially saleable, it shall notify GSA that the project has been completed.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. This authority 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, the Department of the Interior, 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; (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate; and (4) ensuring that lands that are disturbed or damaged are restored after removal of the oil and gas is completed.

d. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (PK), Washington, DC 20405.

Dated: April 17, 1975.

ARTHUR F. SAMPSON,
Administrator of General Service.

[FR Doc.75-10950 Filed 4-25-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on May 12, 1975, from 10 a.m.-5:30 p.m., Columbia Plaza Office Building, 11th floor conference room, 2401 E Street NW., Washington, D.C.

A portion of this meeting will be open to the public on May 12 from 10 a.m.-12 p.m. on a space available basis. Accommodations are limited. During the open session there will be a discussion on the graphic material from Interstate Commerce Commission and Overseas Private Investment Corporation.

The remaining session of this meeting from 1 p.m.-5:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Adivsory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-10819 Filed 4-25-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD TO RULE ON PETITIONS

Establishment

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 following proceeding:

DAIRYLAND POWER COOPERATIVE

(LACROSSE BOILING WATER REACTOR)

Docket No. 50-409

This action is in reference to the "Notice of Consideration of Proposed Modification to Facility Irradiated Fuel Storage Pool", published by the Commission in the above matter (40 FR 11650—March 12, 1975).

The members of the Board are:

Frederic J. Coufal, Esq., Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James C. Lamb, III, Member
Department of Environmental Sciences and

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[1] Texaco Export Incorporated; Texaco Operations (Europe) Limited; Texaco Overseas Petroleum Company; Texaco Indonesia Corporation.

[2] Unoco Ltd.; Unoco Kuwait Company Ltd.; Unoco (Japan) Ltd.; Union Oil Company of Canada Ltd.; Union Oil Company of Indonesia; Union Oil Company of Iran; Pure Oil Company of Venezuela.

Engineering
University of North Carolina,
Chapel Hill, North Carolina 27514

Frederick J. Shon, Member
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dated at Bethesda, Md. this 18th day of April 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-10955 Filed 4-25-75;8:45 am]

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Announcement of Hearing Date

APRIL 22, 1975.

The appeal taken by the applicants from the Licensing Board's March 27, 1975 memorandum and order granting the petition of the Kansas Electric Cooperatives for leave to intervene in this antitrust proceeding is calendared for oral argument at 10:00 a.m. on Thursday, May 15, 1975, in the Appeal Panel Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

Each side is allotted a total of 90 minutes for the presentation of argument. The appellees' time shall be equally divided between the Kansas Electric Cooperatives and the NRC staff unless those parties decide between themselves upon some other division. The applicants may reserve a reasonable portion of their time for rebuttal. Any such rebuttal is to be strictly confined to a response to points made during the course of the arguments of the appellees.

Each party shall notify the Secretary to this Board, by letter mailed no later than May 6, 1975, of the name(s) of counsel who will present oral argument on its behalf.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-10956 Filed 4-25-75;8:45 am]

[Docket No. 50-408]

NEW YORK UNIVERSITY

Notice of Withdrawal of Application for Facility License

The New York University, by letter dated March 26, 1975, has requested withdrawal of its application for licenses to construct and operate a TRIGA Mark 1 reactor facility on the University's campus located in Bronx, New York. A copy of the letter of withdrawal is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. The Nuclear Regulatory Commission grants the applicant's request for withdrawal of this application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 21, 1972 (37 FR 7933).

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.75-10957 Filed 4-25-75;8:45 am]

[Docket No. P-505-A]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Receipt of Attorney General's Advice and Time for Filing Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated April 15, 1975, a copy of which is attached as Appendix A.[1]

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 28, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Nuclear Reactor Regulation.

[FR Doc.75-10954 Filed 4-25-75;8:45 am]

APPENDIX A

PUBLIC SERVICE COMPANY OF INDIANA, INC. MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2 NUCLEAR REGULATORY COMMISSION DOCKET NO. P-505-A

APRIL 15, 1975.

You have requested our advice pursuant to the provisions of the Atomic Energy Act of 1954, as amended, in connection with the above-cited application.

The Facility. Marble Hill Nuclear Generating Station will be located at a site in Southeastern Indiana and will consist of two nuclear units each with a net electrical output of 1150 megawatts (MW). Unit No. 1 is scheduled to begin operation in 1983, with the second unit coming on line in the following year. The total cost of the project is estimated to approach $2 billion. Public Service Company of Indiana (PSI) will construct and operate the facility. However, Northern Indiana Public Service Company (NIPSCO) has already purchased a sizeable ownership interest in the plant, and as many as four municipal and cooperative bulk power suppliers may ultimately enter into agreements providing for their ownership participation in the facility.

The Applicant. PSI, headquartered in Plainfield, Indiana, serves nearly 500,000 retail customers in central and southern Indiana. Applicant, with a most recent peak load of over 2,900 MW, is the largest electric utility in the State of Indiana. PSI's generation capability currently exceeds 3,500 MW which allows for the maintenance of a substantial reserve level. Applicant's peak load is projected to double in the next 10 years. To meet this increase, PSI has planned or has under construction additional generating capacity which will increase its dependable system capacity to 8,485 MW by 1984.

Applicant is a member of the Kentucky-Indiana Power Pool (KIPP), along with Indianapolis Power & Light Company, Kentucky Utilities Company and East Kentucky Rural Electric Cooperative Corporation. This power pool pursues a one-system approach in the planning and installing of generating units and certain interconnecting transmission facilities. In addition to KIPP, PSI has interconnection agreements with various other adjacent electric power suppliers providing for various power exchange arrangements. Applicant is also a party to East Central Area Reliability Coordination Group (ECAR).

Thirty-nine municipally-owned and nine cooperatively-owned electric distribution systems rely on PSI to meet their entire bulk power supply requirements; another five municipals and eight cooperatives are partial wholesale customers.

Results of Antitrust Review. In the course of our antitrust review, the Department received certain allegations, the general import of which was that Applicant has used its dominant position in generation and transmission in its service area to restrain the competitive opportunities for smaller systems with respect to bulk power supply. For its part, Applicant denied these allegations and denied that its bulk power supply policies and practices have been or are inconsistent with the antitrust laws. In order to eliminate any questions as to the policies that it intends to follow in the future, Applicant has formalized its policies in a Statement of Bulk Power Supply Policies. These policies are set out in the attachment to the letter of Applicant's President, dated March 18, 1975, which is attached hereto. Applicant has also indicated its willingness to have this Statement incorporated in the license for Marble Hill Nuclear Generating Station.

In our opinion, the effectuation of these bulk power supply policies would moot all relevant issues as to which allegations of anticompetitive conduct on the part of Applicant were made to the Department. The implementation of these policies should provide competitors of Applicant with reasonable opportunities to maintain and further develop competitive sources of bulk power supply. Since the Company is agreeable to having the Commission include this Statement of Bulk Power Supply Policies as conditions to the license, and since we believe the Company has already taken steps to implement these policies, we conclude that an antitrust hearing will not be necessary with respect to the instant application, if the Commission issues a license so conditioned.

ATTACHMENT

PUBLIC SERVICE COMPANY OF INDIANA, INC.

MARCH 18, 1975.

Public Service Company of Indiana, Inc., is herewith submitting to the United States Department of Justice a Statement of Bulk Power Supply Policies. The Company is will-

[1] Appendix A filed as part of original document.

ing to have the Statement made a condition of any construction permit or operating license issued by the Nuclear Regulatory Commission for construction or operation of the Company's proposed Marble Hill Nuclear Generating Station, Units 1 and 2. Our agreement that these policies may be included in the License is made on the understanding that the Attorney General will advise the NRC that no antitrust hearing is necessary in connection with the licensing of these units.

PUBLIC SERVICE COMPANY OF INDIANA, INC.

STATEMENT OF BULK POWER SUPPLY POLICIES

I. *Definitions.* (a) "Applicable area" means those counties in the State of Indiana and any other state in which, now or in the future, Licensee has electrical facilities.

(b) "Bulk power" means electric capacity and any attendant energy supplied or made available by one electric utility to another for resale.

(c) "Licensee" means Public Service Company of Indiana, Inc., any successor corporation, or any assignee of this Licensee.

(d) "Neighboring entity" means a financially responsible private or public corporation, governmental agency or authority, municipality, rural electric membership corporation or cooperative, person, or lawful association of any of the foregoing, which owns, controls or operates or in good faith proposes to own, control, or operate facilities for the generation of electricity, which meets each of the following criteria: (1) its existing or proposed facilities are technically feasible of interconnection with those of Lincesee; (2) its existing or proposed facilities are fully or partially within the applicable area; (3) it is, or upon commencement of operations will be, subject to regulation with respect to rates and/or service under the laws of the State of Indiana or any other state in which Licensee may serve, or under the Federal Power Act, or it is legally exempted from such regulation; and (4) it is authorized to transact business and operate as a public utility under the laws of the State of Indiana or any other state in which Licensee may serve, or it is not legally required to obtain such authority.

(e) "Neighboring distribution system" means a financially responsible private or public corporation, governmental agency or authority, municipality, rural electric membership corporation or cooperative, person, or lawful association of any of the foregoing, which engages or in good faith proposes to engage in the distribution of electric energy at retail, whose existing or proposed facilities are technically feasible of connection with those of Licnesee, and which meets each of the criteria numbered (2) through (4) in subparagraph (d) above.

(f) "Cost" means any administrative, general, operation and maintenance expenses, taxes, capital costs and a fair and reasonable return on Licensee's investment, which are properly allocable to the particular service or transaction and the facilities involved in the transaction.

II. *Interconnections.* (a) Licensee will enter into written agreements to interconnect and operate in parallel with any neighboring entity.

(b) Interconnection agreements will not be limited to lower voltages when higher voltages are requested and available.

(c) Interconnection agreements shall provide for the necessary operating procedures and control equipment as required for safe and prudent operation of the interconnected systems.

(d) The cost of interconnection will be mutually negotiated and shared on the basis of benefits derived from the interconnection by each party after consideration of the various transactions for which the interconnection facilities are to be utilized.

(e) Interconnection agreements will not embody provisions which impose limitations upon the use or resale of capacity and energy sold or exchanged pursuant to the agreement except as may be necessary to protect the reliability of Licensee's system.

(f) Interconnection agreements will not prohibit the parties from entering into other interconnections or coordination agreements, but may include appropriate provisions to assure that (1) Licensee receives sufficient notice of such additional interconnection or coordination to protect the reliability of its system, (2) the parties jointly consider and mutually agree upon such measures, if any, as are reasonably necessary for safety and for the protection of the reliability of Licensee's system, and (3) Licensee is fully compensated for any additional costs incurred or expenditures made resulting from such other interconnections or coordination agreements.

III. *Reserve Coordination.* (a) Licensee and its neighboring entities with which it interconnects shall jointly establish and mutually agree in writing upon a level of minimum reserves to be installed or provided as necessary to maintain a total reserve margin sufficient, as determined by probability calculations and prudent engineering judgment, to provide adequate reliability of power supply to the interconnected systems. The reserve responsibility thus determined shall be calculated as a percentage of the estimated annual peak load (adjusted to exclude purchases of firm power) of the interconnected systems. No party to the interconnection shall be required to install or provide more than such percentage as its minimum reserve margin. No party to the interconnection shall be required to provide reserve capacity for that portion of its estimated annual peak load which is met through firm power purchases.

(b) Licensee will sell emergency power to any neighboring entity which maintains the minimum reserve margin established pursuant to paragraph (a) above. Licensee shall engage in such transactions if and when capacity and energy are available for such transactions from its own generating resources or from those of interconnected electric systems, but only to the extent that it can do so without impairing service to its customers. Emergency power shall be furnished to the fullest extent available from the supplying party and desired by the party in need and at rates which compensate Licensee for its cost.

(c) The parties to reserve coordination transactions pursuant to this section shall maintain such amounts of operating reserves as may be adequate to avoid the imposition of unreasonable demands on any other party(ies) in meeting the normal contingencies of operating their systems. However, in no circumstances shall a party's operating reserve requirement exceed its minimum reserve margin.

(d) Licensee, if it has generating capacity in excess of the amount called for by its own reserve criteria, will offer, on terms which enable Licensee to recover its costs, any such excess to a neighboring entity to meet such entity's own minimum reserve margin.

(e) Licensee shall prepare with neighboring entities who request to do so, joint maintenance schedules and shall engage in sales of maintenance power and energy when it can reasonably do so.

(f) Licensee shall file the agreements for such coordination with the Federal Power Commission, and that agency shall have jurisdiction over the rates and charges contained in such agreements.

IV. *Other Power Exchanges.* Licensee currently has on file, and may hereafter file, with the Federal Power Commission interconnection agreements with neighboring entities providing for the sale and purchase of short-term capacity and energy, limited-term capacity and energy, long-term capacity and energy, economy energy, and other forms of capacity and energy. Licensee will, on a fair and equitable basis, enter into an interconnection agreement with any neighboring entity providing for the same or like capacity and energy transactions. In order to facilitate the making of such transactions, Licensee will respond promptly to inquiries of neighboring entities concerning the availability of all such forms of capacity and energy from its system. Licensee shall file the agreements providing for such sales of capacity and energy with the Federal Power Commission, and that agency shall have jurisdiction over the rates and charges contained in such agreements. Nothing herein shall be construed to require Licensee to enter into a fixed rate interconnection agreement.

V. *Wholesale Power Sales.* Licensee will sell power on a full or partial requirements basis to any neighboring distribution system at rates which fully compensate Licensee for its costs. Wholesale power sales agreements shall not restrict use or resale of power sold pursuant to such agreements except as may be necessary to protect the reliability of Licensee's system. Such power will not be delivered at lower voltages when higher voltages are requested and available. Licensee shall not be required to make any such sale if it does not have available sufficient generation or transmission to provide the requested service or if the sale would impair its ability to render adequate and reliable service to its current customers. Licensee shall file the agreements providing for such sales with the Federal Power Commission, and that agency shall have jurisdiction over the rates and charges contained in such agreements.

VI. *Transmission Services.* (a) Licensee will provide transmission service for bulk power transactions (1) between two or among more than two neighboring entities in the applicable area with whom, now or in the future, it is interconnected, (2) between a neighboring entity with whom, now or in the future, it is interconnected and a neighboring distribution system(s) with whom, now or in the future, it is connected, and (3) between any neighboring entity or neighboring distribution system(s) and any other electric system engaging in bulk power supply outside the applicable area between whose facilities Licensee's transmission lines and the transmission lines of other electric systems form a continuous electrical path, provided that (i) permission to utilize such transmission lines of other electric systems has been obtained by the proponent of the arrangement, and (ii) the arrangements can be reasonably accommodated from a technical standpoint.

Any neighboring entity or neighboring distribution system requesting such transmission service shall give reasonable advance notice to Licensee of its schedule and requirements. Licensee shall not be required to provide transmission service if to do so would impair Licensee's system reliability, it being recognized that while some transmission facilities may be operated fully loaded, other transmission facilities may be for emergency use and operated either unloaded or partially loaded.

Such transmission service shall be on terms that fully compensate Licensee for its costs. Where a neighboring entity or neighboring distribution system has made a contribution in aid of construction pursuant to Section VI(b) below, the transmission rate for such entity or distribution system shall be adjusted accordingly to reflect Licensee's reduced capital investment.

(b) License shall include in its planning and construction programs such increases in the capacity of its existing or planned transmission facilities as may be required for the

transactions referred to in paragraph (a) of this Section VI, provided any neighboring entity or neighboring distribution system gives Licensee sufficient advance notice as may be necessary to accommodate its requirements from a technical standpoint. This section shall not be construed to require Licensee to construct new transmission lines for the sole benefit of a neighboring entity or neighboring distribution system. Licensee shall not be required to increase the transmission capacity of its existing or planned transmission facilities if to do so would impair its system reliability or if the neighboring entity or neighboring distribution system requesting the construction of increased transmission capacity fails to make a nonrefundable contribution in aid of construction to Licensee equal to the difference between the estimated cost of the transmission facilities Licensee would construct for its own use and the estimated cost of the transmission facilities Licensee would construct for the use of itself and the neighboring entity or neighboring distribution systems within a reasonable time prior to the construction of the facilities.

(c) Licensee shall file the agreements providing for such transmission services with the Federal Power Commission, and that agency shall have jurisdiction over the rates and charges for such services.

VII. *Access to Nuclear Generation.* (a) Licensee will afford any neighboring entity or neighboring distribution system that has made a request prior to January 1, 1975 an opportunity to participate in the ownership of Marble Hill Generating Station, Units 1 and 2, up to a reasonable amount in kilowatts. This participation shall be on a basis that will fully compensate Licensee for its costs incurred and to be incurred. Licensee shall provide promptly any requesting entity with sufficient financial data to enable such entity to make a feasibility study as to its participation.

(b) Licensee will afford any neighboring entity or neighboring distribution system that makes a timely request an opportunity to participate in the ownership of or to purchase a portion of the output, whichever the requesting party elects, from any other nuclear generating unit of Licensee up to a reasonable amount in kilowatts. Licensee shall mail to all nonaffiliated adjacent electric utility systems, no later than the date of its public announcement of the proposed construction of any such unit(s), sufficient financial data to enable an electric utility system to make a feasibility study as to its participation and shall promptly furnish such information to any other entity or distribution system which requests such information. A request for participation with respect to such nuclear units shall be deemed timely if made within 180 days after the public announcement by Licensee of the proposed construction of such units.

(c) As to participation in the Marble Hill Nuclear Units, any neighboring entity or neighboring distribution system making a timely request for participation must enter into a legally binding and enforceable agreement by December 1, 1975. As to any other nuclear unit Licensee may construct, any neighboring entity or neighboring distribution system making a timely request for participation must enter into a legally binding and enforceable agreement within one year after Licensee's public announcement of the proposed construction of such unit(s). In the event Licensee fails to provide sufficient financial data to a requesting entity as required in Section VII(b) above, the time period within which that requesting entity must enter into a legally binding and enforceable agreement shall be extended for a period equal to the time which elapses between the date on which such data is requested and the date sufficient financial data is in fact furnished.

(d) Licensee may require the inclusion in any agreement provided for in Section VII(c) above of provisions for (1) payment at the time of the signing of the agreement of not more than 10% of the estimated cost of participation in any such generating units and associated transmission facilities, and (2) additional pro rata payments thereafter as Licensee becomes obligated to expend funds for the planning or construction of said units and facilities. Any funds received by Licensee in advance of an actual expenditure shall be held in escrow until they are needed to reimburse Licensee. All interest earned on the escrow account shall inure to the benefit of the party(ies) who advanced the funds. In the event any participant fails to meet fully its financial commitment with respect to a nuclear unit, such participant shall only be entitled to participate in that nuclear unit in an amount equal to the relationship its total payments up to that point bear to Licensee's total investment in the facility.

(e) Licensee shall transmit power from the Marble Hill Units or any future nuclear unit it may own or operate to any neighboring entity or neighboring distribution system which is a participant in that unit, in accord with the requirements of Section VI of these commitments.

VIII. *Interpretation with Other Laws.* The foregoing commitments are to be implemented and applied in a manner consistent with Federal, state, and local laws, judicial decisions, regulations, and orders, and nothing contained herein shall be deemed to authorize or require any violation of such laws, regulations, decisions or orders. All rates, charges, conditions, terms and practices are and will be subject to the acceptance and/or approval of any regulatory agencies or courts having jurisdiction over them.

IX. *General.* (a) This statement of commitments is not intended to affect in any way the franchises, certificates of public convenience and necessity, or other rights of Licensee or of any neighboring entity or of any neighboring distribution system to render electric service in the State of Indiana.

(b) Nothing herein shall be construed as a waiver by Licensee of its right to contest whether or not and the extent to which a particular factual situation may be covered by this statement of commitments or preclude the Licensee from contesting an alleged act of unfair competition.

(c) Licensee does not intend by this statement of commitments to become a common carrier.

(d) Licensee recognizes that the carrying out of some of the commitments expressed herein in particular circumstances may not be in the mutual interest of the Licensee and a neighboring entity or neighboring distribution system. Nothing herein is intended to preclude Licensee and a neighboring entity or neighboring distribuiton system from reaching an agreement which extends, varies, or supplements the provisions of the foregoing paragraphs in a manner not inconsistent with the broad principles expressed herein.

(e) The foregoing is intended to be a complete statement of Licensee's commitments.

Plainfield, Indiana, March 18, 1975.

PUBLIC SERVICE COMPANY OF INDIANA, INC.
HUGH A. BARKER,
President.

[FR Doc.75-10954 Filed 4-25-75;8:45 am]

[Docket Nos. 50-524, 50-525, 50-526, 50-527]

ALABAMA POWER CO.

Alan R. Barton Nuclear Plant, Units 1, 2, 3 and 4, Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction and operation of the Alan R. Barton Nuclear Plant, Units 1, 2, 3 and 4, to be located in Chilton and Elmore Counties, Alabama, approximately 15 miles southeast of Clanton, along the west side of the Coosa River, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Clanton Public Library, 100 First Avenue, Clanton, Alabama. The Draft Statement (NUREG-75/029) is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama, the Birmingham Regional Planning Commission, 2112 Eleventh Avenue South, Birmingham, Alabama, and the Central Alabama Regional Planning Commission, 303 Washington Avenue, Montgomery, Alabama.

Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Alabama Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on December 20, 1974 (39 FR 41063).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by June 16, 1975. Comments by Federal, State and local officials, or other persons, received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Clanton Public Library, 100 First Avenue, Clanton, Alabama. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland this 23rd day of April, 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75-11144 Filed 4-25-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

LABOR ADVISORY COMMITTEE ON STATISTICS

Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Labor Advisory Committee on Statistics to be held in Room 10103, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Tuesday, May 20, 1975 at 10 a.m.

The purpose of the meeting is to obtain advice on the content of several important Federal statistical programs and on possible improvements in Federal statistical programs. The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-10988 Filed 4-25-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 23, 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 AGRICULTURE

Farmers Home Administration, Study To Assess Attitudes of Moderate-Income, Small Town Families Toward Basic Housing Alternatives (in Iowa), single-time, households in 48 small towns of Iowa, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Sample Refinement—FLSA Exemption Studies, BLS 3064, single-time, non-farm business establishments, Strasser, A., and Caywood, D. P., 395-3880.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Quarterly Cumulative Report of Clients in Special Target groups, SRS-RSA 10, quarterly, State VR agencies, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF JUSTICE

Departmental and other, Summary and Certification Sheet, LEEP-5, quarterly, educational institutions, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Special Project Grant Under Title V, Section 505, of the Elem. and Sec. Educ. Act of 1965, OE4439, on occasion, State education agency regional commissions, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-11146 Filed 4-25-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings on May 15 and 16, 1975 at 500 North Capitol Street, Washington, D.C. 20549, Room 776 beginning at 8:30 a.m. Initial notice of this rescheduled meeting was published in the FEDERAL REGISTER on April 21, 1975.

The summarized agenda for the meeting is as follows:

1. Review of status of securities legislation.
2. Meetings and reports of working groups on:
   a. Displacement and the Limit Order Book (Messrs. Heller, Lovelace, McCulley, Pickard, Stone).
   b. Access to the System (Messrs. Gardiner, Jefferies, Myers, Rohatyn, Yearley).
3. Review of progress on summary report.
4. Further work on system operating characteristics.

The Committee will also conduct open meetings on June 19 and 20, 1975 in Atlanta, Georgia. The summarized agenda for and the location of the June meetings will be published in the FEDERAL REGISTER at least fifteen days prior to the date of the meetings.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-11013 Filed 4-25-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

LABOR POLICY AND LABOR SECTOR ADVISORY COMMITTEES

Establishment of Committees

CROSS REFERENCE: For a document issued jointly by the Office of the Secretary, Department of Labor, and the Office of the Special Representative for Trade Negotiations, on the establishment of labor policy and labor sector advisory committees, see FR Doc. 75-10929 *infra.*

VETERANS ADMINISTRATION

MEDICAL DEVICE EXPERIENCE DATA

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a notice of a Memorandum of Understanding with the Department of Health, Education, and Welfare, Food and Drug Administration, see FR Doc. 75-10966, supra.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Request for Information

The Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), herein requests information related to agricultural noise exposure.

The Committee requests information, preferably documented, concerning the following:

1. Educational or motivational programs for hearing conservation in an agricultural environment.
2. Information regarding the availability and effectiveness of audiometric surveillance programs in rural areas.
3. Experience in the construction industry regarding hearing loss of tractor operators.
4. Information from the manufacturers and/or users of farm harvesting and processing equipment and chain saws concerning noise exposure to operators of such equipment and recommended measures to prevent possible hearing loss.
5. Information from manufacturers who make tractor cabs (other than tractor manufacturers) and users of these cabs concerning the noise reduction capabilities of such cabs.
6. The harmful effects, if any, of noise exposure, other than hearing loss.

Any interested persons desiring to submit such information to the Committee should submit it by May 15 if possible to the Committee Management Officer, whose address and phone numbers are:

Ms. Jeanne Ferrone
Committee Management Office
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, NW, Room 200
Washington, D.C. 20210
Phone: 202/961-2248, 2487

Requests for an opportunity to present such material orally at a future meeting should be submitted to the same office.

Signed at Washington, D.C., this 18th day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10941 Filed 4-25-75;8:45 am]

Office of the Secretary

[Secretary of Labor: Order 4-75]

ASSISTANT SECRETARY FOR MANPOWER

Delegation of Authority and Assignment of Responsibilities for Manpower Programs

1. *Purpose.* This Order delegates to the Assistant Secretary for Manpower, except as herein provided, the authority vested in the Secretary of Labor for organizing and conducting manpower programs, and assigns commensurate responsibilities.

2. *Directives affected.* a. The authorities delegated herein are subject to the provisions of Secretary's Orders (S.O.) 3-73, 27-73, and 24-74 pertaining to procurement and contracting authority; S.O. 27-72 pertaining to emergency preparedness and disaster relief; and departmental policies and procedures pertaining to administrative, organizational, and management processes.

b. Secretary's Orders 20-71, 21-71, 21-72, 25-73, 26-73, and 7-74 are hereby canceled.

c. The provisions of paragraph 4b of this Secretary's Order supersede paragraph 3a of S.O. 2-71.

3. *Background.* This Secretary's Order consolidates into one Order all of the authority delegated and the responsibilities assigned to the Assistant Secretary for Manpower for manpower programs.

4. *Delegation of authority and assignment of responsibility.* a. *The Assistant Secretary for Manpower* is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the Department's manpower policies, programs, and activities, including functions to be performed by the Secretary of Labor under:

(1) The Wagner-Peyser Act of 1933, as amended. 29 U.S.C. 49 et seq.

(2) Titles III, IX, XII, and relevant sections of Titles VII and XI of the Social Security Act of 1935, as amended, and Chapter 85 of Title 5 of the U.S.C. relating to unemployment compensation for Federal employees and ex-servicemen and ex-servicewomen. 5 U.S.C. 8501-8525.

(3) The Federal Unemployment Tax Act. 26 U.S.C. 3301 et seq.

(4) Title V of the Vietnam Era Veterans' Readjustment Assistance Act of 1972, as amended. 38 U.S.C. 2001-2013, Chs. 41 and 42, except for the administration of affirmative action requirements under section 2012 assigned to the Assistant Secretary for Employment Standards.

(5) The Immigration and Nationality Act, as amended. 8 U.S.C. 1101 et seq.

(6) The trade adjustment assistance provisions of the Trade Expansion Act of 1962 (Pub. L. 87-794), 19 U.S.C. 1931-1978, and Executive Order 11075 of January 18, 1963, as amended, consistent with the provisions of Secretary's Order 19-66, and the Trade Act of 1974 (Pub. L. 93-618), as it relates to the functions of the Secretary after certification of eligibility of a group of workers to apply for adjustment assistance.

(7) The Manpower Development and Training Act of 1962, as amended (Pub. L. 87-415), including the authority to review determinations pursuant to 29 CFR section 20.51(f) of the Secretary's Regulations implementing the Act. 42 U.S.C. 2571 et seq.

(8) The Public Works and Economic Development Act of 1965, as amended (Pub. L. 89-136), as it relates to Department of Labor responsibilities. 42 U.S.C. 3121, 3161, 3241-3245.

(9) The Public Works Acceleration Act of 1962 (Pub. L. 87-658). 40 U.S.C. 462, 42 U.S.C. 1492, 2641 et seq.

(10) The National Apprenticeship Act of 1937 (50 Stat. 663). 29 U.S.C. 50.

(11) The D.C. Apprenticeship Act (Pub. L. 89-387).

(12) The Farm Labor Contractor Registration Act of 1963, as amended (Pub. L. 88-582), as it relates to providing for the receipt of applications for registration, forwarding applications to the appropriate Employment Standards Administration office, and entering into agreements with Federal or State agencies to utilize the services and facilities of such agencies to assist in the registration of farm labor contractors and to allocate or transfer funds or otherwise to pay or to reimburse such agencies for expenses in connection therewith.

(13) Manpower aspects of the Appalachian Regional Development Act of 1965 (Pub. L. 89-4).

(14) The Economic Opportunity Act (EOA) of 1964, as amended, (42 U.S.C. 2701 et seq.) as provided for in, and consistent with, the delegation of authority from the Director of the Office of Economic Opportunity dated June 29, 1973, and approved by the President July 6, 1973, to wit: parts A, B, and E of Title I; section 232 as necessary or appropriate to contract or provide financial assistance for pilot or demonstration projects and for research in the field of manpower training, labor force participation and assistance for migrant and other seasonally employed farmworkers and their families; part B of Title III and those powers and authorities under Title II [except sections 221 and 222 (a)(3)] and Title VI of the act to the extent deemed necessary or appropriate to exercise the powers and authorities cited in this paragraph and to administer grants and contracts made or entered into by the Office of Economic Opportunity prior to the effective date of the June 29, 1973, delegation of authority for EOA activities; together with the authority provided under Title IX of such Act as it relates to evaluation and evaluative research for EOA programs.

(15) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), except the suspension or termination of financial assistance. 42 U.S.C. 2000d-2000d-4, 2000h-4.

(16) Executive Order 11000 of February 16, 1962, as related to manpower and contained in sections 2 (a), (d), (e), (g), and (j), section 3, and section 4(a) of the Order, except that such authority and responsibility are subject to the overall supervision and guidance of the Assistant Secretary for Administration and Management who serves as the Department's Mobilization Planning Coordinator.

(17) Section 504 of the Rehabilitation Act of 1973, as it relates to Manpower programs or activities receiving financial assistance.

(18) Defense Manpower Policy No. 4, Revised—Placement of Procurement and Facilities in Sections and Areas of High Unemployment.

(19) Manpower aspects of the Vocational Education Act of 1963 and the Vocational Education Amendments of 1968. 20 U.S.C. 1241.

(20) Executive Order 10582 of December 17, 1954—Implementing the Buy American Act.

(21) Executive Order 10651 of January 6, 1956—Providing for the Screening of the Ready Reserve of the Armed Forces.

(22) Exemplary Rehabilitation Certificates Act of 1966 (Pub. L. 89-690), 29 U.S.C. 601 et seq.

(23) Part C, Title IV of the Social Security Act, as amended (Pub. L. 90-248).

(24) Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577). 40 U.S.C. 531 et seq., 42 U.S.C. 4201 et seq.

(25) The provisions of section 240 of the Disaster Relief Act of 1970 (Pub. L. 91-606) relating to disaster unemployment assistance, and section 407 of the Disaster Relief Act of 1974 (Pub. L. 93-288).

(26) The provisions of the Federal-State Extended Unemployment Compensation Act of 1970 (Title II of the Employment Security Amendments of 1970). (Pub. L. 91-373).

(27) The Emergency Employment Act of 1971 (Pub. L. 92-54).

(28) The Rural Industrialization Assistance Certification provisions of the Rural Development Act of 1972 (Pub. L. 92-419).

(29) The Age Discrimination in Employment Act of 1967 (Pub. L. 90-202), including: undertaking studies concerning the needs and abilities of older workers and their potentials for continued employment and contribution to the economy; undertaking or promoting research with a view to reducing barriers to the employment of older persons, and the promotion of measures for utilizing their skills, including publishing and otherwise making available to employers, professional societies, the various media of communication, and other interested persons the findings of such research studies; helping employers and workers find ways of meeting problems arising from the impact of age on employment other than the administrative and enforcement activities (including conciliation) delegated to the Assistant Secretary for Employment Standards; undertaking an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and preparing

for the Assistant Secretary for Employment Standards a report of findings, pursuant to section 5 of the Act, and undertaking other studies and preparing appropriate recommendations to the Assistant Secretary for Employment Standards concerning the Act; and promoting employment of older workers through the public service system and through cooperative effort (including regional, State and local agencies and employers, labor organizations, and employment agencies), the development of facilities of public and private associations for expanding the opportunities and potentials of older persons.

(30) The Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203), 29 U.S.C. 801 et seq.

(31) Title IX of the Older Americans Act of 1965 (Pub. L. 89-73), as amended (Pub. L. 93-29).

(32) The Emergency Unemployment Compensation Act of 1971 (Pub. L. 92-224) and the Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572).

(33) The Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93-567).

b. *The Assistant Secretary for Manpower* is also delegated the authority to carry out the following departmental liaison and committee representative duties:

(1) Liaison to the National Security Council on draft deferment policies; chairing the interdepartmental group monitoring the operation of the regulations implementing these policies.

(2) Liaison to the Department of Agriculture on rural development matters.

(3) Representative on the Co-op Month Steering Committee.

(4) Member of the National Council on Federal Disaster Assistance.

(5) Member on the Interagency Council on Corrections.

c. *The Assistant Secretary for Manpower* in carrying out the authority and responsibility delegated under this Order shall perform the above functions in accordance with existing governmental and departmental regulations.

d. *The Assistant Secretary* is delegated authority for making organizational changes within policies established by the Secretary.

(e) *The Solicitor of Labor* shall have responsibility for providing legal advice and assistance to all officers of the Department relating to the delegations of authority referenced and applicable laws, Executive Orders, and regulations pertaining thereto.

5. *Reservation of authority.* The following functions are reserved to the Secretary:

a. Submission of reports and recommendations to the President, the Congress, the National Commission for Manpower Policy, and, as appropriate, to the Director, Office of Economic Opportunity, concerning the statutes and Executive Orders listed in paragraph 4a of this Order.

b. Entering into agreements with the Secretary of Health, Education, and Welfare, and the Director, Office of Economic Opportunity, concerning the administration of the statutes and Executive Orders listed in paragraph 4a (14) and (29).

c. Those functions required of the Secretary as a member of the National Commission for Manpower Policy.

d. The determination of conformity and compliance questions.

6. *Redelegation of authority.* The authority herein delegated to the Assistant Secretary for Manpower and the responsibilities assigned by this Order may be further redelegated.

7. *Effective date.* This Order is effective immediately.

Signed at Washington, D.C. on this 16th day of April, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-10942 Filed 4-25-75;8:45 am]

[TA-W-10]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 17, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America, AFL-CIO on behalf of the former workers of Brown Shoe Company, Newport, Arkansas (TA-W-10). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separation began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart D of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-10930 Filed 4-25-75;8:45 am]

[TA-W-6]

LISBON SHOES INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 14, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers of Lisbon Shoes Incorporated, Lisbon, New Hampshire (TA-W-6). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Lisbon Shoes Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-10931 Filed 4-25-75;8:45 am]

[TA-W-8]

MAGNAVOX CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 16, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers (AFL-CIO), on behalf of the workers and former workers of the Jefferson City and Greenville, Tennessee plants of the Magnavox Company, Ft. Wayne, Indiana (TA-W-8). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with television receivers, and radio-phonograph-tape deck combination sets produced by the Magnavox Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-10932 Filed 4-25-75;8:45 am]

[TA-W-7]

RCA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 16, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical Radio and Machine Workers, AFL-CIO on behalf of the workers and former workers of the Mountaintop, Pennsylvania plant of the RCA Corporation, New York, New York (TA-W-7). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transistors and other semi-conductor devices produced by RCA Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of April, 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-10933 Filed 4-25-75;8:45 am]

[TA-W-11]

TRW INCORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 21, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, AFL-CIO, on behalf of the workers and former workers of the Philadelphia, Pennsylvania Division of TRW Incorporated, Cleveland, Ohio (TA-W-11). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon composition resistors produced by TRW Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW, Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-10934 Filed 4-25-75;8:45 am]

[TA-W-5]

UTICA CUTLERY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 14, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steel Workers of America, AFL-CIO, on behalf of the workers and former workers of the Utica Cutlery Company, Utica and New York Mills, New York (TA-W-5). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel table flatware produced by the Utica Cutlery Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-10935 Filed 4-25-75;8:45 am]

LABOR POLICY AND LABOR SECTOR ADVISORY COMMITTEES

Establishment of Committees

I. *Establishment of Advisory Committees.—A. Establishment.* The Secretary of Labor, hereafter the Secretary, and the Special Representative for Trade Negotiations, hereafter the Special Representative (STR), having jointly determined, after consultation with the Director, Office of Management and Budget, that it is in the public interest in connection with the performance of duties imposed on the Secretary and the Special Representative by the Trade Act of 1974 (Public Law 93-618, 88 Stat. 1978) and the implementing Executive Order 11846, respectively, hereby establish the Labor Policy Advisory Committee for Multilateral Trade Negotiations and the following Labor Sector Advisory Committees, pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), to advise the Secretary and the Special Representative:

1. Labor Sector Advisory Committee on Electrical and Electronic Equipment and Supplies, and Non-electrical Machinery.
2. Labor Sector Advisory Committee on Textile, Apparel and Leather Products and Miscellaneous Manufacturing Industries.
3. Labor Sector Advisory Committee on Food and Agricultural Products and Chemical, Plastic and Rubber Products.
4. Labor Sector Advisory Committee on Services.
5. Labor Sector Advisory Committee on Lumber, Wood and Paper Products, and Stone, Clay and Glass Products.
6. Labor Sector Advisory Committee on Transportation Equipment and Primary and Fabricated Metal Products.

B. Duties, functions, and administrative provisions of the Labor Policy and Labor Sector Advisory Committees are indicated in the following Charters for the Labor Policy Advisory Committee and the Labor Sector Advisory Committees.

II—*Charter for Labor Policy Advisory Committee for Multilateral Trade Negotiations*—A. *Establishment.* Pursuant to section 135(c)(1) of the Trade Act of 1974 (Public Law 93-618, 88 Stat. 1978) and the implementing Executive Order 11846, whereby certain duties and responsibilities of the President relating to the advisory functions of the general policy advisory committees have been delegated to the Special Representatives for Trade Negotiations, acting through the Secretary of Labor, the Secretary and the Special Representative hereby establish the Labor Policy Advisory Committee for Multilateral Trade Negotiations.

B. *The Committee's objectives and the scope of its activity.* To provide general policy advice on the negotiations, and on other factors relevant to positions of the U.S. in the negotiations.

C. The period of time necessary for the Committee to carry out its purposes: Beginning as soon as practical after January 3, 1975 and ending as soon as practical after January 3, 1980.

D. *The agency (agencies) or official(s) to whom the Committee reports.* The Secretary of Labor and the Special Representative for Trade Negotiations.

E. *The agency responsible for providing the necessary support for the Committee.* The Bureau of International Labor Affairs, U.S. Department of Labor.

F. *A description of the duties for which the Committee is responsible—*

1. to advise, consult with, and make recommendations to the Secretary of Labor and the Special Representative for Trade Negotiations, jointly, on issues and general policy matters concerning labor and the trade negotiations.
2. to maintain continuous liaison with the ongoing work of the Labor Sector Advisory Committees; to review and advise on the Sector Committees' recommendations.
3. to provide reports on trade agreements to the President, the Congress, and the Office of the Special Representative for Trade Negotiations at the conclusion of negotiations for each trade agreement.
4. to perform such other advisory functions relevant to the trade negotiations as may be required by the Special Trade Representative or the Secretary of Labor and the Special Representative for Trade Negotiations, jointly, or their designees.
5. to issue a report to the Congress as soon as is practical after January 3, 1980, giving advice as to whether the trade agreements entered into serve the economic interests of the U.S.
6. the advisory functions described under (a), (b), and (d) above shall be performed both in connection with the preparatory phase of the negotiations and with respect to developments arising during the course of the negotiations.

G. *The estimated annual operating costs in dollars and man-years for the Committee.* $30,000 which includes 1 man-year of staff support.

H. *The estimated number and frequency of Committee meetings.* The Committee will meet at irregular intervals at the call of the STR or the Secretary and the Special Representative acting jointly depending on such factors as level of activity during the negotiations, the needs of the Secretary and the Special Representative, the nature and volume of reports required by statute of the Committee, as well as additional reports that may be provided by the Committee for the consideration of the Secretary and the Special Representative.

I. *Membership.* The Committee shall consist of approximately 55-60 members from the U.S. labor community, appointed by the Special Representative and the Secretary, acting jointly. Members will serve at the discretion of the Secretary and the Special Representative. A Chairman shall be elected by the members at the first meeting.

J. *The Committee's termination date.* After issuing its final report to the Congress, as soon as practical after January 3, 1980.

III. CHARTER FOR LABOR SECTOR ADVISORY COMMITTEE ON ELECTRICAL AND ELECTRONIC EQUIPMENT AND SUPPLIES, AND NON-ELECTRICAL MACHINERY

A. *Establishment.* Pursuant to section 135(c)(2) of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978) and the implementing Executive Order 11846, whereby certain duties and responsibilities of the President relating to the advisory functions of the sector advisory committees have been delegated to the Special Representative for Trade Negotiations, acting through the Secretary of Labor, the Secretary and the Special Representative

for Trade Negotiations hereby establish the Labor Sector Advisory Committee on Electrical and Electronic Equipment and Supplies, and Non-Electrical Machinery.

B. *The Committee's objectives and the scope of its activity.* To provide technical advice and information on particular product sectors and services, and advice on other factors relevant to positions of the U.S. in the trade negotiations.

C. *The period of time necessary for the Committee to carry out its purposes.* Beginning as soon as practical after January 3, 1975 and ending as soon as practical after January 3, 1980.

D. *The agency (agencies) or official(s) to whom the Committee Reports.* The Secretary of Labor and the Special Representative for Trade Negotiations.

E. *The Agency responsible for providing the necessary support for the Committee.* The Bureau of International Labor Affairs, U.S. Department of Labor.

F. *A description of the duties for which the Committee is responsible.*

1. to advise, consult with, and make recommendations to the Secretary of Labor and the Special Representative for Trade Negotiations, jointly, on negotiating issues of concern to workers employed in sectors with which the Committee is concerned.

2. to provide information and recommendations regarding the effect of the negotiations on workers employed in the electrical and electronic equipment and supplies, and non-electrical machinery sector and to issue a report to the Congress as soon as practical after January 3, 1980 giving advise as to whether the trade agreements entered into serve the economic interests of the U.S. and provide for equity and reciprocity within the sector represented by the Committee.

3. to maintain continuous liaison with the Labor Policy Advisory Committee for Multilateral Trade Negotiations (LPAC).

4. to provide reports on trade agreements to the President, the Congress, and the Office of the Special Representative for Trade Negotiations at the conclusion of negotiations for each trade agreement.

5. to perform such other advisory functions relevant to the trade negotiations as may be required by the STR or the Secretary of Labor and the Special Representative for Trade Negotiations jointly or their designees.

6. the advisory functions described under (a), (b), (c), and (e) above shall be performed both in connection with the preparatory phase of the negotiations and with respect to developments arising during the course of the negotiations.

G. *The estimated annual operating costs in dollars and man-years for the Committee.* $16,500 which includes two-thirds man-year of staff support.

H. *The estimated number and frequency of Commitee meetings.* The Committee will meet at irregular intervals at the call of the STR or the Secretary and the Special Representative acting jointly depending on such factors as level of activity in the negotiations, the needs of the Secretary and the Special Representative, the nature and volume of reports required by statute of the Committee, as well as additional reports and advice that may be provided for the consideration of the Secretary and the Special Representative.

I. *Membership.* The Committee shall consist of approximately six members from the U.S. labor community, appointed by the Special Representative and the Secretary, acting jointly. Members will serve at the discretion of the Secretary and the Special Representative. A Chairman shall be elected by the members at the first meeting.

J. *The Committee's termination date.* After issuing its final report to the Congress, as soon as practical after January 3, 1980.

IV. *Other Charters.* The following committees will have charters substantially the same as above:

1. Labor Sector Advisory Committee on Textile, Apparel and Leather Products and Miscellaneous Manufacturing Industries

2. Labor Sector Advisory Committee on Food and Agricultural Products and Chemical, Plastic and Rubber Products

3. Labor Sector Advisory Committee on Services

4. Labor Sector Advisory Committee on Lumber, Wood and Paper Products, and Stone, Clay and Glass Products

5. Labor Sector Advisory Committee on Transportation Equipment and Primary and Fabricated Metal Products

Signed at Washington, D.C. on this 21st day of April 1975.

JOHN T. DUNLOP,
Secretary of Labor.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

[FR Doc.75-10929 Filed 4-25-75;8:45 am]

Wage and Hour Division

[Administrative Order No. 638]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wage Rates; Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

Committee No:	*Industry*
126	Metal, machinery, transportation equipment, and allied products; and electrical, instrument and related products industries in Puerto Rico.
127-A	Men's and boys' clothing and related products industry in Puerto Rico.
127-B	Hosiery Industry in Puerto Rico.
127-C	Leather, leather goods, and related products industry in Puerto Rico.
127-D	Gloves and mittens industry in Puerto Rico.
128-A	Women's and children's underwear and women's blouse industry in Puerto Rico.
128-B	Hankerchief, scarf and art linen industry in Puerto Rico.
128-C	Corsets, brassieres, and allied garments industry in Puerto Rico.
128-D	Children's dress and related products industry in Puerto Rico.
128-E	Women's outerwear, needlework, and miscellaneous fabricated textile products industry in Puerto Rico.
128-F	Sweater and knit swimwear industry in Puerto Rico.

2. These industries are defined as follows:

a. The metal, machinery, transportation equipment, and allied products industry in Puerto Rico is defined as follows: The mining and other extraction of metal ore and the processing of such ore into metal; the manufacture (including repair) of any product except furniture or part made chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment and ordnance: *Provided, however,* That the industry shall not include the production of any basic material other than metal; the further processing of any basic material other than metal except when done by an establishment producing from such material a product of this industry or sub-assembly of such product, and any activity included in the jewelry and miscellaneous products manufacturing industry, the electrical, instrument, and related products industry, or the furniture and fixtures and lumber and wood products industry as defined in the wage orders for those industries in Puerto Rico.

b. The electrical, instrument, and related products industry in Puerto Rico is defined as follows: The manufacture, assembling, and repair of machinery, apparatus, equipment, and supplies for the generation, storage, transmission, transformation, and utilization of electrical

energy; and the manufacture, assembly, and repair of instruments, lenses, apparatus, and equipment for scientific, professional, industrial measurement, photographic, ophthalmic, musical, and horological purposes: *Provided, however,* That the industry shall not include industrial and commercial machinery powered by electric motors; measuring-and-dispensing pumps; ophthalmic frames; or any activity included in the stone, clay and glass products and nonmetallic mining industry in Puerto Rico.

c. The men's and boys' clothing and related products industry in Puerto Rico is defined as follows: The manufacture from any material of men's and boys' clothing, funishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of handmade straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico; the military hats and caps industry in Puerto Rico; or in the women's and children's underwear and women's blouse industry in Puerto Rico.

d. The hosiery industry in Puerto Rico is defined as the manufacture and processing of hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

e. The leather, leather goods, and related products industry in Puerto Rico is defined as follows: The curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the women's outerwear, needlework, and miscellaneous fabricated textile products industry; the rubber footwear industry; the non-rubber footwear industry; the gloves and mittens industry; or the rubber and fabricated plastic products industry, as defined in the wage orders for those industries in Puerto Rico.

f. The gloves and mittens industry in Puerto Rico is defined as: The manufacture from any material of gloves and mittens made by knitting, crocheting, cutting, sewing, embroidering, or other processes: *Provided, however,* That the industry shall not include the manufacture of sport and athletic gloves and mitts, or the manufacture of rubber or molded plastic gloves and mittens.

g. The women's and children's underwear and women's blouse industry in Puerto Rico is defined as follows: The knitting or manufacture from woven or knit fabric, of women's, missess', girls', boys' size 6X or under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, and neckwear (including collar and cuff sets but excluding scarves); *Provided, however,* that the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

h. The handkerchief, scarf, and art linen industry in Puerto Rico is defined as follows: The manufacture of plain, scalloped, or ornamental handkerchiefs and scarves; the manufacture of art linen, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials; *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

i. The corsets, brassieres, and allied garments industry in Puerto Rico is defined as follows: The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

j. The children's dress and related products industry in Puerto Rico is defined as follows: The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, bibs, sportswear, and play apparel for infants three years of age or under; and clothing and accessories for dolls: *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embrodery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

k. The women's outerwear, needlework, and miscellaneous fabricated textile products industry in Puerto Rico is defined as follows:

The manufacture from any material of women's and girls' outerwear (except scarves, blouses, and girls' dresses) and all other apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the textile mill products industry; or any of the other apparel industries in Puerto Rico as defined in the wage orders for those industries in Puerto Rico.

l. The sweater and knit swimwear industry in Puerto Rico is defined as follows:

The manufacture of men's, women's, misses', boys' and girls' knit sweaters, sport shirts, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

a. Convene the above-appointed industry committees;

b. Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico.

c. Give notice of the hearings to be held by the several committees at the times and place indicated. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 126 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, July 7, 1975.

Industry Committee No. 127–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Tuesday, October 14, 1975.

Following this hearing Industry Committee No. 127–B will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 127–C will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 127–D will immediately convene to conduct its investigation and begin its public hearing.

Industry Committee No. 128–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Tuesday, October 28, 1975.

Following this hearing, Industry Committee No. 128–B will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 128–C will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing, Industry Committee No. 128–D will immediately convene to conducts its investigation and begin its public hearing.

Following this hearing, Industry Committee No. 128–E will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 128–F will immediately convene to conduct its investigation and begin its public hearing.

The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, P.R.

4. The rate or rates recommended by the committees shall not exceed the rates prescribed by section 6(a) of the Act, namely, $2.10 an hour for the period ending December 31, 1975, and $2.30 an hour after December 31, 1975, for those classifications covered before the Fair Labor Amendments of 1966; nor those rates prescribed by section 6(b) of the Act, namely, $2 an hour for the period ending December 31, 1975; $2.20 an hour during the year beginning January 1, 1976, nor $2.30 an hour after December 31, 1976, for those classifications brought under the Act by the Fair Labor Standards Amendments of 1966.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing i.e. June 27, 1975 for matters to be considered by Industry Committee 126; October 4, 1975 for matters to be considered by Industry Committees No. 127–A, 127–B, 127–C and 127–D; and October 18, 1975 for matters to be considered by Industry Committees No. 128–A, 128–B, 128–C, 128–D, 128–E and 128–F.

Signed at Washington, D.C., this 22nd day of April 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-10943 Filed 4-25-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

APRIL 21, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 8, 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 73165 (Sub-No. E48), filed May 20, 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 pipe, tubing, and fittings*, (1) from points in Texas to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, (2) from points in Texas on and southeast of a line beginning at Texarkana, thence along U.S. Highway 67 to Ft. Worth, thence along U.S. Highway 81 to the United States-Mexico border, to points in South Dakota, North Dakota, and Montana, (3) from points in Louisiana on and southeast of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 80 to Shreveport, thence along U.S. Highway 71 to Alexandria, thence along U.S. Highway 167 to Abbeville, thence along Vermillion River to the Gulf of Mexico, to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, and (4) from points in Louisiana, to points in South Dakota, North Dakota, and Montana. The purpose of this filing is to eliminate the gateway of Gilmer, Tex.

No. MC 73165 (Sub-No. E52), 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: *Cast iron pipe and pipe fittings*, except commodities which because of size or weight require special equipment, (1) from Coshocton, Ohio, to points in Mississippi (any point on the Tennessee River in Tennessee or Alabama*), (2) from Coshocton, Ohio, to points in Texas except those north of Interstate Highway 40 (Louisiana*), and (3) from Coshocton, Ohio, to points in Arizona and New Mexico on and south of Interstate Highway 40, and points in California on and south of U.S. Highway 50 (Shreveport, La., and Gilmer, Tex.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 76065 (Sub-No. E2), filed May 27, 1974. Applicant: EHRLICH-NEWMARK TRUCKING CO., 505–509 W. 37th St., New York, N.Y. 10018. Applicant's representative: Norman Weiss, 2 W. 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments;* (1) between Baltimore, Md., and points in Baltimore, Carroll, Frederick, Howard,

Montgomery, and Prince Georges Counties, Md., on the one hand, and, on the other, points in New Jersey on and north of New Jersey Highway 33 (points in Middlesex County, N.J.)*; (2) between the District of Columbia, on the one hand, and, on the other, points in New Jersey within the New York, N.Y., commercial zone (New York, N.Y.)*; (3) between Newport News and Richmond, Va., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the New York-New Jersey State line, thence along New Jersey Highway 284 to junction Sussex County Highway 565, thence along Sussex County Highway 565 to junction New Jersey Highway 15, thence along New Jersey Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 280, thence along Interstate Highway 280 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Business Highway 1, thence along U.S. Business Highway 1 to the Hudson River; and (4) from points in Delaware on and north of Delaware Highway 310 to Newport News, Portsmouth, and Richmond, Va. (Baltimore, Md.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 95540 (Sub-No. E662), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., N.E., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration (except in bulk) from those points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 116 to junction U.S. Highway 182, thence along U.S. Highway 182 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction Texas Highway 49, thence along Texas Highway 49 to junction Texas Highway 11, thence along Texas Highway 11 to junction County Road 125, thence along County Road 125 to the Texas-Louisiana State line, to those points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 95 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Florida.

No. MC 95540 (Sub-No. E822) (Correction), filed December 1, 1974, published in the FEDERAL REGISTER December 26, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome P. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from South Edmeston, N.Y., to those points in Tennessee on and south of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 411 to its junction with Tennessee Highway 39, thence along Tennessee Highway 39 to its junction with Tennessee Highway 30, thence along Tennessee Highway 30 to its junction with U.S. Highway 705, thence along U.S. Highway 705 to its junction with U.S. Highway 70N, thence along U.S. Highway 70N to its junction with Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga. The purpose of this correction is to correct the elimination point.

No. MC 106920 (Sub-No. E70) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 20, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 224 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Indiana-Michigan State line, thence along the Indiana-Michigan State line to Lake Michigan, thence along Lake Michigan to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 32, thence along Indiana 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line, thence along the Indiana-Ohio State line to the point of origin, to those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio. The purpose of this correction is to clarify the territorial destination points.

No. MC 107295 (Sub-No. E224), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 148, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, (1) from points in Alabama to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming, and points in that part of Texas in and west of Fannin, Collin, Dallas, Ellis, Hill, McLennan, Bell, Williamson, Travis, Hays, Comal, Bexar, Atascosa, McMullen, Duval, Jim Hogg, and Starr Counties (Pine Bluff, Ark.*); (2) from points in Alabama to points in Indiana, Iowa, Michigan, and points in that part of Ohio in and north of Hamilton, Warren, Clinton, Fayette, Pickaway, Fairfield, Perry, Muskingum, Guernsey, Harrison, Carroll and Columbiana Counties (points in Illinois*); (3) from points in Alabama to points in that part of New York in and north of Broome, Delaware, Schoharie, Albany, and Rensselaer Counties, and points in that part of Pennsylvania in and west of Fayette, Westmoreland, Indiana, Cambria, Blair, Centre, Union, Montour, Columbia, Luzerne, Lackawanna, and Susquehanna Counties (points in Illinois and Ohio*); and (4) from points in that part of Alabama in and west of Jacks, Marshall, Blount, Jefferson, Shelby, Chilton, Autauga, Dallas, Wilcox, Monroe, and Escambia Counties to points in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont (points in Illinois and Washington Court House, Ohio*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 107295 (Sub-No. E225), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building*, complete, knocked down or in sections, (1) from points in Mississippi to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, points in that part of Oklahoma in and west of Washington, Tulsa, Creek, Lincoln, Oklahoma, Grady, Comanche, and Tillman Counties, and points in that part of Texas in and west of Wilbarger, Knox, Stonewall, Fisher, Mitchell, Sterling, Reagan, Crockett, and Terrell Counties. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark.

No. MC 107403 (Sub-No. E98), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, (1) from points in New Jersey north of New Jersey Highway 33, to points in Alabama, Florida, Georgia, Louisiana, Missouri, North Carolina, Tennessee, and Virginia, and (2) from Camden, N.J., to points in Alabama,

Florida, Georgia, Louisiana, Maine, Missouri, North Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateways of Delaware City, Del., and Lower Pottsgrove Township, Pa.

No. MC 107403 (Sub-No. E99), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from Camden, Edgewater, Dundee, N.J., and points in New Jersey north of New Jersey Highway 33, to points in Arkansas, Iowa, Kansas, Nebraska, Oklahoma, and Missouri. The purpose of this filing is to eliminate the gateway of Johnstown and Pittsburgh, Pa., Circleville, Ohio.

No. MC 107403 (Sub-No. E588), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the facilities of National Cement at Ragland, Ala., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Longview, Ala.

No. MC 107403 (Sub-No. E591), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from those points in Pennsylvania, Ohio, Maryland and West Virginia which are within 150 miles of Monongahela, Pa., to points in Arkansas, Iowa, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateways of Circleville, Ohio and Pataskala, Ohio.

No. MC 107515 (Sub-No. E510), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, fresh and cured meats, frozen foods, and fresh fruits and vegetables*, from Memphis, Tenn., to points in North Carolina, those in Virginia on or east of U.S. Highway 52, and to Beckley, W. Va. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E511), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed yeast, dry yeast, malt syrups and dough enriching compounds*, in vehicles equipped with mechanical refrigeration, from Pekin, Ill., to South Carolina, and that portion of North Carolina on and east of a line beginning at the North Carolina State line on Interstate Highway 85 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E512), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ft. Dodge, Iowa, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Anniston, Ala., and Atlanta, Ga.

No. MC 109064 (Sub-No. E6) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 10, 1974. Applicant: TEX-O-KA-N TRANSPORTATION CO., INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, over irregular routes; (1) between points in that part of Texas on and east of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, Tex., on the one hand, and, on the other, points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to junction U.S. Highway 54, thence along U.S. Highway 54 to Tucumcari, N. Mex., thence along New Mexico Highway 18 to the Texas-New Mexico State line; New Mexico on and east of a line from the New Mexico-Oklahoma State line over New Mexico Highway 18 via Clayton, N. Mex., to junction New Mexico Highway 18 and U.S. Highway 54, thence along U.S. Highway 54 to Tucumcari, N. Mex., thence along New Mexico Highway 18 to Clovis, Portales, Lovington, and Hobbs, N. Mex., to the Texas-New Mexico State line;

(2) between Alvin, Tex., and Raton, N. Mex.; (3) between Baytown, Tex., on the one hand, and, on the other, Albuquerque, Farmington, Gallup, Las Vegas, Lordsburg, Los Alamos, Raton, Santa Fe, Socorro, and Tucumcari, N. Mex.; (4) between Cleveland, Deer Park, Clute, Pasadena, and Seabrook, Tex., on the one hand, and, on the other, Farmington, Gallup, and Raton, N. Mex.; (5) between Dayton, Tex., on the one hand, and, on the other, Albuquerque, Alamogordo, Farmington, Gallup, Las Cruces, Las Vegas, Lordsburg, Los Alamos, Raton, Santa Fe, Socorro, and Tucumcari, N. Mex.; (6) between Galveston, Tex., on the one hand, and, on the other, Albuquerque, Farmington, Gallup, Las Vegas, Lordsburg, Los Alamos, Raton, and Tucumcari, N. Mex.; (7) between Houston, Tex., and Farmington, N. Mex.; (8) between LaPorte, Tex., on the one hand, and, on the other, Albuquerque, Farmington, Gallup, Las Vegas, Lordsburg, Los Alamos, Raton, Santa Fe, and Tucumcari, N. Mex.; (9) between Texas City, Tex., on the one hand, and, on the other, Albuquerque, Farmington, Gallup, Las Vegas, Lordsburg, Los Alamos, Raton, and Tucumcari, N. Mex.; and (10) between points in Chambers, Jefferson, and Orange Counties, Tex., on the one hand, and, on the other, points in New Mexico. Restriction: The above operations are restricted to the transportation of traffic from or to actual oilfields. The purpose of this filing is to eliminate the gateway of points in Louisiana. The purpose of this correction is to correct the territorial descriptions.

No. MC 111320 (Sub-No. E1), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Massachusetts, on the one hand, and, on the other, points in that part of Ohio west of Ohio Highway 77. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E2), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maine, Massachusetts, New Hampshire and Vermont, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S.

Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E3), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maine, New Hampshire, Vermont, and Massachusetts, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E4), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E5), filed filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Rhode Island, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E6), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of Connecticut on, north, and east of a line beginning at the New York-Connecticut State line, thence along Interstate Highway 85 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to Long Island Sound, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E7), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles*, (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Pennsylvania on and north of a line beginning at Lake Erie, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E8), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 25E to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E9), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of Pennsylvania on and north of Interstate Highway 80, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E11), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Pennsylvania, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, (except from Cedar Rapids, Iowa), Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E12), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in New York, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa (except from Cedar Rapids, Iowa), Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E13), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on and east of Interstate Highway 77 on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E14), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 2 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Arkansas State line, thence along Missouri Highway 5 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri Iowa State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E15), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 14, thence along West Virginia Highway 14 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kansas and Iowa (except from Cedar Rapids, Iowa). The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E16), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on and east of U.S. Highway 250, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E17), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on and east of U.S. Highway 250, on the one hand, and, on the other, points in that part of Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 17 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E18), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in Colorado, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E19), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway or truckaway service, between points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 19 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E20), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 21 to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E21), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 256, thence along New York Highway 256 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E22), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario and on and north of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 6 to the New York-Connecticut State line, on the one hand, and, on the other, points

in that part of Tennessee on and north of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 11W to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E24), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E25), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E26), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, and on and north of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 6 to the New York-Connecticut State line, on the one hand, and, on the other, points in that part of West Virginia on and south of West Virginia Highway 7. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E27), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on, north, and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to Lake Erie, and, on and north of a line beginning at Hale Eddy, N.Y., thence along New York Highway 17 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E28), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New York on, east, and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E29), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of Vermont on and north of U.S. Highway 4, on the one hand, and, on the other, points in that part of Maryland on and west of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to Sparrows Point, Md. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E30), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, and on and north of a line beginning at the New York-New Jersey State line, thence along Interstate Highway 84 to the New York-Connecticut State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E52), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 69 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E53), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at Lake Erie, thence along

U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E54), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on, north, east of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to the Michigan-Ohio State line, on the one hand, and, on the other, points in that part of Mississippi on and north of a line beginning at the Mississippi-Arkansas State line, thence along an imaginary line directly east to Clarksdale, Miss., thence along Mississippi Highway 6 to junction U.S. Highway 76, thence along U.S. Highway 76 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E55), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Illinois-Missouri State line, thence along Missouri Highway 19 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E56), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Iowa, except from or to Cedar Rapids, Iowa. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E57), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 60, thence along Ohio Highway 60 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E58), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 224 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E59), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E60), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on, west, and north of a line beginning at Lake Erie, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 60 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 Lorain, Ohio.

No. MC 111320 (Sub-No. E61), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Selfpropelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to Lake Erie, on the one hand, and, on the other, points in that part of Tennessee on and south of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E67), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road build-or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Connecticut, New Jersey and Rhode Island, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E68), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles, and other types of motor vehicles*, (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New Jersey on and north of New Jersey Highway 33 on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E69), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles*, (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Delaware and Maryland, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E71), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Connecticut and Rhode Island, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E72), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Connecticut on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E74), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Maine, on the one hand, and, on the other, points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E79), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New Hampshire, on the one hand, and, on the other, points in that part of Virginia on and west of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 17 to junction U.S. Highway 340, thence along U.S. Highway 340 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E80), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Vermont, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E81), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Maine, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E82), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of Massachusetts, on and north of Interstate Highway 90, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E83), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New Hampshire, on the one hand, and, on the other, points in that part of Pennsylvania on and west of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E84), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Vermont, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E85), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveway and truckaway service, between points in that part of Maine on and north of a line beginning at the Maine-New Hampshire State line, thence along U.S. Highway 2 to junction Maine Highway 9, thence along Maine Highway 9 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in that part of Maryland on and west of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the District of Columbia. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E86), filed May 31, 1974. Applicant: KEEN TRANS-44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, or other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New Hampshire, on the one hand, and, on the other, points in that part of Maryland on and west of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the District of Columbia. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E87), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Maine, Massachusetts, New Hampshire, Vermont, on the one hand, and, on the other Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E89), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Connecticut and Rhode Island, on the one hand, and, on the other, points in that part of Tennessee on and west of U.S. Highway 127. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E90), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Connecticut, New Jersey, Rhode Island, Maryland, and Delaware, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E91), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Connecticut, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-West Virginia State line, thence along U.S. Highway 23 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E92), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maryland, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E93), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in New Jersey, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E94), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Connecticut, on the one hand, and, on the

other, points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Interstate Highway 271 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 139, thence along Ohio Highway 13 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 139, thence along Ohio Highway 139 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E95), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Rhode Island, on the one hand, and, on the other, points in that part of Ohio on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E96), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Kentucky, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E97), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Delaware, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E98), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maryland, on the one hand, and, on the other, points in that part of Ohio on, west, and north of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 98, thence along Ohio Highway 98 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E111), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Virginia north and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in that part of Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 28 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E112), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Virginia, on the one hand, and, on the other, points in Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Colorado. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E113), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in Arizona, California, Utah, Idaho, Montana, Nevada, Oregon, and Washington, to points in Ohio. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E114), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregualr routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in New Mexico, to points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111956 (Sub-No. E26) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 14, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105-15 Fayette Street, Washington, Penn. 15219. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from points in Allegheny, Fayette, Greene, and Washington Counties, Pa., to points in Delaware, New Jersey (except points in Ocean and Monmouth Counties and points in those parts of Mercer, Middlesex, Union and Essex Counties on and south of U.S. Highway 1), New York, Indiana, and the Lower Peninsula of Michigan, and *Materials and Supplies* (except commodities in bulk) used in the production, sale, distribution and transportation of paper partitions, from points in Delaware, New Jersey (except points in Ocean and Monmouth Counties and points in those parts of Mercer, Middlesex, Union and Essex Counties on and south of U.S. Highway 1), New York, Indiana, and the Lower Peninsula of Michigan, to points in Allegheny, Fayette, Greene and Washington Counties, Pa. The purpose of this filing is to eliminate the gateway of Donora, Pa. The purpose of this filing is to correct the territorial destinations.

No. MC 112617 (Sub-No. E118), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., and points in Marshall

County, Ky., within 5 miles thereof, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn., and Doe Run, Ky.

No. MC 112822 (Sub-No. E119), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Tulsa, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions*, in bulk, in tank vehicles, and *dry urea fertilizer*, and *dry ammonium nitrate fertilizer*, in bulk, and in bags, from the plant site of Cominco American Incorporated, about six miles northwest of Beatrice, Nebr., to points in Arkansas, Kentucky, Louisiana, Mississippi, Tennessee, and those in Texas east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the plant site of Solar Nitrogen Chemicals, Inc., at or near Atlas, Mo.

No. MC 112822 (Sub-No. E120), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Arkansas and Iowa, and those in Nebraska north and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 30 to junction U.S. Highway 281 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateways of the plant site of Chevron Chemical Co., at or near Sugar Creek, Mo.

No. MC 112822 (Sub-No. E122), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* derived from petroleum from those points in Missouri south of U.S. Highway 36, and west of a line beginning at Macon, Mo., and extending along U.S. Highway 63 to Jefferson City, Mo., thence along U.S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U.S. Highway 66 to Springfield, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in Nebraska and those in Kansas on and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Leavenworth, Kans.

No. MC 112822 (Sub-No. E124), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Cominco American, Inc., about six miles northwest of Beatrice, Nebr., to points in Indiana, Michigan, and Illinois (except those in Carroll, Stephenson, and Jo Daviess Counties). The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E131), filed May 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Illinois, Indiana, Michigan, and those in Wisconsin east of a line beginning at Lake Superior and extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E132), filed May 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company, located at or near Hoag, Nebr., to points in Indiana and Illinois (except those in Rock Island and Mercer Counties), and those in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company, at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E136), filed May 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia, liquid ammonium nitrate, liquid urea, liquid nitrate acid, liquid sulphuric acid, and liquid fertilizer solutions*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Illinois, Indiana, and Michigan, and those in Wisconsin east of a line beginning at Lake Superior and extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company, at South River (Marion County), Mo.

No. MC 114019 (Sub-No. E212) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, lanterns, lamp burners, metal tubes, and bottle caps*, (1) from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, to points in Pennsylvania, on and east of U.S. Highway 219 to its junction with Interstate Highway 80 and points on and south of Interstate Highway 80 to the Pennsylvania-Ohio border; (2) from points in West Virginia on and east of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 18 to junction U.S. Highway 33 to the West Virginia-Virginia State line and Ashland and Louisville, Ky. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio. The purpose of this correction is to redescribe the territorial destinations.

No. MC 114211 (Sub-No. E1252), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled* farm machinery and parts thereof, from points in North Dakota points in that part of Minnesota located on and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, thence along Iowa Highway 9

to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line to points in New York, Massachusetts, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1253), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural and parts thereof*, from points in that part of Colorado located on and south of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 287 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, thence along the Colorado-Kansas State line to junction Colorado Highway 96, thence along Colorado Highway 96 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, and points in that part of Kansas located on and west of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 36 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction Kansas Highway 96, thence along Kansas Highway 96 to points in New York, Massachusetts, Connecticut, points in that part of Pennsylvania located on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 321.

Thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 248, thence along Pennsylvania Highway 248 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line, and points in that part of New Jersey located on and north of a line beginning at the Pennsylvania-New Jersey State line, thence along Interstate Highway 78 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 35, thence along New Jersey Highway 35 to junction New Jersey Highway 36, thence along New Jersey Highway 36 to Highland Beach, N.J., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1254), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, and finishing machinery* (except self-propelled motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), *equipment* designed for use in conjunction with the above (except tank semitrailers and hod buggies), and *parts* and *attachments* (except hod buggies), for the foregoing, from points in Washington, Oregon, Idaho, Montana, points in North Dakota located on and west of a line beginning at the United States-Canada International Boundary line, thence along North Dakota Highway 1 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 11, thence along North Dakota Highway 11 to junction North Dakota Highway 55, thence along North Dakota Highway 55 to the North Dakota-Minnesota State line, points in that part of South Dakota located on and west of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 16 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line, points in that part of Nebraska located on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385.

Thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Wyoming State line, points in that part of Wyoming located on and north of a line beginning at the Nebraska-Wyoming State line, thence along Interstate Highway 80 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line, points in that part of Utah located on and west of a line beginning at the Wyoming-Utah State line, thence along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, points in that part of Nevada located on and north of a line beginning at the Arizona-Nevada State line, thence along U.S. Highway 91 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line, and points in that part of California located on and north of a line beginning at the Nevada-California State line, thence along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 91, thence along California Highway 91 to junction California Highway 55, thence along California Highway 55 to Newport Beach, Calif., to points in New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, and Virginia, restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1255), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, and finishing machinery* (except self-propelled sweepers, those motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and commodities moving in driveaway service), *equipment* designed for use in conjunction with the above (except tank semitrailers and hod buggies), for the foregoing commodities, from points in Washington, Oregon, California, Idaho, Nevada, Utah, Montana, Wyoming, points in that part of North Dakota located on and west of a line beginning at the United States-Canada International Boundary line, thence along North Dakota Highway 1 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 11, thence along North Dakota Highway 11 to junction North Dakota Highway 55, thence along North Dakota Highway 55 to the North Dakota-Minnesota State line, points in that part of South Dakota located on and west of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 16 to junction Interstate

Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line, points in that part of Nebraska located on and north and west of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 61, thence along Nebraska Highway 61, to junction Interstate Highway 80.

Thence along Interstate Highway 80 to junction Interstate Highway 80S, thence along Interstate Highway 80S to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nebraska-Colorado State line, points in that part of Colorado located on and north and west of a line beginning at the Nebraska-Colorado State line, thence along Interstate Highway 80S to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, and points in that part of Arizona located on and north and east of a line beginning at the New Mexico-Arizona State line, thence along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Arizona Highway 79, thence along Arizona Highway 79 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line, to points in that part of Virginia located on and north of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 60, thence along U.S. Highway 60 to Virginia Beach, Va., and points in New York, Pennsylvania, Massachusetts, Connecticut, Delaware, and Rhode Island, restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1256), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment* (except self-propelled sweepers, those motor vehicles as defined in section 203 (a) (13) of the Interstate Commerce Act and commodities moving in driveaway service), *equipment* designed for use in conjunction with the above (except tank trailers and hod buggies), from points in South Dakota, points in that part of Minnesota located on and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, points in that part of Iowa located on and north and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 281 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line, points in that part of Nebraska located on and north and west of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction U.S. Highway 83.

Thence along U.S. Highway 83 to the Nebraska-Kansas State line, points in that part of Kansas located on and north and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 83 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line and points in that part of Colorado located on and north and west of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Colorado Highway 96, thence along Colorado Highway 96 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line to points in New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, points in that part of Pennsylvania located on and north and east of a line beginning at the Ohio-Pennsylvania State line, thence along Pennsylvania Highway 68 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, and points in that part of Virginia located on and east of a line beginning at the West Virginia-Virginia State line, thence along Virginia Highway 127 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Virginia Highway 30, thence along Virginia Highway 30 to junction Virginia Highway 33, thence along Virginia Highway 33 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 60, thence along U.S. Highway 60 to Virginia Beach, Va., restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1257), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, roadmaking machinery, and contractors' equipment* (except self-propelled sweepers, those motor vehicles as defined in Section 203(a) (13) of the Interstate Commerce Act and commodities moving in driveaway service), *equipment* designed for use in conjunction with the above (except tank trailers and hod buggies), from points in South Dakota, points in that part of Iowa located on and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 281 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line, points in that part of Minnesota located on and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, and points in that part of Nebraska located on and north of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence

along U.S. Highway 26 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Wyoming State line, to points in New York, Massachusetts, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1258), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self propelled-farm machinery and parts thereof* (except those commodities which because of size or weight requires the use of special equipment), from points in Wyoming to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and points in that part of Virginia located on and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 52 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in South Dakota, Nassau, Minn., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1259), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except those commodities which because of size or weight, require the use of special equipment), from points in that part of Nebraska located on, north, and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 281 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line to points in New York, Pennsylvania, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateways of points in South Dakota, Nassau, Minn., and Minneapolis, Minn.

No. MC 114211 (Sub-No. 1260), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except those commodities which because of size or weight, require the use of special equipment), from points in that part of South Dakota located on and north of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line to points in New York, Pennsylvania, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateway of Nassau, Minn., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1261), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except commodities requiring special equipment), from Omaha, Nebr., to points in Massachusetts and Connecticut. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1262), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, contractors' equipment and supplies*, from Omaha, Nebr., to points in Massachusetts and Connecticut. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1263), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Garden City, Kans., to points in Massachusetts, points in that part of Connecticut located on and east of a line beginning at the New York-Connecticut State line, thence along Interstate Highway 84 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Connecticut Highway 58, thence along Connecticut Highway 58 to Bridgeport, Conn., and points in that part of New York on and east of a line beginning at Sodus Point, N.Y., thence along New York Highway 14 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to junction New York Highway 97, thence along New York Highway 97 to junction New York Highway 52, thence along New York Highway 52 to junction Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line, restricted against transportation to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1264), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except those commodities which because of size or weight requires the use of special equipment, from points in that part of Nebraska located on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Nebraska Highway 44, thence along Nebraska Highway 44 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 25, thence along Nebraska Highway 25 to the Nebraska-Kansas State line to points in Massachusetts, Rhode Island, Connecticut, points in that part of New York located on and west of a line beginning at Ogdenburg, N.Y., thence along New York Highway 68 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 30, thence along New York Highway 30 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction U.S. Highway 209, thence along U.S. Highway 209 to the New York-Pennsylvania State line, and points in that part of New Jersey located on and east of a line beginning at the New York-New Jersey State line, thence along New Jersey Highway 32 to junction New Jersey Highway 94, thence along New Jersey Highway 94 to junction US. Highway 206, thence along U.S. Highway 206 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction New Jersey Turnpike, thence along New Jersey Turnpike to junction Atlantic City Expressway, thence along Atlantic City Expressway to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to Cape May, N.J. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., Council Bluffs, Iowa, and Minneapolis, Minn.

No. MC 114457 (Sub-No. E97), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods containers*, from points in Illinois, Indiana, Michigan and Wisconsin, to

points in Montana, North Dakota and points in South Dakota except points in Buffalo, Jerauld, Sanborn, Miner Lake, Moody, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Gregory, Charles Mix, Douglas, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties, S. Dak. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E98), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned good containers* and *container closures*, from points in Lake and Will Counties, Ill., to points in Montana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E102), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from points in Minnesota to points in West Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114457 (Sub-No. E103), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in North Dakota, to points in that part of Wisconsin in and south of Price, Rusk, Barron, St. Croix, Vilas, Forest, Florence, and Marinette Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E104), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in Illinois to points in South Dakota, except points in McCook, Minnehaha, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E105), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies used by a canning factory*, from points in that part of Wisconsin in and north of Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown and Kewaunee Counties, to points in that part of Kansas in and west of Nemaha, Jackson, Shawnee, Wabaunsee, Lyon, Greenwood, Elk, and Chautauqua Counties. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E106), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Illinois in and south of Whiteside, Ogle, DeKalb, Kane, and Cook Counties, to points in Polk, Burnett, and Douglas Counties, Wis. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E107), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Montana in and north of Mineral, Missoula, Flathead, Teton, Cascade, Judith Basin, Fergus, Petroleum, Garfield, Prairie, and Wibaux Counties, to points in that part of Kansas in and east of Nemaha, Jackson, Shawnee, Osage, Lyon, Greenwood, Elk, and Chautauqua Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E108), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories*, and *materials and supplies used by a canning factory*, from points in that part of Wisconsin in and south of Vilas, Price, Rusk, Barron and St. Croix Counties, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E109), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of South Dakota in and north of Grant, Codington, Hamlin, Clark, Beadle, Hand, Hyde, Hughes, Stanley, Haakon, Jackson, and Pennington Counties, to points in that part of Iowa in and east of Howard, Chickasaw, Bremer, Black Hawk, Benton, Iowa, Keokuk, Jefferson, and Van Buren Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E110), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Iowa in and west of Worth, Cerro Gordo, Franklin, Hardin, Marshall, Jasper, Marion, Lucas, and Wayne Counties to points in that part of Wisconsin in and north of St. Croix, Dunn, Eau Claire, Clark, Marathon, Shawano, Oconto, and Door Counties. The purpose of this filing is eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E111), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories*, and *materials and supplies used by a canning factory* from points in Minnesota, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC 114457 (Sub-No. E129), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in Missouri, except points in Atchison County, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E130), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Wisconsin in and west of Pierce, St. Croix, Barron, Sawyer, and Ashland Counties, to points in Missouri. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E131), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuff*, from points in that part of Iowa in and east of Howard, Chickasaw, Bremer, Black Hawk, Benton, Iowa, Washington, Jefferson, and Van Buren Counties, to points in that part of South Dakota in and north of Grant, Codington, Clark, Beadle, Hand, Hyde, Hughes, Stanley, Haakon, and Pennington Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11063 Filed 4-25-75;8:45 am]

[Notice No. 751]

ASSIGNMENT OF HEARINGS

APRIL 23, 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 95540 Sub 916, Watkins Motor Lines, Inc., now being assigned July 15, 1975 (2 days) at Chicago, Ill. in a hearing room to be later designated.

MC 107496 Sub 975, Ruan Transport Corporation, now being assigned July 17, 1975 (2 days) at Chicago, Ill. in a hearing room to be later designated.

MC 95876 Sub 159, Anderson Trucking Service, Inc., now being assigned July 21, 1975 (1 week) at Chicago, Ill. in a hearing room to be later designated.

MC 14702 Sub 66, Ohio Fast Freight, Inc., now being assigned hearing July 8, 1975 (1 day) at Columbus, Ohio; in a hearng room to be desgnated later.

MC-C-8339, Quick Air Freight, Inc., Et Al.-v-Mt. Vernon Aviation, now being assigned continued hearing July 9, 1975 (3 days) at Columbus, Ohio; in a hearing room to be designated later.

MC-F-12090, Cedar Rapids Steel Transportation, Inc.—Purchase—The Kinnison Trucking Company; MC 114273 Sub 158, Cedar Rapids Steel Transportation, Inc. and MC 114273 Sub 228, Cedar Rapids Steel Transportation, Inc., now being assigned continued hearing July 14, 1975 (1 week) at Columbus, Ohio; in a hearing room to be designated later.

MC 110683 Sub 101, Smith's Transfer Corporation, now being assigned July 7, 1975 (1 week) at Madison, Wisconsin, in a hearing room to be later designated.

MC 113855 Sub 298, International Transport, Inc., now being assigned July 15, 1975 (2 days), at San Francisco, California; in a hearing room to be designated later.

MC 139974, Louie Austin, dba Austin Truck Service, now being assigned July 17, 1975 (2 days), at San Francisco, California; in a hearing room to be designated later.

MC 139134 Sub 2, Kennedy Motors, Inc., now being assigned July 21, 1975 (2 days), at Seattle, Washington; in a hearing room to be designated later.

MC 135519 Sub 5, Anthony G. Ayala, dba Queen City Trucking, now being assigned July 23, 1975 (3 days), at Seattle, Washington; in a hearing room to be designated later.

MC 52858 Sub 112, Convoy Company, now being assigned July 28, 1975 (1 week), at Anchorage, Alaska; in a hearing room to be designated later.

MC-C-8523, Mexicoach, Inc. V. Greyhound Lines, Inc., Et Al, now being assigned July 15, 1975 (2 days) at Los Angeles, Ca.; in a hearing room to be designated later.

MC 74321 Sub 109, B. F. Walker, Inc., now being assigned July 17, 1975 (1 day) at Los Angeles, Ca.; in a hearing room to be designated later.

MC 139425 Sub 1, Harold E. Rich, now being assigned July 18, 1975 (1 day) at Los Angeles, Ca.; in a hearing room to be designated later.

MC 72243 Sub 48, The Aetna Freight Lines, Incorporated; MC 106497 Sub 104, Parkhill Truck Company and MC 113855 Sub 304, International Transport, Inc., now being assigned July 21, 1975 (3 days) at Denver, Colorado; in a hearing room to be designated later.

MC 113459 Sub 91, H. J. Jeffries Truck Line, Inc., now being assigned July 24, 1975 (2 days) at Denver, Colorado; in a hearing room to be designated later.

MC-F-12303, Dudley's Transcontinental Movers, Inc., Et Al—Purchase—Trans-World Movers, Inc.; MC 564 Sub 11, Dudley's Transcontinental Movers and MC 112070 Sub 10, Gray Moving & Storage, Inc., now being assigned July 28, 1975 (1 week) at Denver, Colorado; in a hearing room to be designated later.

MC 95876 Sub 140, Anderson Trucking Service, Inc., MC 107456 Sub 20, Harry L. Young & Sons, Inc., MC 108119 Sub 40, E. L. Murphy Trucking Co., MC 113855 Sub 258, International Transport, Inc., MC 123407 Sub 134, Sawyer Transport, Inc., and MC 123681 Sub 24, Widing Transportation, Inc., continued to June 9, 1975 (2 weeks), at the LaSalle Hotel, 10 N. LaSalle St., Chicago, Ill.

MC 109397 Sub 306, Tristate Motor Transit Co., MC 111397 Sub 109, Davis Transport, Inc., 11977 Sub 309, Ligon Specialized Hauler, Inc., and MC 126899 Sub 80, Usher Transport, Inc., now being assigned July 22, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Ex Parte No. 308, Valuation of Common Carrier Pipelines, now being assigned June 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Valuation Docket No. 1423, Williams Brothers Pipe Line Company (1971, 1972, 1973 Reports), now being assigned June 3, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11067 Filed 4-25-75;8:45 am]

[Notice No. 275]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 28, 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 C.F.R. 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 19, 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-75603. By order of April 8, 1975, the Motor Carrier Board approved the transfer to Jerry Steward Trucking, Inc., Cedar Falls, Iowa, of that portion of the operating rights in Certificate No. MC 117815 (Sub-No. 2) issued May 25, 1961, authorizing the transportation of animal and poultry feed and animal and poultry feed ingredients, between Des Moines, Iowa, and points within two miles thereof, on the one hand, and, on the other, points in Wisconsin; animal and poultry feed, from Des Moines, Iowa, to points in Illinois, Minnesota, Nebraska, Missouri, and South Dakota; and feed ingredients and rejected shipments of animal and poultry feed, from points in Illinois, Minnesota, Nebraska, and South Dakota, to Des Moines, Iowa. Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC-FC-75631. By order of April 11, 1975, the Motor Carrier Board approved the transfer to Lyle Bros., Inc., Duluth, Minn., of the operating rights in Certificates Nos. MC 116078, MC 116078 (Sub-No. 1), and MC 116078 (Sub-No. 2) issued November 8, 1957, December 26, 1961, and June 13, 1967, to William J. Lyle and John Lyle, a partnership, doing business as Lyle Brothers Auto Parts Company, Duluth, Minn., authorizing the transportation of wrecked or disabled motor vehicles and tractors for replacement thereof, in truckaway service, between Duluth, Minn., and points in Cook, Lake, St. Louis, Carlton, Aitkin, and Itasca Counties, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, North Dakota, and Wisconsin. Robert E. Toftey, 700 Lonsdale Building, Duluth, Minn. 55802, attorney for applicants.

No. MC-FC-75739. By order of April 11, 1975, the Motor Carrier Board approved the transfer to Tony Carna, Jr., doing business as T. C. Trucking, Edinburg, Pa., of the operating rights in Certificate No. MC 135323 issued December 2, 1971, to M & M Trucking Co., a corporation, Bessemer, Pa., authorizing the transportation of dry cement, between points in Ohio, restricted to the transportation of traffic having an immediately prior movement by rail; and cement, from Bessemer, Pa., to points in Ohio, and from points in Lake County, Ohio, to points in Indiana and those in described areas of New York, West Virginia, and Kentucky. Samuel P. Delisi, 530 Grant Building, Pittsburgh, Pa. 15219 and John A. Pillar, 1122 Frick Building, Pittsburgh, Pa. 15219, attorneys for applicants.

No. MC-FC-75741. By order of April 11, 1975, the Motor Carrier Board approved

the transfer to Hostetter Hauling, Inc., Lancaster, Pa., of the operating rights in Certificate No. MC 128954 issued January 15, 1968, to Ezra Melvin Hostetter and Nelson M. Hostetter, a partnership, doing business as Hostetter's Hauling, Lancaster, Pa., authorizing the transportation of livestock, other than ordinary (except horses), and personal effects of their attendants, and supplies and equipment used in the care and exhibition of such animals, between points in Pennsylvania, Maryland, New York, Virginia, West Virginia, Ohio, New Jersey, Delaware, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii). John W. Frame, Registered Practitioner, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011, representative for applicants.

No. MC-FC-75742. By order of April 11, 1975, the Motor Carrier Board approved the transfer to Jacob B. Brunner, doing business as Brunner Truck Lines, Hiawatha, Kans., of the operating rights in Certificate No. MC 10495 issued September 18, 1974, to Amos G. Goslin, doing business as Kickapoo Trucking, Horton, Kans., authorizing the transportation of livestock, agricultural commodities, feed, farm machinery and parts, petroleum products, in containers, and numerous other specified commodities, to and from, and between, named points in Kansas and Missouri. Samuel Schuetz, 103 South Sixth, Hiawatha, Kans. 66434, attorney for applicants.

No. MC-FC-75753. By order entered April 7, 1975 the Motor Carrier Board approved the transfer to Fink's Fast Freight, Inc., Millersville, Pa., of Certificate of Registration No. MC-121327 (Sub-No. 1), issued July 10, 1974, to Roderick G. Dahlhammer, York, Pa., evidencing a right to engage in transportation in interstate or foreign commerce, of property between State Hill and Graybill, York County, Pa. James D. Campbell, Jr. Six N. Third, P.O. Box 361, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-75764, By order of April 17, 1975 the Motor Carrier Board approved the transfer to Dale E. Johnson, Wayne, Nebr., of the operating rights in Permit No. MC 134041 (Sub-No. 2) issued November 10, 1970 to Wayne Motor Express, Inc., Wayne, Nebr., authorizing the transportation of prefabricated buildings from Wayne, Nebr. to points in South Dakota and described portions of Minnesota and Iowa. John V. Addison, Wayne, Nebr., 68787, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-11065 Filed 4-25-75;8:45 am]

[Notice No. 46]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 23, 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 provide for under the new rules of Ex Parte No. MC 67, (49 C.F.R. 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 52460 (Sub-No. 171TA), filed April 11, 1975. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, in containers, from Memphis, Tenn., to points in Chillicothe, Mo., for 180 days. Supporting shipper: Leonard Distributing Company, Bernie B. Leonard, Owner, 100 Elm Street, Chillicothe, Mo. 64601. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 52460 (Sub-No. 172TA), filed April 16, 1975. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Kansas, restricted to traffic originating at/and destined to named points, for 180 days. Supporting shipper: H. L. Dennison, GTM, Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Marie Spillars, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 114569 (Sub-No. 120TA), filed April 16, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Champaign, Ill., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Kraft Foods Division of Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Robert P. Ameine, District Supervisor, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 124813 (Sub-No. 128TA), filed April 15, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal, bone meal, blood meal, and tankage* (1) from Cedar Rapids, Clinton, and Des Moines, Iowa, to points in Illinois and Missouri and (2) from Lynn Center, Rochelle, Mason City, and East St. Louis, Ill., to points in Iowa and Missouri, for 180 days. Supporting shipper: American Commodity Corporation, P.O. Box 699, Marshall, Mo. 65340. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 135797 (Sub-No. 38TA), filed April 15, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods, and recreational equipment*, from the plantsite and warehouse facilities of Gym-Dandy, Inc., Bossier City, La., to points in Arkansas (except Little Rock, Ark.), Iowa, Kansas, Mississippi, and Oklahoma, for 180 days. Supporting shipper: Gym-Dandy, Inc., P.O. Box 5637, Bossier City, La. 71010. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136008 (Sub-No. 53TA), filed April 11, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1559, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk, in tank vehicles), from the N.C.R. Association Refinery at

McPherson, Kans., and the Derby Refinery at Wichita, Kans., and the C.R.A. Inc. Refinery at Coffeyville, Kans., to the plantsite of Great Lakes Carbon Corp., near Kremlin, Okla., for 180 days. Supporting shipper: Great Lakes Carbon Corp., George R. Gunter, V.P. & Director of Transportation, 299 Park Avenue, New York, N.Y. 10017. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136220 (Sub-No. 17TA), filed April 11, 1975. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 N.E. Woodland, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk, in tank vehicles), from the N.C.R. Association Refinery at McPherson, Kans., and the Derby Refinery at Witchita, Kans., and the C.R.A., Inc., Refinery at Coffeyville, Kans., to the plantsite of Great Lakes Carbon Corp., near Kremlin, Okla., for 180 days. Supporting shipper: Great Lakes Carbon Corp., George R. Gunter, V. P. & Director of Transportation, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 139078 (Sub-No. 1TA), filed April 8, 1975. Applicant: MIDCOAST TRUCKING, 107 Roosevelt Avenue, Belleville, N.J. 07019. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products*, from Totowa, N.J., to points in Chicago, Ill.; *Ingredients and containers* used in the manufacture and transportation of fresh bakery products, from Chicago, Ill., to points Totowa, N.J., for 150 days. Supporting shipper: S. B. Thomas, Inc., 930 N. Riverview Drive, Totowa, N.J. 07512. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139849 (Sub-No. 1TA), filed April 16, 1975. Applicant: ACTIVE TRUCK LINE, INC., 15666 Slover Avenue, Fontana, Calif. 92335. Applicant's representative: Milton White (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel, structures* knock down and or assembled, not complete and or completed, some of which by reason of size or weight may require special handling and or equipment, from the facilities of Duncan Fabricators, Bloomington, Calif., to job sites at Kremmling and Yoakum Counties, Colo., and Tucson, Rillitio, Maricopa, Globe, Ajo, Clarkdale and Phoenix, Ariz., for 180 days. Supporting shipper: Duncan Fabricators, Inc., 10365 Allen Street, Bloomington, Calif. 92316. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commision, Room 1312 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139935 (Sub-No. 2TA), filed April 15, 1975. Applicant: WOLF TRUCKING, INC., Ault, Colo. 80610. Applicant's representative: Robert C. Burroughs, 115 Second Avenue, Ault, Colo. 80610. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, green and salted, sheep and cattle skins only*, from Torrington, Wyo., to points in Dallas, Laredo, Amarillo, and Houston, Tex.; Oakland, Calif., and Long Beach, Calif., for 90 days. Supporting shipper: John Rueb Associates, Inc., doing business as Bi-Pro Co., Bi-Pro Co., Torrington, Wyo. 82240. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 140301 (Sub-No. 2TA), filed April 15, 1975. Applicant: EMORY SHUPE, doing business as SHUPE TRUCKING, 24 Montvale Road, Newark, Del. 19711. Applicant's representative: Samuel H. Lewis, 1226 King Street, Wilmington, Del. 19801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel drums, plastic containers and fibre drums*, from points in Delaware, to points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Maryland, Virginia, Rhode Island, Kentucky, Georgia, Tennessee, Ohio, and Michigan, for 180 days. Supporting shipper: Container Corporation of America, 5000 Flat Rock Road, Philadelphia, Pa. 19127. Send protests to: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 140739 (Sub-No. 1TA), filed April 11, 1975. Applicant: HUNSAKER OVERLAND TRANSIT, INC., doing business as H.O.T. LINES, INC., P.O. Box 11683, Phoenix, Ariz. 85061. Applicant's representative: Harold E. Mesirow, 1225 19th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cable, electric, brass, bronze or copper*, from Phoenix, Ariz., to points in the United States, for 180 days. Supporting shippers: Continental Copper & Steel Industries, CCS/Hatfield Wire & Cable Group, 12 Commerce Drive, Cranford, N.J. Tomes Wire & Cable Co., 4645 W. Van Buren, Phoenix, Ariz. Send Protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No., MC 140763 (Sub-No. 1TA) (Correction), filed April 7, 1975, published in the FEDERAL REGISTER issue of April 18, 1975, and republished as corrected this issue. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, processed, or dealt in by rubber product manufacturers and supplies incident to the conduct of such business* (except commodities in bulk), between the plantsite of The B. F. Goodrich Company at Oneida, Tenn., and the warehouse sites of The B. F. Goodrich Company at Columbus, Ohio, under continuing contract with The B. F. Goodrich Company, Akron, Ohio, for 180 days. Supporting shipper: The B. F. Goodrich Company, 500 South Main St., Akron, Ohio 44318. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 Federal Bldg., 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to correct the territorial description.

No. MC 140848 TA, filed April 14, 1975. Applicant: ELMER E. FRIESEN AND VIRGINIA M. FRIESEN, doing business as ELMER E. FRIESEN, Box 354, Mountain Lake, Minn. 56159. Applicant's representative: F. H. Kroger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and mortar mixing machines, hydraulic cylinders, pumps, and parts for and components of such commodities*, between Mountain Lake and Burnsville, Minn., on the one hand, and, on the other, ports of entry on the United States-Canada Boundary at Noyes, Minn., and Pembina, N. Dak., and thence to or from Winnipeg, Manitoba, Canada; *Foundry core compounds, foundry molding sand treating compounds, foundry cupola patching compounds and silicon briquetts*, (except in bulk, in tank vehicles), from Minneapolis, Minn., to ports of entry on the United States-Canada Boundary at Noyes, Minn., and Pembina, N. Dak., and thence to Winnipeg, Manitoba, Canada, for 180 days. Supporting shipper: Monark Industries, Incorporated, P.O. Box 429, Winnipeg R3C 3E4 Manitoba, Canada. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11064 Filed 4-25-75;8:45 am]

[Notice No. 274]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 28, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-75815. By application filed April 16, 1975, SEVERANCE MOVING & TRUCKING CO., INC., 7 Walnut Hill Park, Woburn, MA 01801, seeks temporary authority to lease the operating rights of MUNROE AND ARNOLD-MERRITT EXPRESS, INC., P.O. Box 510, Salem, MA 01970, under section 210a (b). The transfer to SEVERANCE MOVING & TRUCKING CO., INC., of the operating rights of MUNROE AND ARNOLD-MERRITT EXPRESS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11066 Filed 4-25-75;8:45 am]

[Notice No. 44]

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
L & M Express Co., Inc., MC-44639 Sub-74	MC-44639 Sub-73	Oct. 23, 1974
Interstate Dress Carriers, Inc., MC-50307 Sub-65	MC-50307 Sub-66	Oct. 9, 1974
Spector Freight System, Inc., MC-69116 Sub-150	MC-69116 Sub-153	Oct. 8, 1974
H. A. Daub, Inc., MC-95473 Sub-15	MC-95473 Sub-16	Oct. 9, 1974
Watkins Motor Lines, Inc., MC-95540 Sub-847	MC-95540 Sub-860	Oct. 24, 1974
Watkins Motor Lines, Inc., MC-95540 Sub-849	MC-95540 Sub-852	Do.
Watkins Motor Lines, Inc., MC-95540 Sub-858	MC-95540 Sub-862	Do.
Parkhill Truck Co., MC-106497 Sub-77	MC-106497 Sub-79	Oct. 9, 1974
Schilli Motor Lines, Inc., MC-106674 Sub-118	MC-106674 Sub-117	Do.
Interstate Express, Inc., MC-108973 Sub-9	MC-108973 Sub-10	Oct. 7, 1974
Chemical Leaman Tank Lines, MC-110525 Sub-1078, 1080	MC-110525 Sub-1082	Oct. 23, 1974
Erickson Transport Corp., MC-113908 Sub-276, 279, 282	MC-113908 Sub-289	Oct. 10, 1974
Kentucky Western Truck Lines, Inc., MC-114089 Sub-17	MC-114089 Sub-18	Oct. 8, 1974
Willis Shaw Frozen Express, MC-117119 Sub-185	MC-117119 Sub-198	Oct. 10, 1974
D & T Trucking Co., Inc., MC-117644 Sub-30	MC-117644 Sub-31	Oct. 7, 1974
M. Bruenger & Co., Inc., MC-118142 Sub-46	MC-118142 Sub-49	Oct 8, 1974
J. E. Fortin Transport, Inc., MC-119103 Sub-2	MC-119103 Sub-3	Oct. 7, 1974
Jim Tiona, Jr., MC-118535 Sub-57	MC-118535 Sub-58	Oct. 10, 1974
Dudley Trucking Co., Inc., MC-119917 Sub-37	MC-119917 Sub-36	Oct. 8, 1974
Bulter Trucking Co., MC-122744 Sub-12	MC-122744 Sub-13	Oct. 10, 1974
Mountain Pacific Trucking Corp., MC-125650 Sub-6	MC-125650 Sub-7	Oct. 9, 1974
Heyl Truck Lines, Inc., MC-133119 Sub-22	MC-133119 Sub-23	Oct. 8, 1974
Modular Transportation Co., MC-134071 Sub-5	MC-134071 Sub-4	Mar. 14, 1975
North Star Transport, Inc., MC-134145 Sub-40, 41	MC-134145 Sub-42	Oct. 10, 1974
Cahoon Farms Trucking, Inc., MC-134366 Sub-2	MC-134366 Sub-3	Oct. 7, 1974
American Transport System, MC-134460 Sub-9	MC-134460 Sub-7	Oct. 8, 1974
Joe Brown Co., Inc., MC-136008 Sub-11	MC-136008 Sub-18	Oct. 7, 1974
D.b.a. Kennedy's Transfer, MC-136024 sub-1	MC-136024 Sub-2	Oct. 8, 1974
D.b.a. Koral Sales, Inc., MC-136008	MC-136008 Sub-1	Do.
L & M Produce and Truck Lines, MC-138000 Sub-1	MC-138000 Sub-2	Do.
J. T. R. Trucking Co., Inc., MC-138437	MC-138437 Sub-1	Oct. 7, 1974
Cavalier Transportation Co., Inc., MC-138639	MC-138639 Sub-1	Oct. 8, 1974
D.b.a. Jerry Atkinson Co., MC-138834 Sub-1	MC-138834 Sub-2	Mar. 14, 1975
CMR Parcel Service, Inc., MC-138937	MC-138937 Sub-1	Oct. 8, 1974
R. W. Steele Trucking Co., MC-139116 Sub-1	MC-139116	Oct. 9, 1974

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11070 Filed 4-25-75;8:45 am]

[Notice AB 69]

WESTERN MARYLAND RAILWAY CO. AND THE BALTIMORE AND CUMBERLAND VALLEY RAILROAD EXTENSION CO.

Abandonment Near Shippensburg, Cumberland and Franklin Counties, Pa.

APRIL 21, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served February 28, 1975, applicant was required to publish a notice in the Borough of Chambersburg and Carlisle in Franklin and Cumberland County, Pa., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was determined that the proceeding 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. sections 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the February 28, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11068 Filed 4-25-75;8:45 am]

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