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PART I



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NOTICE TO AGENCIES

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HIGHLIGHTS OF THIS ISSUE

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the position of Administrator, Soil Conservation Service, is no longer excepted under Schedule C.

§ 213.3313 [Amended]

Effective May 29, 1975, § 213.3313(k)(1) is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13877 Filed 5-28-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

[Order No. 604-75]

PART 1—DEFINITIONS

PART 292—REPRESENTATION AND APPEARANCES

Representation and Appearance Before Immigration and Naturalization Service and Board of Immigration Appeals

On April 16, 1974, a notice of proposed rule making concerning representation of persons in proceedings before the Immigration and Naturalization Service and the Board of Immigration Appeals was published in the FEDERAL REGISTER, 39 FR 13659. Pursuant to that notice written comments of interested parties were submitted to the Chairman, Board of Immigration Appeals. All such comments have been considered. The existing regulations regarding representation and appearances are amended in the following major respects:

(1) Law students and law graduates not yet admitted to the bar may serve as representatives, under certain specified conditions, with the permission of the presiding official (8 CFR 292.1(a)(2));

(2) Specific criteria are provided for authorizing "reputable individuals" to serve as representatives (8 CFR 292.1(a)(3));

(3) A provisions requiring a licensed foreign attorney to obtain permission from the presiding official to serve as a representative is deleted, so that foreign attorneys will be on an equal footing with attorneys in this country (8 CFR 292.1(a)(6); and

(4) Standards are established for according recognition to organizations and for accrediting representatives (8 CFR 292.2).

1. Section 1.1 of 8 CFR Part 1 is amended by revising paragraphs (j) and (k) and adding a new paragraph (m) to read as follows:

§ 1.1 Definitions.

* * * * *

(j) The term "representative" refers to a person who is entitled to represent others as provided in § 292.1(a)(2), (3), (4), (5), (6), and § 292.1(b) of this chapter.

(k) The term "preparation," constituting practice, means the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed Service forms by one whose remuneration, if any, is nominal and who does not hold himself out as qualified in legal matters or in immigration and naturalization procedure.

* * * * *

(m) The term "representation" before the Board and the Service includes practice and preparation as defined in § 1.1(i) and (k).

2. Section 292.1 of 8 CFR Part 292 is revised to read as follows:

§ 292.1 Representation of others.

(a) A person entitled to representation may be represented by any of the following:

(1) *Attorneys in the United States.* Any attorney as defined in § 1.1(f) of this chapter.

(2) *Law students and law graduates not yet admitted to the bar.* A law student who is enrolled in the final year of an accredited law school or a law school graduate who is not yet admitted to the bar, provided that:

(i) He is appearing on an individual case basis, at the request of the person entitled to representation;

(ii) In the case of a law student, he has filed a statement that he is participating, under the direct supervision of a faculty member or an attorney, in a legal aid program or clinic conducted by the law school, and that he is appearing without direct or indirect remuneration; and

(iii) His appearance is permitted by the official before whom he wishes to appear (namely a special inquiry officer, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board), which official, if in his opinion special circumstances warrant it, may require that a law student be accompanied by the supervising faculty member or attorney.

(3) *Reputable individuals.* Any reputable individual of good moral character, provided that:

(i) He is appearing on an individual case basis, at the request of the person entitled to representation;

(ii) He is appearing without direct or indirect remuneration and files a written declaration to that effect;

(iii) He has a pre-existing relationship or connection with the person entitled to representation (e.g., as a relative, neighbor, clergyman, business associate or personal friend), provided that such requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

(iv) His appearance is permitted by the official before whom he wishes to appear (namely, a special inquiry officer, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board), provided that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself out to the public as qualified to do so.

(4) *Accredited representatives.* A person representing an organization described in § 292.2 of this chapter who has been accredited by the Board.

(5) *Accredited officials.* An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his official capacity and with the alien's consent.

(6) *Attorneys outside the United States.* An attorney other than one described in § 1.1(f) of this chapter, who does not maintain an office in the United States, who resides outside the United States and is licensed to practice law and in good standing in a court of general jurisdiction of the country in which he resides, and who is engaged in such practice.

(b) *Persons formerly authorized to practice.* A person, other than a representative of an organization described in § 292.2 of this chapter, who on December 23, 1952, was authorized to practice before the Board and the Service may continue to act as a representative, subject to the provisions of § 292.3 of this chapter.

(c) *Former employees.* No person previously employed by the Department of

Justice shall be permitted to act as a representative in any case in violation of the provisions of 28 CFR 45.735–7.

(d) *Amicus curiae.* The Board may grant permission to appear, on a case-by-case basis, as amicus curiae, to an attorney or to an organization represented by an attorney, if the public interest will be served thereby.

(e) Except as set forth in this section, no other person or persons shall represent others in any case.

3. The heading and text of § 292.2 of 8 CFR Part 292 are revised to read as follows:

§ 292.2 Organizations qualified for recognition; requests for recognition; withdrawal of recognition; accreditation of representatives; roster.

(a) *Qualifications of organizations.* A non-profit religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board may designate a representative or representatives to practice before the Service and the Board. Such organization must establish to the satisfaction of the Board that:

(1) it makes only nominal charges and assesses no excessive membership dues for persons given assistance; and

(2) it has at its disposal adequate knowledge, information and experience.

(b) *Requests for recognition.* An organization having the qualifications prescribed in paragraph (a) of this section may file a request for recognition on Form G–27 with a district director, regional commissioner or the Commissioner for transmittal to the Board. The Service shall forward the request, along with recommendations for approval or disapproval and reasons therefor. The organization and the Service shall be informed of the action taken by the Board.

(c) *Withdrawal of recognition.* The Board may withdraw the recognition of any organization which has failed to maintain the qualifications required by § 292.2(a). Withdrawal of recognition may be accomplished in accordance with the following procedure:

(1) The Service, by the district director within whose jurisdiction the organization is located, may conduct an investigation into any organization it believes no longer meets the standards for recognition.

(2) If the investigation establishes to the satisfaction of the district director that withdrawal proceedings should be instituted, he shall cause a written statement of the grounds upon which withdrawal is sought to be served upon the organization, with notice to show cause why its recognition should not be withdrawn. The notice will call upon the organization to appear before a special inquiry officer for a hearing at a time and place stated, not less than 30 days after service of the notice.

(3) The special inquiry officer shall hold a hearing, receive evidence, make findings of fact, state his recommendations, and forward the complete record to the Board.

(4) The organization and the Service shall have the opportunity of appearing at oral argument before the Board at a time specified by the Board.

(5) The Board shall consider the entire record and render its decision. The order of the Board shall constitute the final disposition of the proceedings.

(d) *Accredition of representatives.* An organization recognized by the Board under paragraph (b) of this section may apply for accreditation of persons of good moral character as its accredited representatives. An application for accreditation shall state the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law and procedure. An application may be filed with a district director, regional commissioner or the Commissioner for transmittal to the Board. The Service shall forward the application along with recommendations for approval or disapproval and reasons therefor. No individual may submit an application on his own behalf under this paragraph. The Board shall provide the organization with a copy of any adverse recommendation by the Service, with opportunity for rebuttal. The organization and the Service shall be advised of the action taken by the Board. The accreditation of a representative shall be valid for three years only. Renewal may be sought by making application in the same manner as for an inital accreditation. Accreditation terminates when the Board's recognition of the organization ceases for any reason or when the representative's employment or other connection with the organization ceases. The organization shall promptly notify the Board of such changes. Renewal applications shall be due for those who are accredited on May 29, 1975 as follows: For those accredited prior to January 1, 1974, no later than May 29, 1976, and for those accredited on or after January 1, 1974, no later than May 29, 1977. The application should be filed at least 30 days before the anniversary of the Board's notification to the organization that the individual had been accredited.

(e) *Roster.* The Board shall maintain an alphabetical roster of recognized organizations and their accredited representatives. A copy of the roster shall be furnished to the Commissioner and he shall be advised from time to time of changes therein.

(Secs. 103, 292, 66 Stat. 173, 235; (8 U.S.C. 1103, 1362)).

Dated: May 22, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75–13960 Filed 5–28–75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1975–6]

NATURAL GAS LIQUID PRODUCTS

Pricing Prior to January 1, 1975

On December 20, 1974, FEA issued a new Subpart K to 10 CFR, Part 212, the Mandatory Petroleum Price Regulations, effective January 1, 1975. Subpart K provides regulations designed specifically to cover the pricing of natural gas liquids and natural gas liquid products (propane, butane, and natural gasoline). The pricing of these items was, until December 31, 1974, subject to Subpart E of the FEA price regulations, which applied generally to "refiners," a term defined in 10 CFR 212.31 to include a firm that "refines liquid hydrocarbons from oil and gas field gases * * *." Both refiners of crude oil and of natural gas and natural gas liquids are included within this definition. The new Subpart K was adopted to provide a set of price rules tailored to the purpose of regulating the prices charged for liquid products produced from natural gas, since the process of extracting liquid hydrocarbon products from natural gas differs in significant respects from the process of refining such products from crude oil.

In adopting the new Subpart K regulations, the FEA intended to accomplish three basic objectives: first, to provide a specific method by which maximum lawful prices for natural gas liquid products shall be computed, including a method by which increased product costs may be passed through in prices charged for products; second, to provide a method by which those entities whose May 15, 1973 selling prices for natural gas liquid products were abnormally low could adjust their prices to reflect more closely industry-wide average prices for those products on that date; and third, to provide a method by which refiners may pass through increased non-product costs attributable to gas plant operations.

To accomplish the first of these objectives, FEA provided for the passthrough of increased product costs associated with obtaining natural gas liquids and liquid products, expressly including increased costs of natural gas shrinkage, in a manner analogous to that provided in Subpart E of the FEA regulations for the passthrough of increased product costs. The reason for implementation of this method of increased cost passthrough was, in part, to provide a specific method by which the increased costs of raw materials associated with gas processing may be recovered in the prices charged for products that is basically equivalent to the method by which the increased costs of raw materials associated with crude oil refining may be recovered in prices charged for products. For processors of natural gas, the equivalent of increased product cost is the increase in the cost of "shrinkage" which occurs in the natural gas stream as a result of the extraction of natural gas liquids. The refiner's price rules of Subpart E, which applied to prices charged for natural gas liquid products until December 31, 1974, provided for the passthrough of increased product costs, but did not expressly indicate that sellers of natural gas liquids and liquid products could recover increased natural gas "shrinkage" costs as increased product costs, in prices charged for processed products.

To accomplish the second objective, FEA provided in Subpart K for the use

of adjusted May 15, 1973 prices by those firms that had May 15, 1973 selling prices for natural gas liquid products that were below average.

To accomplish the third objective, FEA included in Subpart K a provision for the passthrough, in prices charged for processed products, of actual increases in non-product costs attributable to gas plant operations, subject to a maximum limitation of $.005 per gallon.

The changes in the regulations effected by Subpart K were prospective. The FEA has concluded, however, that the basic issues which the Subpart was intended to resolve have been in existence since the inception of FEA regulations, and that, insofar as practicable, they need to be resolved with respect to the period prior to January 1, 1975, during which Subpart E applied to the pricing of natural gas liquid products, particularly in view of the fact that FEA compliance actions, as well as private rights, remain dependent in large measure upon the application and interpretation of Subpart E to natural gas liquid product price determinations.

FEA is therefore issuing this ruling to make clear that increased costs of natural gas shrinkage could be passed through as increased product costs pursuant to the provisions of Subpart E, and, generally, to more clearly describe the application of the price rules of Subpart E in determining natural gas liquid product prices, before Subpart K became effective on January 1, 1975.

Also, since there were no provisions in Subpart E for use of adjusted May 15, 1973 prices by those firms that had lower than average prices on that date, and since the atypical pricing patterns of May 15, 1973, which are permitted to be adjusted by Subpart K, have affected firms since before the effective date of Subpart K, the FEA is proposing, concurrently with the issuance of this ruling, a class exception to permit the adjusted May 15, 1973 prices of Subpart K to be applied retroactively. The exception proposal also contains provisions to afford passthrough of actual non-product cost increases incurred prior to January 1, 1975, subject to a specific per gallon limitation.

Facts: Firms A, B and C are "refiners," as defined in 10 CFR 212.31, which process natural gas or natural gas liquids and recover natural gas liquid products (propane, butane and natural gasoline), which they sell. During 1974, Firms A, B and C obtained natural gas or natural gas liquids for processing in their plants under three different arrangements:

(1) Firm A purchased a mixed stream of natural gas liquids at a fixed price per gallon from Firm X, a firm which had extracted the natural gas liquids from natural gas. Firm A fractionated the mixed stream of natural gas liquids and sold the resulting natural gas liquid products;

On May 15, 1973, Firm A purchased the mixed stream of natural gas liquids from Firm X at a rate of 6 cents per gallon for the propane content, 6.5 cents per gallon for the butane content, and 8.5 cents per gallon for the natural gasoline content. During November 1974, Firm A purchased the mixed stream of natural gas liquids at a lawful rate of 8 cents per gallon for the propane content, 8.5 cents per gallon for the butane content, and 10.5 cents per gallon for the natural gasoline content.

(2) Firm B purchased "wet" natural gas under a "net back" contract arrangement with Firm Y, a natural gas producer. Title to the "wet" natural gas passed to Firm B at the wellhead, and Firm B transported the gas to its gas plant, where the natural gas liquids were extracted and fractionated into natural gas liquid products. Both the natural gas liquid products and the residue gas were sold by Firm B, subject to the "net back" arrangement with Firm Y. Firms B and Y shared in the proceeds from the sale of the natural gas liquid products and from the sale of the residue gas on a percentage basis. On May 15, 1973, Firm B sold its residue gas at a rate of 23 cents per MCF, and in November, 1974, it sold the residue gas at a rate of $1.50 per MCF; and

(3) Firm C produced and processed "wet" natural gas in its plants to extract natural gas liquids and to fractionate those liquids into natural gas liquid products. Firm C sold the natural gas liquid products and the residue gas. On May 15, 1973, Firm C sold its residue gas at a rate of 22.3 cents per million BTU's and in November, 1974 it sold the residue gas at a rate of $1.45 per million BTU's.

On May 15, 1973, Firms A, B and C all sold the natural gas liquid products from their gas plants to Firm M, a distributor and marketer of natural gas liquid products, at 7.5 cents per gallon for propane, 8 cents per gallon for butane, and 10 cents per gallon for natural gasoline.

Issue: For months prior to January 1975, how should Firms A, B and C have computed the amount of increased product costs which were available for recovery in the base prices of their natural gas liquid products pursuant to § 212.83?

Ruling: It is an underlying principle of all of FEA pricing regulations that refiners, resellers and retailers of crude oil and petroleum products be permitted to recover increases in their product costs on a dollar-for-dollar basis in the prices permitted to be charged. Section 4(b)(2)(A) of the Emergency Petroleum Allocation Act of 1973 generally provides that recovery of increased product costs be permitted on a dollar-for-dollar basis.

Thus, for example, in implementing this principle, the "base price" for products sold by a refiner under FEA's pricing regulations (and before that under the Cost of Living Council's regulations) has been defined by the following general rule:

> The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.83.

Section 212.83(b) of the FEA regulations (which is identical to the corresponding section of the predecessor CLC regulations in Title 6 of C.F.R.) includes within the definition of "increased product costs" for products refined and sold by a refiner, "the difference between the total costs of crude petroleum during the month of measurement and the total cost of crude petroleum during the month of May 1973. . . ." Methods for computing this difference and allowing it to be passed through on a dollar-for-dollar basis are described in the refiner's cost formulae contained in § 212.83(c).

Although Subpart E of Part 212 of FEA's regulations specifically address only the passthrough of the increased cost of crude petroleum and petroleum product, a comparable dollar-for-dollar passthrough of increased shrinkage costs is also permitted for the reasons stated above. A dollar-for-dollar passthrough of all increased product costs may therefore be achieved by firms A, B and C in the foregoing fact situations as follows:

Firm A. Firm A is entitled to increase its May 15, 1973 selling price for its natural gas liquid products in the month following the month of measurement to reflect increased costs of the mixed gas liquid stream which it purchased for processing during the month of measurement. Since Firm A purchases its mixed stream at a fixed price per gallon, its increased product costs under § 212.83 are equal to the difference between the per gallon cost of the mixed stream on May 15, 1973 and the per gallon cost during the month of measurement multiplied by the number of gallons purchased by Firm A during the month of measurement.

Firm B. In many instances in which natural gas is processed pursuant to "net back" arrangements, such as that between Firms B and Y, the equivalent of increased product costs incurred by crude oil refiners is the increased cost of natural gas shrinkage. That is, an increase in the amount by which the value of the unprocessed natural gas is reduced through processing. This reduction in value is often referred to as the cost of natural gas "shrinkage." The cost of such shrinkage is the reduction in sales revenues that could otherwise have been received for the natural gas pursuant to the contract under which the gas is being sold, if its volume or BTU content had not been reduced through processing to extract natural gas liquids.

Accordingly, where the natural gas sales revenues are reduced by processing, and where the selling price of the natural gas that has been processed has increased since May 15, 1973, the cost of shrinkage resulting from extraction of the liquids will also have increased. The FEA considers this increased shrinkage to be an "increased product cost" under § 212.83 and it may therefore be recovered on a dollar-for-dollar basis in Firm B's base prices for natural gas liquid products in the month following the month of measurement.

The cost of shrinkage shall be determined by comparing the value of the natural gas prior to processing with the value of the natural gas after processing. The value of the natural gas stream for

this purpose shall be computed by reference to the contractual terms in effect for the sale of Firm B's "residue" natural gas during the relevant month. For example, since the sale of residue gas by Firm B was made on a volumetric basis, shrinkage costs incurred by Firm B as a result of extraction from the gas stream must be calculated on a volumetric basis. On the other hand, if Firm B sold its residue gas on a $/MMBTU basis during the relevant month, its shrinkage costs would be determined on the same basis. Any increase in the cost of shrinkage shall be determined by comparing the cost of shrinkage respecting a particular stream during the month of May, 1973, with the cost of shrinkage during the month of measurement.

Since there is no sale of the natural gas liquid products and the residue gas under the "net-back" arrangement for which a per-unit price can be determined until after the gas has been processed, the increased cost of shrinkage is calculated with respect to residue gas sold in the month of measurement and is then applied in the month following the month of measurement to the May 15, 1973 selling price of the natural gas liquid products with the proceeds from these sales by Firm B apportioned between Firm B and Firm Y as provided by the "net-back" agreement.

Firm C. Firm C also incurs "shrinkage" costs when it removes natural gas liquids from its natural gas stream since the revenues received for its natural gas stream are thereby reduced. Firm C is therefore entitled to recover its shrinkage costs on a dollar-for-dollar basis under § 212.83 in the same manner as Firm B, above.

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

MAY 23, 1975.

[FR Doc. 75-14041 Filed 5-27-75;9:51 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Elimination of Penalty Provisions for Withdrawal of Time Deposits Before Maturity Upon Death of Depositor

On April 4, 1975 the Board of Directors of the Federal Deposit Insurance Corporation adopted a proposed amendment to § 329.4(d) of the FDIC's rules and regulations (12 CFR 329.4(d)). The proposed amendment would permit insured nonmember banks to pay time deposits before maturity, without imposing a penalty therefor, in certain cases where the depositor has died. The proposed amendment was published as a notice of proposed rulemaking in the FEDERAL REGISTER of April 10, 1975 (40 FR 16219-20). Interested persons were given until May 16, 1975 to submit written data, views or arguments on the proposed amendment.

After considering all comments submitted to the FDIC, the Board of Directors has decided to adopt the proposed amendment without change as set forth below. Since the amendment relieves a present restriction, its effective date will not be delayed for 30 days following publication.

Effective date. The amendment to § 329.4(d) shall be effective May 26, 1975.

By order of the Board of Directors, May 23, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

Section 329.4(d) is amended by adding a new sentence at the end thereof as follows:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty on payment of time deposits before maturity.* * * * *Provided,* that the penalty prescribed by this paragraph (d) shall not apply to the withdrawal of all or any portion of a time deposit before the maturity thereof upon the death of an individual depositor who, at the time of his death, is the sole legal and beneficial owner of such deposit.

[FR Doc.75-14037 Filed 5-28-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NW-26]

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

Alteration of Control Zone

On March 21, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 12810) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Boise, Idaho, Control Zone.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.t., August 14, 1975.

This amendment is issued under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on May 12, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

§ 71.171 [Amended]

In § 71.171 (40 FR 354) the description of the Boise, Idaho Control Zone is amended to read as follows:

BOISE, IDAHO

Within a 5-mile radius of the Boise Air Terminal (Latitude 43°33'55" N., Longitude 116°13'30" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC, within 5 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius area to 12 miles southeast of the VORTAC; and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius area to 7 miles south of the VORTAC.

[FR Doc.75-13902 Filed 5-28-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 927—COASTAL ZONE MANAGEMENT PROGRAM, ADMINISTRATIVE GRANTS, ALLOCATION OF SECTION 306 FUNDS TO STATES

Interim Regulations

Notice is hereby given of the establishment of interim regulations regarding allocation of coastal zone management program administrative grants to State governments pursuant to section 306(a) of the Coastal Zone Management Act of 1972 (Pub. L. 92-583; 86 Stat. 1280).

Under section 306 of the Act, the Secretary of Commerce is authorized to make annual grants to any coastal State for the purpose of administering the State's coastal zone management program if he approves such program in accordance with section 306 of the Act. Such grants shall not exceed 66⅔ percent of the costs of administering the program in any one year. Federal funds received from other sources shall not be used to pay the State's share of costs. No annual administrative grants made under section 306 shall exceed $2,000,000 for fiscal year 1975, $2,500,000 for fiscal year 1976, or $3,000,000 for fiscal year 1977. In addition, no such grant may be awarded for less than one percent of the amount so appropriated, except upon a request of a waiver of such provision by a coastal State.

Section 306(b) states in part:

Such grants shall be allocated to the States with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area of the plan, population of the area and other relevant factors * * *

The interim regulations set forth below establish the procedure for allocating funds under section 306 to the coastal States and are intended to fulfill the above requirements of section 306(b). Such interim regulations are intended for allocation of funds made available for grants under section 306 in Fiscal

Year 1975 only. Allocation to States of such grant funds in subsequent fiscal years may reflect changes in these regulations; such changes, if made, will be duly published.

Comments upon these regulations are invited through June 30, 1975. Comments should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of this 30 day period any comments received will be reviewed. In the discretion of the Administrator, these interim regulations will be amended so as to reflect any such comments. The Administrator shall then publish final regulations in the FEDERAL REGISTER. As authorized by USC section 553(d)(3), these interim regulations are effective in order to allocate such funds to the States until final regulations become effective.

Part 927 is added as set forth below:

Sec.
927.1 Purpose of rules and regulations.
927.2 Basis of allocation.
927.3 Allocation of non-distributed funds.
927.4 Duration of allocation.

AUTHORITY: Pub. L. 92-583; 86 Stat. 1280.

§ 927.1 Purpose of rules and regulations.

Twelve million dollars has been appropriated by the Congress for Fiscal Year 1975 to implement the Coastal Zone Management Act of 1972 (Pub. L. 92-583; 86 Stat. 1280). Of this amount, $2.1 million has been made available for coastal zone management program administrative grants-in-aid to those coastal States and territories which have had coastal zone management programs approved by the Secretary of Commerce, pursuant to section 306(b) of the Act. It is the purpose of this part to establish the rules and regulations for allocation of grant-in-aid funds under section 306 of the Coastal Zone Management Act of 1972 pursuant to the requirements of section 306(b) which states:

> Such grants shall be allocated to the states with approved program based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: PROVIDED, That no annual grant made under this section shall be in excess of $2,000,000 for Fiscal Year 1975, in excess of $2,500,000 for Fiscal Year 1976, nor in excess of $3,000,000 for Fiscal Year 1977: *Provided further*, That no annual grant made under this section shall be less than 1 per centum of the total amount appropriated to carry out the purposes of this section: *And provided further*, That the Secretary shall waive the application of the 1 per centum minimum requirement as to any grant under this section, when the coastal State involved requests such a waiver.

§ 972.2 Basis of allocation.

Coastal zone management program administrative grants under Section 306 may be awarded only to States whose coastal zone management programs have been approved by the Secretary of Commerce, pursuant to requirements and standards set forth in various sections of the Act and subsequent administrative rules and regulations (see 15 CFR Part 923). To date, no coastal State has received such approval. NOAA's Office of Coastal Zone Management (OCZM), which has responsibility for administering the Act, has determined that a limited number of States are in a position to request such approval for all or a segment of their coastal zone, and further that, of this number, a maximum of two programs can be processed and approved in Fiscal Year 1975. Thus, with the prospect of approving only two, one, or no such management programs in Fiscal Year 1975, there does not appear to be a reasonable rationale for developing a formula allocation of section 306 administrative grant funds to all coastal States, to all States likely to apply for approval, or to those States actually applying. Therefore, for Fiscal Year 1975 only, OCZM will review applications from States with approved programs or which are deemed likely to receive such approval within that fiscal year, and will award administrative grants to States actually receiving approval in the fiscal year in amounts which take into account and bear reasonable relationship to the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors.

§ 927.3 Allocation of non-distributed funds.

Funds appropriated in order to make coastal zone management program administrative grants under section 306 remain available until expended, pursuant to section 315(a)(2) of the Act. Such funds not obligated during Fiscal Year 1975 will be carried over into Fiscal Year 1976 and added to such funds appropriated for that year.

§ 927.4 Duration of allocation.

The allocations as contained herein are published for the distribution of coastal zone management program administrative grants during Fiscal Year 1975, which is the first year for which these funds are available. Assessments regarding the relative needs of States for such grants may lead to alterations in the method of allocation for fiscal years subsequent to Fiscal Year 1975. Such revisions will be duly published.

ROBERT L. CARNAHAN,
Deputy Assistant Administrator for Administration.

[FR Doc.75-14056 Filed 5-28-75;8:45 am]

PART 928—COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS, OUTER CONTINENTAL SHELF

Supplemental Appropriation, Allocation of Funds to States, Interim Regulations

The National Oceanic and Atmospheric Administration (NOAA) on November 29, 1973, published final guidelines pursuant to section 305 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280), hereinafter referred to as the "Act," for the purposes of defining the procedures by which States can qualify to receive development grants under section 305 of the Act and policies for development of the management program.

The Act recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of the immediate and potential value to the present and future well-being of the Nation. Present State and institutional arrangements for planning and regulation of land and water uses in the coastal zone are often inadequate to deal with the competing demands and the urgent need to protect natural systems in the ecologically fragile area. Section 305 of the Act authorizes annual grants to any coastal state for the purpose of assisting the State in the development of a management program for the land and water resources of its coastal zone (development grant).

Once a coastal State has developed a management program it is submitted to the Secretary of Commerce for approval and, if approved, the State is then eligible, under section 306, to receive annual grants for administering its management program (administrative grants).

The guidelines contained in this part are for the allocation of funds to States based on a supplemental appropriation to section 305 of the Act. The reasons for the supplemental appropriation and its allocation to the States are set forth below.

There are published herewith interim regulations relating to the allocation of funds to States on the basis of the supplemental appropriation formula set forth below.

Comments upon these regulations are invited through June 30, 1975. Comments should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following June 30, 1975, any comments received will be reviewed. In the discretion of the Administrator, these interim regulations will be amended so as to reflect any such comments. The Administrator shall then publish final regulations in the FEDERAL REGISTER. As authorized by 5 USC 553(d)(3), these interim regulations are effective in order to allocate such funds to the States until final regulations become effective.

Sec.
928.1 Background.
928.2 Administration proposal.
928.3 Intent of guidance.
928.4 Purpose of supplemental funding.
928.5 Nature of onshore impacts.
928.6 Regional approach.
928.7 Local governments.
928.8 Specific use of funds.
928.9 Miscellaneous.
928.10 Allocation of funds.

AUTHORITY: Pub. L. 92-583, 86 Stat. 1280.

§ 928.1 Background.

(a) Current plans by the Department of the Interior call for the leasing of extensive tracts of offshore seabed on the Outer Continental Shelf (OCS) over the next few years for the purpose of oil and gas extraction, in order to increase domestic energy production and diminish reliance upon foreign energy sources.

(b) Certain onshore areas of the coastal States lying adjacent to these tracts will be looked upon as potential staging points for offshore operations, as landside terminal points for the transmission and storage of oil and gas, and as possible locations for refineries, industrial processing plants and electrical generating facilities. The coastal States are especially concerned that inadequate opportunity may exist for States and localities to plan for the onshore physical, social and economic impacts of OCS leasing and oil and gas production.

§ 928.2 Administration proposal.

(a) On November 13, 1974, President Ford announced to a meeting of coastal State governors a number of actions designed to ameliorate the concerns expressed by coastal States. Among these actions was the decision to request an additional $3 million for FY 1975 for program development grants to coastal States under Section 305 of the Coastal Zone Management Act.

(b) While the President did not postpone the leasing of OCS tracts until State coastal zone management programs are completed, he pointed out that States will want to utilize the time between leasing and actual production to prepare for the shoreside impact of such activity, and that States would be asked to participate in the tract selection process. The $3 million supplemental appropriation requests intended "to facilitate coastal State participation in this effort" and to accelerate State planning efforts. The President's FY 76 budget request to Congress also reflects this additional level of funding.

§ 928.3 Intent of guidance.

(a) The intent of this document is (1) to identify the purposes for which States may apply for grants awarded under this supplemental appropriation, when and if made, (2) to indicate how work elements so funded should be integrated into the ongoing development of State coastal zone management programs, and (3) to specify the method of allocating funds which may be thus available to the coastal States.

§ 928.4 Purpose of supplemental funding.

(a) The central focus of grants made under this supplemental appropriation shall be to improve State capabilities to plan for and manage the projected or potential impacts induced by Federal actions leading to or resulting from OCS production. A central objective should be to integrate such planning and management activities into the development of an approvable State coastal zone management program.

(b) Activities to be funded by these grants should fulfill the following general purposes:

(1) To determine the probable physical, social and economic effects of OCS leasing, exploration, production, and eventual shut-down on a State's coastal zone.

(2) Where those effects could include or lead to the establishment of land or water uses which have a direct and significant impact upon coastal waters, to make appropriate plans to take into account these effects and include them within the terms of the State's management program.

(3) To provide policy guidance and advice, based upon (1) and (2) above, to the State's governor and legislature.

§ 928.5 Nature of onshore impacts.

(a) In attempting to evaluate not only the environmental impacts on coastal areas resulting from OCS activities but the social and economic effects as well, it may be useful to divide them into the following categories.

(1) *Malfunctioning of the oil and gas production system.* Oil spills (accidental or chronic), blowouts, fires and other catastrophic events are major concerns in the minds of citizens of coastal areas. While they are obviously rare occurrences, States may wish to integrate planning for such contingencies into the development of their coastal zone management programs. It is not anticipated, however, that such planning activities will represent a significant portion of a grant under this supplemental, particularly in view of the limited amount of funding available, and work now being carried out by the Coast Guard.

(2) *Onshore activities and facilities which are required to service the construction of and production from OCS oil and gas facilities.* These would include oil platform fabrication sites, boat docks, storage yards, pipeline corridors, pumping stations, tank farms, intermodal transfer facilities and onshore pipelines, for example.

(3) *Onshore activities and facilities which are located in the coastal zone in order to take advantage of the availability of oil and gas* produced from the OCS either as raw material or as a source of energy. These would include oil refineries, petrochemical processing facilities, and electrical generating plants, for example.

(4) *Onshore activities and facilities whose presence has been induced by (a) (2) and (3) of this section.* These would include incremental additions to community facilities such as roads, sewers, schools, housing and transit facilities as well as to public services. The actual sites these facilities may occupy in the coastal zone will result from locational decisions influenced by both economic considerations of the private market and restraints exerted by Federal, State and local governments. The resulting pattern of facilities across the coastal zone will thus be irregular, and often very localized depending upon the economic requirements and physical characteristics of each facility. Some communities may be likely to undergo disruptions, the severity of which will vary according to the size of the facilities and their relationship to existing development. Others, while not directly impacted, may nonetheless experience change as a result of activities in neighboring communities. Still others, perhaps the vast majority, may not be affected in any significant manner.

(b) Some impacts will be viewed as beneficial, others as adverse. These perceptions may be colored by the particular perspectives of various levels of government or the private sector. What are positive benefits to some may be negative to others. Also in some cases, the impact may be adverse at first and beneficial later, or vice versa. Examples of these impacts include:

(1) *Beneficial.*

(i) More jobs and lower unemployment;

(ii) Increased personal and corporate income;

(iii) Increased tax base;

(iv) Better job opportunities and mobility.

(2) *Adverse.*

(i) Additional costs of community infrastructure;

(ii) Potential oil pollution;

(iii) Environmental and esthetic damage;

(iv) Changes in the social and culture fabric of the community;

(v) Decline in traditional employment.

§ 928.6 Regional approach.

(a) Some offshore lease sale sites will induce onshore development in only one State, while others will affect a number of States adjacent to the site. Some States will welcome OCS development for what they perceive to be beneficial onshore impacts, while others will oppose it for the adverse effects. The "national interest" clause (section 306(c)(8)) of the Act is interpreted as meaning that States may not arbitrarily exclude or restrict the siting of facilities deemed to be of greater than statewide significance. In locations where regional groupings of States are likely to be affected, it is important that one State not be called upon to bear the entire regional burden of such facilities, nor should it expect to receive all of the benefits of such development. Siting decisions in such cases should be taken in the context of a broad regional approach which assesses both economic and social needs, environmental considerations and public desires in the affected States. The mechanisms for making such decisions in the coastal zone should be an integral part of the development or implementation of each State's coastal zone management program.

(b) Thus, where more than one State will be directly impacted as the result of the leasing of and production from OCS tracts, as will almost certainly be the case in New England, and the Mid and South Atlantic regions, it would be beneficial if all of the affected States were to be involved in cooperative re-

gional studies, which the individual States can then utilize to integrate OCS-related impacts into their State's coastal zone management program. The nature of these regional studies and the manner of carrying them out shall be left to the States involved. No specific regional organizations or cooperative mechanism shall be prescribed by OCZM, but clearly where such an entity is used, it should have the capacity to undertake the work contemplated and sufficient credibility throughout the region to assure public acceptance.

(c) While the regional interstate approach described here is desirable and strongly recommended, it is not mandatory. States within a region affected by OCS activities may choose not to utilize funds for regional studies, reserving them for developing an individual State response to OCS-related impacts and integrating them into the State's management program.

§ 928.7 Local governments.

Because of the nature of the potential onshore impacts, it is likely that local governments will need to be heavily involved in State planning activities. Whereas the aggregate impact on State government may be fairly nominal, the economies of individual communities and counties may undergo severe fluctuations and dislocations. Thus, it will be important that the planning of State and local governments be closely integrated and coordinated, and that local governments be provided, to the extent practicable and appropriate, with funds from these grants for such coordinated management program development.

§ 928.8 Specific use of funds.

(a) It is not the intent of OCZM to mandate the specific work elements to be funded under this appropriation. Each State should develop its own work program to fit both its own needs and the general purposes of the funding. It may prove helpful to States, however, to provide some examples of work which is considered eligible, as follows:

(b) Inventories and analyses. (1) Specialized surveys of coastal resources, public and private facilities and services and land and water uses, of a nature specific to OCS-induced impacts and of a detail not normally required for management program development.

(2) Existing oil and gas distribution and processing systems;

(3) Locational aspects of existing land use and air and water pollution controls;

(4) Compilation of data on existing levels, types of employment, income, skills;

(5) Projections of physical, economic, social conditions in the absence of OCS development;

(6) Surveys of public sentiment.

(c) Required facilities and anticipated impact. (1) Formulation of assumptions on location and quantity of OCS oil and gas;

(2) requirements onshore to service OCS exploration, construction, production and shutdown;

(3) alternative patterns and timing of facilities to fulfill such requirements;

(4) environmental and socio-economic impacts of alternative siting options, at State, interstate and local levels;

(5) analyses of impacts and timing of additional induced growth at various levels;

(6) determination and distribution of costs to State and local governments of onshore impacts;

(d) Integration of coastal zone planning and OCS impacts: (1) Studies of carrying capacity and suitability of specific uses;

(2) Detailed analysis of areas of particular concern;

(3) Establishment of siting criteria;

(4) Identification of appropriate and inappropriate sites and conditions;

(5) Formulation of controls on siting and operation;

(6) Establishment of timetable for completion of management program and coordination with OCS field production plan;

(7) Establishment of management system for monitoring and altering plans as new or changing impacts as perceived.

(e) Policy guidance for governor and legislature: (1) Interpretation of detailed studies for popular consumption;

(2) Formulation of State strategy for dealing with OCS issues.

§ 928.9 Miscellaneous.

(a) With the exception of the items noted above, the procedures and regulations applying to section 305 program development grants, including A–95 project notification and review, shall also apply to funds under this appropriation. States may apply for supplemental funds either as a part of the regular application for section 305 grants or in a separate request, depending upon their own timetable. Unless modified by Congressional action, the statutory requirement of a one-third State matching share continues to apply.

(b) Funds received by the States may also be passed through to interstate bodies for regional studies, to local governments, to areawide planning agencies, to other State agencies, to universities or other such institutions, or to private or non-profit contractors.

§ 928.10 Allocation of funds.

(a) Funds available from appropriations in FY 1975 will be allocated to all coastal States considered to be impacted by OCS oil and gas development on the same general formula as earlier grants made under Section 305. That is, each grant made under the supplemental would be allocated funds on the following basis:

(1) *Uniform allocation:* Each affected State will be allocated 1% of the funds available (presumably $30,000 for FY 1975).

(2) *Variable allocation:* Of the amount available after distribution of the uniform allocation,

(i) 40 percent will be distributed to affected States, based upon the ratio of any given State's marine shoreline to the total of marine shorelines of affected States

(ii) 40 percent will be distributed to affected States, based upon the ratio of any given State's coastal population in marine coastal counties (the same counties, excluding those not on marine shorelines, earlier identified for allocation purposes) to the total population in marine coastal counties of affected States

(iii) 20 percent will be distributed on the basis of identified needs. Examples of such needs may include, but are not limited to:

(A) States which have chosen to participate with other States similarly impacted by development of the same offshore field in studies, inventories or analyses of regional needs and resources.

(B) States being impacted by OCS development for the first time (i.e., so-called "frontier" areas) and which have not had experience in dealing with these or similar issues.

(C) States where OCS-induced impacts will be felt earliest as a result of current leasing and production timetables.

(D) States where special physical, ecological, demographic or social conditions obtain to the extent that distribution of funds by the formula above creates obvious inequities.

(b) All impacted States are eligible to apply for funds appropriated for FY 1975. However, States will be limited to three grants under appropriations made for this purpose; States adjacent to fields scheduled for leasing in later years should be aware of this limitation and plan the development of work under the supplemental accordingly.

(c) Funds not obligated by the end of FY 1975 (June 30, 1975) will remain available. States thus should attempt to develop the strongest possible work program and not feel bound by time constraints imposed by the short time between the data of appropriations and the end of the fiscal year. Later in FY 1976, States which have not submitted application for such FY 1975 funds will be asked if and when they intend to apply. Funding of any given State under this supplemental will depend, of course, upon approval of a satisfactory application for such funds which carries out the terms of the Coastal Zone Management Act of 1972, and its associated regulations, including the guidance set forth herein.

(d) It is recognized that a number of States may have their coastal zone management programs approved by the Secretary of Commerce during the period for which the State may be receiving OCS supplemental grants. At present, the supplemental applies only to section 305 program development grants and program approval under the current statute would make the State ineligible for further section 305 grants.

(e) Basic allocations to States from the FY 1975 supplemental (rounded to the nearest $1,000) without any distribution on the basis of need are indicated below. Also displayed are regional totals for groupings of States likely to be impacted by leasing and development of the

same field. Data and computations by which these allocations were determined are on file and questions should be directed to OCZM.

Impacted States:	*Basic Allocation (nearest $1,000; excluding needs)*
Alabama	$42,000
Alaska	[1] 300,000
California	300,000
Connecticut	65,000
Delaware	42,000
Florida	196,000
Georgia	59,000
Louisiana	143,000
Maine	73,000
Maryland	105,000
Massachusetts	86,000
Mississippi	37,000
New Hampshire	34,000
New Jersey	128,000
New York	228,000
North Carolina	73,000
Oregon	61,000
Pennsylvania	67,000
Rhode Island	47,000
South Carolina	68,000
Texas	107,000
Virginia	91,000
Washington	97,000
Total	2,447,000
Needs distribution	553,000
Total	3,000,000

[1] No State may receive more than 10 percent of the amount appropriated in any fiscal year for section 305 grants, or $1,200,000 should the supplemental appropriation be enacted. In States where the previous maximum of $900,000 has been or has a reasonable expectation of being awarded, exclusive of the supplemental, the additional funds cannot exceed $300,000. As was done earlier, the difference of basic allocation and legal maximum has been applied to the needs distribution.

REGIONAL TOTALS

	Basic Allocation (nearest $1,000; excluding needs)
South Atlantic Area:	
North Carolina	$ 73,000
South Carolina	68,000
Georgia	59,000
Florida	[2] 98,000
Total	298,000
MAFLA:	
Mississippi	37,000
Alabama	42,000
Florida	[2] 98,000
Total	177,000
Georges Bank:	
Maine	73,000
New Hampshire	34,000
Massachusetts	86,000
Rhode Island	47,000
Connecticut	63,000
New York	[2] 114,000
Total	417,000
Baltimore Canyon:	
New York	[2] 114,000
New Jersey	128,000
Delaware	42,000
Maryland	105,000
Pennsylvania	67,000
Virginia	91,000
Total	547,000

[2] State likely to be impacted by two different fields. Allocation split evenly by region.

R. R. HAGEMEYER,
Acting Deputy Assistant Administrator for Administration.

[FR Doc.75-14057 Filed 5-28-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Public Records, Confidential Information, and Freedom of Information Act Requests

On February 21, 1975, the Federal Trade Commission published in the FEDERAL REGISTER (40 FR 7628) its revised regulations relating to public records, inspection and copying of records, exempted records, and requests for disclosure of records. To remove a possible ambiguity concerning the applicability of Freedom of Information Act exemptions to Congressional committee requests and to clarify the procedure to be utilized by other agencies in requesting Commission records in cases in which a formal liaison arrangement exists between those agencies and the Commission, § 4.11(b) is amended to read as follows:

§ 4.11 Requests for disclosure of records.

* * * * *

(b) *Requests from Government Agencies and Congressional Committees.* (1) Requests from Congressional committees and subcommittees shall be referred to the General Counsel for processing, subject to the provision in 5 U.S.C. section 552(c) that that section is not authority to withhold information from Congress.

(2) Requests from agencies of the Federal Government shall be referred to the liaison officer for the requesting agency, or if there is none, to the General Counsel for determination. If it is determined that the records are not exempt under 5 U.S.C. 552(b), the request shall be granted. If it is determined that the records are exempt, the matter shall be forwarded to the Commission for final determination.

For similar clarification purposes, the phrase "administrative manuals" contained in § 4.10(a)(1), which is also used in § 4.9(b)(1) and thus may be confusing, should be deleted. Section 4.10(a)(1) is therefore amended to read as follows:

§ 4.10 Confidential information.

(a) * * *

(1) Records, except to the extent required to be disclosed under other laws or regulations, related solely to the internal personnel rules and practices of the Commission. This exemption applies to internal rules or instructions to Commission personnel which must be kept confidential in order to assure effective performance of the functions and activities for which the Commission is responsible and which do not affect members of the public.

* * * * *

(15 U.S.C. 41, et seq., 5 U.S.C. 552)

Effective date: May 29, 1975.

By direction of the Commission dated May 9, 1975.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-13903 Filed 5-28-75;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Registration of Associated Persons, Commodity Trading Advisors, and Commodity Pool Operators

Correction

In FR Doc. 75-12437 appearing at page 20614 in the issue for Monday, May 12, 1975, on page 20615 in the last column, the fifth paragraph, the fifth line, the U.S.C. cite should read "5 U.S.C. 553(d)."

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-584]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Modification of Existing Base Flood Elevations Determinations in Orleans Parish, Louisiana

On March 6, 1970, at 53 FR 4208-9, and October 19, 1971, at 36 FR 20225, the Federal Insurance Administrator published lists of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. These lists included Flood Insurance Rate Maps for portions of Orleans Parish, Louisiana.

The Federal Insurance Administration has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Orleans Parish, Louisiana. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised map will be published as soon as possible. The modifications are made in accordance with section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 225203A and must be used for all new policies and renewals.

Under the above mentioned Acts of 1968 and 1973 the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The modified elevations are in effect. However, from the date of this notice, any person has 90 days in which he can

request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

Director-Secretary, City Planning Commission, City Hall, 1300 Perdido Street, New Orleans, Louisiana 70112.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed.

The numerous changes made in the base flood elevations on the Orleans Parish Flood Insurance Rate Map make it administratively unfeasible to publish all of the base flood elevation changes contained on the Orleans Parish map.

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

Issued: May 9, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-13845 Filed 5-28-75;8:45 am]

[Docket No. FI-583]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Modifications of Existing Base Flood Elevations Determinations in St. Bernard Parish, Louisiana

On March 11, 1970, at 35 FR 4331–2, March 27, 1970, at 35 FR 5175–6, and September 7, 1973, at 38 FR 24355, the Federal Insurance Administrator published lists of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. These lists involved Flood Insurance Rate Maps for portions of St. Bernard Parish, Louisiana.

The Federal Insurance Administrator has determined that modification of the base (100-year) flood elevations of some locations in St. Bernard Parish, Louisiana, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible. The modifications are made in accordance with section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, as of February 6, 1975 (the date of notice to the community), the new community number is 225204A and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous Federal Insurance Administration zones (as on map)	Previous base flood elevations (as on map) (mean sea level)	New Federal Insurance Administration zones	New base flood elevations (mean sea level)
Zone A18 (S of Highway 46)	10.8	Zone A9	6.0
Zone A18 (N of Highway 46)	10.8	Zone A6	5.0
Zone A8	4.6	Zone A1	1.2
Zone A6	3.5	Zone A1	1.2
Zone A2	−1.4	Zone A2	−1.5
Zone A1	(1)	Zone A1	(2)
Zone V11	12.5	Zone V12	12.5
Zone V10	10.2	Zone A2	6.0
Zone V12	12.2	Zone V12	12.9

[1] Varies (see maps).
[2] Unchanged (see maps).

Under the above mentioned Acts of 1968 and 1973 the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The modified elevations are in effect. However, from the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

President, St. Bernard Parish Police Jury, Courthouse Annex, Chalmette, Louisiana.

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

Issued: May 9, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-13844 Filed 5-28-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 365-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Connecticut: Control of Air Pollution From Facilities Owned, Operated or Under Contract With Connecticut Transportation Authority

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator initially approved the State Plan for implementation of the National Ambient Air Quality Standards in the State of Connecticut. The Administrator's approval of the Legal Authority section of that Plan was based on the assumption that the State had the legal authority required by 40 CFR 51.11, including authority to prevent construction, modification or operation of any stationary source where emissions from such source would prevent the attainment or maintenance of a national standard.

Subsequently, the Connecticut Supreme Court ruled in Town of Greenwich v. Connecticut Transportation Authority, et al., 35 Conn. L.J. 45 (1974), that Connecticut General Statutes Section 16-344 exempts facilities owned, operated or under contract with the Connecticut Transportation Authority from the State Implementation Plan. Therefore, under the present state of the law in Connecticut, the State does not have the legal authority required by the Clean Air Act. The Administrator proposed to disapprove the State implementation plan insofar as the State lacked the requisite legal authority with regard to facilities of the Connecticut Transportation Authority in a notice of proposed rulemaking on January 16, 1975 (40 FR 2832).

Section 110(c)(1) of the Clean Air Act directs the Administrator to publish proposed regulations to be substituted for any portion of a plan submitted by a State which he determines not to be in accordance with the requirements of section 110 of the Act, and to provide opportunity for a public hearing on the regulations to be substituted within such State. The proposed regulations would become a part of the State implementation plan if finally promulgated. On January 16, 1975 (40 FR 2832), the Administrator published the regulations proposed to be substituted which are identical to Connecticut Regulations for the Abatement of Air Pollution, sections 19-508-1 through 19-508-25 inclusive, and gave notice of a hearing to be held on February 11, 1975 in Greenwich, Connecticut. Actual written notice was sent to interested parties, and the Greenwich Times on January 9, 1975 carried a story announcing the public hearing on page one.

A hearing was held on February 11, 1975, and reconvened on February 18, 1975. There was substantial testimony by local health officers, local residents and by representatives of the Connecticut Department of Environmental Protection that the Cos Cob Generating Plant owned by Penn Central Transportation Company and leased to the Connecticut Transportation Authority was frequently in violation of the applicable emission and opacity limitations. No person appearing at the hearing, or submitting testimony subsequently opposed the disapproval of the State implementation plan or the substitution of the proposed regulation by the Administrator. Representatives of the Connecticut Transportation Authority and of the Penn Central Transportation Company appeared, presented plans for the phasing out of the Cos Cob Generating Plant and asked for a delay in the implementation of the regulation. The hearing provided for adequate notice to and participation of the public.

Accordingly, on the basis of information produced at the public hearing and otherwise before the EPA, the Administrator hereby disapproves the Connecticut Implementation Plan insofar as the State lacks the legal authority to control emissions from sources owned or controlled by the Connecticut Transportation Authority; and hereby further promulgates, as federal regulations for inclusion in the implementation plan, regulations identical to those originally intended by the implementation plan to apply to facilities of the Connecticut Transportation Authority.

This rulemaking is effective June 30, 1975.

(42 USC 1857c-5)

Dated: May 22, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is as amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

* * * * *

Subpart H—Connecticut

1. Section 52.377 is amended by adding a new paragraph (b) as follows:

§ 52.377 Legal authority.

* * * * *

(b) The requirements of § 51.11(a) of this chapter are not met because the State does not have the legal authority to enforce approved implementation plan regulations against facilities owned, operated, or under contract with the Connecticut Transportation Authority.

2. A new § 52.380 is added, as follows:

§ 52.380 Rules and regulations.

(a) All facilities owned, operated or under contract with the Connecticut Transportation Authority shall comply in all respects with Connecticut Regulations for the Abatement of Air Pollution sections 19-508-1 through 19-508-25 inclusive, as approved by the Administrator.

(b) For the purposes of subsection (a) of this section the word "Administrator" shall be substituted for the word "Commissioner" wherever that word appears in Connecticut Regulations for the Abatement of Air Pollution Sections 19-508-1 through 19-508-25 inclusive, as approved by the Administrator.

[FR Doc.75-14018 Filed 5-28-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP5F1552/R31]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl) Benzamide

On November 15, 1974, notice was given (39 FR 40326) that Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105, had filed a pesticide petition (PP 5F1552) with the Environmental Protection Agency (EPA). This petition proposed an increase in the established tolerance for combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as the herbicide in or on the raw agricultural commodities fresh forage and hay of alfalfa from 5 to 10 parts per million.

The data submitted in the petition and other relevant material have been evaluated. The herbicide is considered useful for the purpose for which the increased tolerance is sought. The established tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from the proposed and established uses. The tolerance established by amending § 180.317 of the regulations will protect the public health. Therefore, it is concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may on or before June 30, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 29, 1975, Part 180, Subpart C, is amended by revising § 180.317.

AUTHORITY: Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)].

Dated: May 23, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.317, is amended by adding the new paragraph "10 parts per million * * *" after the introductory paragraph and by deleting "fresh forage and hay of alfalfa" from the paragraph "5 parts per million * * *" to read as follows:

* * * * *

§ 180.317 3,5-Dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide; tolerances for residues.

* * * * *

10 parts per million in or on fresh forage and hay of alfalfa.

5 parts per million in or on clover, crown vetch, sainfoin, and trefoil.

* * * * *

[FR Doc.75-14016 Filed 5-28-75;8:45 am]

[PP5F1526/R32; FRL 380-2]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Butanoic Anhydride, Exemption From the Requirement of a Tolerance

On August 15, 1974, notice was given (39 FR 29418) that Cloverland Products, Route 1, Pearl City IL 61062, had filed a pesticide petition (PP 5F1526) with the Environmental Protection Agency (EPA). This petition proposed establishment of an exemption from the requirement of a tolerance for residues of butyric acid in honey from use of the insect repellent butyric anhydride. (The correct chemical names for these compounds are butanoic anhydride and butanoic acid.)

The data submitted in the petition and other relevant material have been evaluated. It was determined that the exemption should be expressed in terms of the use of butanoic anhydride rather than as residues of butanoic acid in honey. The insect repellent is considered useful for the purpose for which the exemption is sought and the exemption established by regulation will protect the public health.

Any person adversely affected by this regulation may on or before June 30, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 29, 1975, Part 180, Subpart D, is amended by adding § 180.1034.

Dated: May 22, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)])

Part 180, Subpart D, is amended by adding § 180.1034 to read as follows.

§ 180.1034 Butanoic anhydride; exemption from the requirement of a tolerance.

The insect repellent butanoic anhydride is exempt from the requirements of a tolerance when applied in an absorbent pad over the hive to repel bees during the harvesting of honey.

[FR Doc.75-13936 Filed 5-28-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20148; RM-2072]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Radiotelegraph Auto Alarm Receiver Timing Tolerances

In the matter of amendment of Part 83 to specify radiotelegraph auto alarm receiver timing tolerances, add requirements for reception of additional emissions, and to make editorial changes.

The Annex to Report and Order, FCC 75-442, in the above matter, released May 1, 1975, which amended § 83.554 of the rules with respect to Auto Alarm Receiver Tolerances, was not included in the Federal Register with the published document. At the special request of the FCC, the Office of the Federal Register published the Annex separately as Part V in the issue of May 19, 1975. For the benefit of interested persons, this memorandum is issued to reference the Annex to the original document as follows:

Report and Order, FCC 75-442
Docket 20148, RM-2072
Published at 40 FR 19644 (May 6, 1975)

Annex to Report and Order, FCC 75-442
Docket 20148, RM-2072
Published at 40 FR 21877 (May 19, 1975)

Released: May 22, 1975.

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

[FR Doc.75-13923 Filed 5-28-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 82—ADMINISTRATIVE PROCEDURES FOR GRANTS-IN-AID (MARINE MAMMAL PROTECTION ACT OF 1972)

Proposed regulations were published in the FEDERAL REGISTER of October 21, 1974 (39 FR 37394-37396) to implement section 110 of the Marine Mammal Protection Act of 1972 ((16 U.S.C. 1361-1407) 86 Stat. 1027), pertaining to administrative procedures governing grants-in-aid.

The regulations define procedures whereby grants can be made to Federal or State agencies, public or private institutions, or private individuals for the purpose of undertaking research in subjects which are revelant to the protection and conservation of marine mammals.

Applications must be received by September 1 of the year preceding the fiscal year in which the research is contemplated.

The deletions, additions and minor changes in this final rule-making reflect comments received and correct certain technical errors and omissions. The following changes have been made:

1. Section 82.1—This is a new section which will clarify the regulations.

2. Section 82.2—This is a new section provided for clarification.

3. Section 82.3—This section provides supplementary information and procedures for applicants.

4. Section 82.5—The definition of "Cooperative Agreement" and "grantee" have been reworded for clarification.

5. Section 82.6—This section simplifies the application procedures.

6. Section 82.7—This section clarifies coordinating proposals with the various states.

It is determined that compliance with a delayed effective date 5 U.S.C. 553(d) is unnecessary, impracticable, and contrary to the public interest in as much as these regulations are merely procedural in nature. Accordingly, these regulations shall become effective upon publication.

Effective Date: These regulations become effective on May 29, 1975.

Dated: May 22, 1975.

LYNN A. GREENWALT,
Director.

Subpart A—Introduction

Sec.
82.1 Scope of regulations.
82.2 Purpose of regulations.
82.3 Supplementary information and procedures.
82.4 Authority.
82.5 Definitions.

Subpart B—Application for Grants

82.6 Submission of proposals.
82.7 Coordination with States.

Subpart C—Administration

82.8 Prosecution or work.
82.9 General information for the Secretary.
82.10 Payments to grantee.
82.11 Forms of vouchers.
81.12 Permit requirements.
82.13 Ownership of property.
82.14 Inspection and audit.
82.15 Record retention.
82.16 Reporting.
82.17 Procurement.
82.18 Officials not to benefit.
82.19 Patents and inventions.
82.20 Civil rights.
82.21 Copyrights.

Subpart A—Introduction

§ 82.1 Scope of regulations.

The regulations in this part are issued, pursuant to the authority of the Secretary in section 1380 of the Marine Mammal Protection Act, 16 U.S.C. 1361-1407 (Supp. II 1972), to provide procedures for the submission and review of applications and the award and administration of research grants, or other forms of financial assistance, to Federal or state agencies, public or private institutions, or other persons including any foreign governments for research relevant to the protection and conservation of marine mammals.

§ 82.2 Purpose of regulations.

The Marine Mammal Protection Act of 1972 (Pub. L. 92-552) authorizes appropriations, and confers authority upon the Secretary, subject to such terms and conditions as he deems necessary, and after review by the Marine Mammal Commission, to make grants, or provide other forms of financial assistance, for the purpose of undertaking research relevant to the protection and conservation of marine mammals. Research initiated pursuant to this authorization is to be directed toward increasing the available knowledge of the ecology and population dynamics of marine mammals and of the factors which bear upon their ability to reproduce themselves successfully, which information may be used for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat.

§ 82.3 Supplementary information and procedures.

The regulations in this part are intended to provide for the maximum flexibility and simplicity in the application and award of grants or other financial assistance and the minimum amount of Federal control in the conduct of the research and supervision of Federal funds, consistent with the anticipated level of appropriated funds and demand for such funds. With respect to grants to state or local governments these regulations are intended to implement and be read as consistent with Federal Management Circular 74-7, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," (FMC 74-7) 34 CFR Part 256, 39 FR 35787-35796, October 4, 1974, unless specifically noted otherwise. The standards and procedures set forth therein, and other referenced Federal management circulars, will, to the extent practical, govern other forms of financial assistance to state and local governments, public and private institutions and persons as well as grants to such institutions and persons. Other Federal regulations and sources of guidance potential applicants may find worthwhile to consult for information which may be helpful in applying and implementing research grants or other financial assistance under these regulations include: 34 CFR Part 211, Cost Sharing on Federal Research (FMC 73-3); 34 CFR Part 251, Audit of Federal Operations and Programs by Executive Branch Agencies, superseding OMB Circular No. A-73, dated August 4, 1965; 34 CFR Part 252, Coordinating Indirect Cost Rates and Audit at Educational Institutions, (FMC 73-6); 34 CFR Part 253, Administration of College and University Grants (FMC 73-7); 34 CFR Part 254, Cost Principles for Educational Institutions (FMC 73-8); FMC 74-4, Cost Principles under Grants to State and Local Governments.

§ 82.4 Authority.

The Secretary of the Interior has delegated to the Director, Fish and Wildlife Service, his authority under the Marine Mammal Protection Act to enter into grants or other forms of financial assistance for research relevant to the protection and conservation of marine mammals covered by the Act excluding the order *Cetacea* and members, other than walruses, of the order *Pinnipedia*.

§ 82.5 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) "Act" means the Marine Mammal Protection Act of 1972, 16 U.S.C. §§ 1361–1407.

(b) "Cooperative Agreement" means the properly signed documentation, including the Application for Federal Assistance, which describes the project goals, the time schedule for achieving them, the estimated expenses to be incurred and the terms and conditions under which the research will be conducted, the totality of which constitutes the legally binding instrument between the Secretary and the grantee.

(c) "Grantee" means (A) any private person or entity, or (B) any officer, employee, agent, department, or instrumentality of the Federal Government, or any state or political subdivision thereof or any foreign government, participating in a cooperative agreement with the Secretary.

(d) "Marine Mammal" means any specimen of the following species, whether alive or dead, or any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name:	*Common name*
Ursus maritimus	Polar bear.
Enhydra lutris	Sea Otter.
Odobenus rosmarus	Walrus.
Dugong dugong	Dugong.
Trichechus inunquis	West Indian manatee.
Trichechus manatus	West African manatee.
Trichechus senegalensis.	Amazonian manatee.

NOTE: Common names given may be at variance with local usage; they are not required to be provided by the Act, and they have no legal significance.

(e) "Non-Federal interest" means any organization, association, institution, business, school, individual or group of individuals, state agency, municipality, or others outside the Federal Government which desires to participate within the terms of the Act.

(f) "Project" means any program for which an Application for Federal Assistance and a cooperative agreement have been approved and which provides for research in subjects which are relevant to the protection and conservation of marine mammals.

(g) "Secretary" means the Secretary of the Interior or his delegated representative.

(h) "State" means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(i) "State agency" means any department(s), commission(s), or officials(s), of a state enpowered under its laws to administer the state program for marine mammals.

Subpart B—Application for Grants

§ 82.6 Submission of proposals.

(a) Preapplication forms may be submitted by any potential grantee in order to (1) Establish communication between the Fish and Wildlife Service and the applicant; (2) to determine the applicant's eligibility; (3) determine how well the project can compete with applications from others; and (4) eliminate any proposals which have little or no chance for Federal funding before the applicant incurs significant expenditures for preparing an application. A notice of review action will be sent to the applicant within 45 days of the receipt of the preapplication form informing the applicant of the results of the review of the preapplication form. If the review cannot be completed within 45 days, the applicant will be informed by letter as to when the review will be completed.

(b) An Application for Federal Assistance for non-construction shall be submitted by all applicants for grants, however, an Application for Federal Assistance—Short Form may be utilized for single purpose and one-time grant applications for less than $10,000 not requiring clearinghouse approval, an environmental impact statement, or the relocation of persons, businesses, or farms.

(c) Copies of the applications described in subsections (a) and (b) may be obtained from the Federal Aid Coordinator, State Fish and Game Agency, and the Director, U.S. Fish and Wildlife (Attention: Division of Cooperative Research), Washington, D.C. 20240. An original and two copies of the appropriate application forms should be submitted to the Director at this address. In order to allow sufficient time for processing, the Federal Assistance Application must be submitted by September 1 of the year preceding the fiscal year in which the research is contemplated. Any requests by grantees for changes, continuations, and supplements to approved grants must be submitted on the same form as the original application.

§ 82.7 Coordination with States.

If the proposed project is to be conducted within the territorial limits of a state, the Secretary shall not enter into an agreement with a non-Federal interest other than a State without first consulting with the State agency.

Subpart C—Administration

§ 82.8 Prosecution of work.

(a) The grantee shall pursue the agreed-upon objectives expeditiously, adhering to the procedures set forth in the Cooperative Agreement. Failure to do so or failure to provide timely and adequate reports shall be cause for the Secretary to withhold further reimbursements to the grantee until project commitments are satisfactorily met. All further disbursement of funds under the cooperative agreement may be terminated upon determination by the Secretary that satisfactory progress has not been maintained.

(b) All work shall be performed in accordance with applicable Federal, state, and local laws, including safety, health and sanitation laws, except that when state and local laws are in conflict with Federal laws or regulations, such Federal laws or regulations shall prevail.

§ 82.9 General information for the Secretary.

Before any Federal funds may be obligated for any project the grantee shall furnish to the Director such information regarding the authority of the grantee to participate in the benefits of the Act, such information of the type described in FMC 74–7 Attachment G, concerning the system to be used by the grantee for the financial management of grant funds, the state laws affecting marine mammals, and such other information as the Director may request.

(a) *Document signature.* The Application for Federal Assistance and the Cooperative Agreement must bear the signature of an official who is legally authorized to commit the prospective grantee to expediture of funds. The Secretary may, from time to time, request, and grantee shall furnish, information relating to the administration and maintenance of any project established under the Act.

§ 82.10 Payments to grantee.

Payments may be requested by the grantee at intervals of not less than 30 days as work described in the cooperative agreement progresses.

§ 82.11 Forms of vouchers.

Vouchers, on forms provided by the Secretary, showing amounts expended on each project, and the Federal portion claimed to be due on account thereof, shall be certified and submitted to the Director by the grantee.

§ 82.12 Permit requirements.

No work shall commence on a proposal funded under the provisions of 16 U.S.C. 1380 until all appropriate State and Federal permits have been applied for and issued.

§ 82.13 Ownership of property.

When property is acquired pursuant to the provisions of the Act, title to such property or interests therein shall be vested in the grantee as long as the property is used for the authorized purpose. When the property is no longer needed for such purpose, the Director and the grantee shall mutually agree regarding the assignment of title and any compensations consistent with the terms of Federal Management Circular 74–7 or other appropriate referenced Federal Management Circulars cited in § 82.3 above.

§ 82.14 Inspection and audit.

Supervision of each project shall be as specified in the initial cooperative agreement and shall include adequate and continuous inspection by the grantee. The project will be subject at all reasonable times to Federal inspection. The Director and the Comptroller General of the United States, or their duly authorized representatives, shall be given access by the grantee during regular business hours to any books, documents, papers, and records of the grantee which are pertinent to the project for the purposes of making audit, examination, excerpts, and transcripts.

§ 82.15 Record retention.

All records of accounts, and reports, with supporting documentation thereto, will be maintained by the grantee for a period of three years after submission of the final expenditure report, with the qualifications stated in FMC 74–7, Attachment C, paragraph 1.

§ 82.16 Reporting.

Performance reports and other specified reports shall be submitted to the Secretary by the grantee in accordance with requirements prescribed by FMC 74–7 or other appropriate referenced Federal Management Circulars cited in § 82.3 above.

§ 82.17 Procurement.

Grantees may use their own procurement regulations which reflect applicable State and local laws, rules, and regulations, provided that procurements made with funds under the Act adhere to the standards set forth in FMC 74–7 or other appropriate referenced Federal Management Circulars cited in § 82.3 above.

§ 82.18 Officials not to benefit.

No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or any part of an agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to an agreement made with a corporation for its general benefit.

§ 82.19 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Act shall be governed by the "Government Patent Policy," President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of government patent policy as printed in 36 FR 16889.

§ 82.20 Civil rights.

Each cooperative agreement shall be supported by a statement of assurance executed by the grantee providing that the project will be carried out in accordance with Title VI, non-discrimination in federally assisted programs, of the Civil Rights Act of 1964, 42 U.S.C. 2000d–2000d–4, and with the Secretary's regulations promulgated thereunder, 43 CFR Part 17.

§ 82.21 Copyrights.

Where research conducted under a grant issued pursuant to this part results in a book or other copyrightable material, the author or grantee, subject to the terms of the Cooperative Agreement, is encouraged to publish the work, but the Department of the Interior reserves a royalty free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes. Any publication by the grantee must bear in an appropriate place an acknowledgment of grant support under the Marine Mammal Act from the Department of the Interior. In addition, any publication must include a statement that the findings, conclusions, etc., do not necessarily represent the views of the Department of the Interior. At least two copies of any printed publications must be furnished to the United States Fish and Wildlife Service.

[FR Doc.75–13958 Filed 5–28–75;8:45 am]

Title 7—Agriculture

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

[Valencia Orange Reg. 500]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 30–June 5, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.800 Valencia Orange Regulation 500.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is generally good except for smaller-size fruit.

Prices f.o.b. averaged $3.46 per carton on a reported sales volume of 660,000 cartons last week, compared with an average f.o.b. price of $3.36 per carton and sales of 655,000 cartons a week earlier. Track and rolling supplies at 447 cars were up 51 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy

of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 27, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 30, 1975, through June 5, 1975, are hereby fixed as follows:

(i) District 1: 238,000 cartons;

(ii) District 2: 391,000 cartons;

(iii) District 3: 221,000 cartons."

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

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

Dated: May 28, 1975.

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

[FR Doc.75-14285 Filed 5-28-75;11:29 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1975 Crop Rye Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1975 Crop Rye Loan and Purchase Program

On July 17, 1974, notice of proposed rulemaking regarding loan and purchase rates for 1975 crop rye and operating provisions to carry out the 1975 crop rye loan and purchase program was published in the FEDERAL REGISTER (39 FR 26159).

Six responses were received from interested individual producers, a farm organization, and other interested parties. These responses included requests ranging from an increase in price support to the elimination of the price support program. Recommendation was also received to change the loan maturity date to the anniversary date of the loan.

After consideration of all responses, it has been determined that loan and purchase rates for 1975 crop rye on a national average will remain the same as in 1974. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and districts. Loans will no longer have identical maturity dates but will mature on the last day of the eleventh calendar month following the month in which the loan is made. Other operating provisions for the 1975 crop remain the same as those for the 1975 crop.

The general regulations governing price support for the 1970 and subsequent crops (35 FR 7363 and 7781) and the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations (35 FR 10355) and any amendments to such regulations, are further supplemented for the 1975 crop of rye. The material previously appearing in these §§ 1421.350 through 1421.353 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.350 Purpose.
1421.351 Availability.
1421.352 Maturity of loans.
1421.353 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note and 1421)

§ 1421.350 Purpose.

This supplement contains program provisions which, together with the provisions of the general regulations governing price support for the 1970 and subsequent crops and the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations, and any amendments thereto, apply to loans and purchases with respect to the 1975 crop of rye.

§ 1421.351 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1975 crop of eligible rye on or before March 31, 1976.

(b) *Purchases.* Producers desiring to offer eligible 1975 crop rye not under loan for purchase must execute and deliver to the county ASCS office on or before February 28, 1977, a purchase agreement (Form CCC–614) indicating the approximate quantity of 1975 crop rye they will sell to CCC.

§ 1421.352 Maturity of loans.

Loans mature on the last day of the eleventh calendar month following the month in which the loan is disbursed or upon such earlier date as CCC may make demand for payment.

§ 1421.353 Loan and purchase rates.

(a) *Basic loan and purchase rates (counties).* Basic rates per bushel for loan and settlement purposes for rye are established for rye grading U.S. No. 2 or better, or U.S. No. 3 on the factor of test weight only and are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.02

ARIZONA

County	Rate per bushel
All counties	$0.99

ARKANSAS

County	Rate per bushel
All counties	$0.96

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.16	San Francisco	$1.16
Los Angeles	1.16	San Joaquin	1.16
Sacramento	1.16	All other counties	1.03
San Diego	1.16		

County	Rate per bushel
COLORADO	
All counties	$0.85
CONNECTICUT	
All counties	$1.00
DELAWARE	
All counties	$1.05
FLORIDA	
All counties	$1.09
GEORGIA	
All counties	$1.09
IDAHO	
All counties	$0.94

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Cook	$1.03	All other counties	$0.97
St. Clair	1.03		

County	Rate per bushel
INDIANA	
All counties	$0.95

IOWA

County	Rate per bushel	County	Rate per bushel
Pottawattamie	$0.94	All other counties	$0.90
Woodbury	.94		

KANSAS

County	Rate per bushel	County	Rate per bushel
Wyandotte	$0.94	All other counties	$0.84

County	Rate per bushel
KENTUCKY	
All counties	$1.02

LOUISIANA

Parish	Rate per bushel	Parish	Rate per bushel
East Baton Rouge	1.18	West Baton Rouge	$1.18
Jefferson	1.18	All other parishes	.99
Orleans	1.18		
St. Charles	1.18		

County	Rate per bushel
MAINE	
All counties	$1.00
MARYLAND	

County	Rate per bushel	County	Rate per bushel
Baltimore City	$1.16	All other counties	$1.05

County	Rate per bushel
MASSACHUSETTS	
All counties	$1.00
MICHIGAN	
All counties	$0.87

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.93	Goodhue	$0.94
Anoka	.94	Grant	.90
Becker	.87	Hennepin	.95
Beltrami	.89	Houston	.88
Benton	.94	Hubbard	.89
Big Stone	.88	Isanti	.94
Blue Earth	.93	Itasca	.94
Brown	.93	Jackson	.91
Carlton	.95	Kanabec	.93
Carver	.95	Kandiyohi	.93
Cass	.93	Kittson	.79
Chippewa	.93	Koochiching	.89
Chisago	.94	Lac Qui Parle	.89
Clay	.85	Lake of the Woods	.82
Clearwater	.88	Le Sueur	.95
Cottonwood	.92	Lincoln	.88
Crow Wing	.93	Lyon	.90
Dakota	.95	McLeod	.94
Dodge	.94	Mahnomen	.85
Douglas	.95	Marshall	.83
Faribault	.92	Martin	.91
Fillmore	.89	Mecker	.94
Freeborn	.93		

County	Rate per bushel	County	Rate per bushel
Mille Lacs	$0.94	Saint Louis	$0.95
Morrison	.93	Scott	.95
Mower	.93	Sherburne	.94
Murray	.88	Sibley	.94
Nicollet	.94	Stearns	.94
Nobles	.91	Steele	.94
Norman	.85	Stevens	.91
Olmsted	.93	Swift	.92
Otter Tail	.88	Todd	.93
Pennington	.84	Traverse	.87
Pine	.92	Wabasha	.94
Pipestone	.87	Wadena	.89
Polk	.84	Waseca	.94
Pope	.93	Washington	.95
Ramsey	.95	Watonwan	.93
Red Lake	.84	Wilkin	.87
Redwood	.93	Winona	.93
Renville	.93	Wright	.94
Rice	.95	Yellow Medicine	.91
Rock	.88		
Roseau	.79		

MISSISSIPPI

All counties $1.04

MISSOURI

County	Rate per bushel	County	Rate per bushel
St. Louis	$1.07	All other counties	$0.94

MONTANA

All counties $0.75

NEBRASKA

All counties $0.84

NEVADA

All counties $0.89

NEW HAMPSHIRE

All counties $1.00

NEW JERSEY

All counties $1.02

NEW MEXICO

All counties $0.89

NEW YORK

Albany	$1.16	All other counties	$1.00
New York City	1.16		

NORTH CAROLINA

All counties $1.09

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.70	McKenzie	$0.64
Barnes	.82	McLean	.69
Benson	.73	Mercer	.71
Billings	.68	Morton	.73
Bottineau	.69	Mountrail	.66
Bowman	.70	Nelson	.79
Burke	.66	Oliver	.71
Burleigh	.76	Pembina	.79
Cass	.86	Pierce	.70
Cavalier	.74	Ramsey	.74
Dickey	.83	Ransom	.85
Divide	.65	Renville	.66
Dunn	.69	Richland	.87
Eddy	.77	Rolette	.70
Emmons	.75	Sargent	.87
Foster	.77	Sheridan	.71
Golden Valley	.67	Sioux	.74
Grand Forks	.82	Slope	.70
Grant	.72	Stark	.70
Griggs	.80	Steele	.84
Hettinger	.70	Stutsman	.79
Kidder	.76	Towner	.72
La Moure	.82	Traill	.83
Logan	.78	Walsh	.81
McHenry	.69	Ward	.67
McIntosh	.78	Wells	.75
		Williams	.65

OHIO

County	Rate per bushel
All counties	$0.95

OKLAHOMA

All counties $0.92

OREGON

County	Rate per bushel	County	Rate per bushel
Clatsop	$1.16	All other counties	$1.03
Multnomah	1.16		

PENNSYLVANIA

Philadelphia	$1.16	All other counties	$1.00

RHODE ISLAND

All counties $1.00

SOUTH CAROLINA

Charleston	$1.16	All other counties	$1.07

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.81	Jackson	$0.74
Beadle	.83	Jerauld	.80
Bennett	.78	Jones	.78
Bon Homme	.84	Kingsbury	.84
Brookings	.87	Lake	.84
Brown	.82	Lawrence	.66
Brule	.79	Lincoln	.85
Buffalo	.80	Lyman	.79
Butte	.67	McCook	.81
Campbell	.76	McPherson	.79
Charles Mix	.83	Marshall	.84
Clark	.84	Meade	.70
Clay	.86	Mellette	.79
Codington	.86	Miner	.81
Corson	.72	Minnehaha	.85
Custer	.96	Moody	.87
Davison	.81	Pennington	.71
Day	.84	Perkins	.70
Deuel	.89	Potter	.80
Dewey	.74	Roberts	.87
Douglas	.83	Sanborn	.80
Edmunds	.80	Shannon	.73
Fall River	.65	Spink	.84
Faulk	.82	Stanley	.78
Grant	.88	Sully	.80
Gregory	.82	Todd	.79
Haakon	.73	Tripp	.81
Hamlin	.86	Turner	.85
Hand	.80	Union	.88
Hanson	.81	Walworth	.78
Harding	.68	Washabaugh	.74
Hughes	.80	Yankton	.86
Hutchinson	.83	Ziebach	.72
Hyde	.80		

TENNESSEE

Shelby	$1.09	All other counties	$1.04

TEXAS

County	Rate per bushel	County	Rate per bushel
Galveston	$1.18	San Patricio	$1.18
Harris	1.18	All other counties	.97
Jefferson	1.18		
Nueces	1.18		

UTAH

All counties $0.84

VERMONT

All counties $1.00

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Chesapeake (Norfolk)	$1.16	All other counties	$1.05

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Clark	$1.16	Pierce	$1.16
Cowlitz	1.16	All other counties	.95
King	1.16		

WEST VIRGINIA

All counties $1.02

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Milwaukee	$1.04	All other counties	$0.95

WYOMING

All counties $0.84

(b) *Premiums and discounts.* The basic rates shall be adjusted by premiums or discounts as follows:

(1) *Class premiums and discounts.*

discounts.

(i) Premiums:

	Cents per bushel
Rye Grading U.S. No. 1	1
Rye Grading U.S. No. 3 on account of being "thin"	--

(ii) Discounts:

"Thin" rye (percent):	
15.1–17.0	1
17.1–19.0	2
19.1–21.0	3
21.1–23.0	4
23.1–25.0	5
Weed control discount (where required by § 1421.25)	10

(2) *Other factors:* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of rye such as (but not limited to) moisture, weevily, stones, musty, sour, ergoty, and heating. Such discounts will be established approximately 1 month prior to the loan maturity date for rye and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts and adjustments thereof at county ASCS offices approximately 1 month prior to the loan maturity date or as soon thereafter as practicable.

Effective date: May 29, 1975.

Signed at Washington, D.C., on May 20, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-13850 Filed 5-28-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 451.5]

SUBCHAPTER E—ACCOUNT SERVICING

PART 1861—ROUTINE

Transfer of Security and Assumption of Loans

Section 1861.85, paragraph (c)(3) of Subpart F of Part 1861, Title 7, Code of Federal Regulations (37 FR 15502; 39

FR 20070; 40 FR 13202), is amended to clarify the Farmers Home Administration's policies regarding the method of computing the interest rate for transfers of association-type loans to ineligible applicants. Since the changes are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

As amended, § 1861.85(c)(3) reads as follows:

§ 1861.85 Transfer of security and assumption of loans.

* * * * *

(c) *Transfers to ineligible applicants.*

* * *

(3) Interest rates to ineligible transferees will be the current rate charged individual borrowers for operating-type loans on the date the transfer is approved less one percent, and in accordance with the following:

* * * * *

((7 U.S.C. 1989); delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: May 16, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-14023 Filed 5-28-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

Elective Social Security Coverage for Vow-of-Poverty Members of Religious Orders

On December 18, 1974, there was published in the FEDERAL REGISTER (39 FR 43729) a Notice of Proposed Rule Making and proposed amendments reflecting the provisions of section 123 of Pub. L. 92-603, enacted October 30, 1972 (86 Stat. 1354), regarding elective social security coverage for members of religious orders who have taken a vow of poverty. Interested parties were given 30 days within which to submit data, views, and arguments. The only comment received was later withdrawn. Therefore, the regulations are adopted as proposed, and are set forth below.

Under prior law, the services performed by a member of a religious order who is subject to a vow of poverty which were in the exercise of the duties required by the order were excluded from coverage under social security. Under section 123 of Pub. L. 92-603 such service will be covered under social security if the order (or an autonomous subdivision of the order) irrevocably elects coverage for its members subject to a vow of poverty, and if the order also makes an irrevocable election (or makes irrevocable a previous election) to cover its lay employees. The election may be made retroactive for a maximum of 20 calendar quarters preceding the quarter in which the certificate of election is filed.

The "wages" of these members of religious orders for social security purposes include the fair market value of any board, lodging, clothing, and other perquisites furnished to the member, except that the amount included as such individual's remuneration shall not be less than $100 a month. These regulations provide that where the fair market value of any board, lodging, clothing, and other perquisites furnished to all members of an electing religious order or subdivision (or to all in a group of members) does not vary significantly, such order or subdivision may treat all of its members (or all in such group of members) as having a uniform wage.

A member of a religious order (i.e., an individual whose "wages" are subject to tax) is defined as any individual who is subject to a vow of poverty as a member of such order, who performs tasks usually required (and to the extent usually required) of an active member of such order, and who is not considered retired because of old age or total disability. These regulations provide that, in determining whether it is reasonable to consider an individual to be retired because of old age, consideration is first to be given to the nature of the services rendered by the individual to his religious order, the amount of time the individual devotes to the performance of services for his religious order, and the nature and extent of the services rendered by the individual before he "retired," as compared with the services performed thereafter. Where consideration of these factors does not establish whether an individual is or is not reasonably considered retired, all other factors are considered.

Under these rules, an electing religious order or subdivision which determines that a member has retired must submit with its employment tax return a summary of the facts upon which the determination has been made.

These regulations also provide that a religious order or an autonomous subdivision of such an order desiring to make an election of coverage shall file a certificate of election on Form SS-16, Certification of Election of Coverage. However, a document other than Form SS-16 may, under certain circumstances, constitute a certificate of election.

(Secs. 205, 210, and 1102 of the Social Security Act, as amended, and section 123 of the Social Security Amendments of 1972 (Pub. L. 92-603), 53 Stat. 1368, as amended, 64 Stat. 494, as amended, 49 Stat. 647, as amended, 86 Stat. 1354; (42 U.S.C. 405, 410, and 1302.))

Effective date: These amendments are effective May 29, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: May 5, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 22, 1975.

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

Subpart K, Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404), is further amended as follows:

1. Section 404.1015 is amended by revising paragraph (a) to read as follows:

§ 404.1015 Ministers of churches and members of religious orders.

(a) *In general.* Services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order not subject to a vow of poverty in the exercise of his duties required by such order, are excluded from employment, but are included under the self-employment provisions of the Act. However, services performed by a member of a religious order who has taken a vow of poverty which are in the exercise of duties required by such order (whether performed for the order or for another employer) are included in employment if an election of coverage under section 3121(r) of the Internal Revenue Code of 1954 is in effect with respect to such order or with respect to an autonomous subdivision thereof to which such member belongs. For provisions relating to the election available to certain ministers and members of religious orders not subject to a vow of poverty with respect to the extension of the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed by them, see §§ 404.1070(e), 404.1080, and 404.1086. See also section 1402(e) of the Internal Revenue Code of 1954 (26 U.S.C. 1402(e)).

2. Section 404.1015a is added to read as follows:

§ 404.1015a Election of coverage by religious orders.

(a) *In general.* A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such an order, may elect to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to services performed by its members which are in the exercise of duties required by such order or subdivision. See § 404.1026(e) for provisions relating to the computation of the amount of remuneration of such members. For purposes of this section, a subdivision of a religious order is autonomous if it directs and governs its members, if it is responsible for its

members' care and maintenance, if it is responsible for members' support and maintenance in retirement, and if the members live under the authority of a religious superior who is elected by them or appointed by higher authority.

(b) *Definition of member.* (1) *In general.* For purposes of this section, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order and who performs tasks usually required (and to the extent usually required) of an active member of such order and who is not considered retired because of old age or total disability.

(2) *Retirement because of old age.* (i) *In general.* For purposes of this paragraph, an individual is considered retired because of old age if the order to which he belongs has an established retirement program, (e.g., all members are retired at age 70, or all members are retired when they become incapacitated by advanced age), and the member meets the criteria established by such retirement program. If an order does not have an established retirement program, an individual is considered retired because of old age if (A) in view of all the services performed by the individual and the surrounding circumstances it is reasonable to consider him to be retired, and (B) his retirement occurred by reason of old age. Even though an individual performs some services in the exercise of duties required by the religious order, the first test (the retirement test) is met where it is reasonable to consider the individual to be retired.

(ii) *Factors to be considered.* In determining whether it is reasonable to consider an individual to be retired, consideration is first to be given to all of the following factors:

(A) *Nature of services.* Consideration is given to the nature of the services performed by the individual in the exercise of duties required by his religious order. The more highly skilled and valuable such services are, the more likely the individual rendering such services is not reasonably considered retired. Also, whether such services are of a type performed principally by retired members of the individual's religious order may be significant.

(B) *Amount of time.* Consideration is also given to the amount of time the individual devotes to the performance of services in the exercise of duties required by his religious order. This time includes all the time spent by him in any activity in connection with services which might appropriately be performed in the exercise of duties required of active members by the order. Normally, an individual who, solely by reason of his advanced age, performs services of less than 45 hours per month shall be considered retired. In no event shall an individual who, solely by reason of his advanced age, performs services of less than 15 hours per month not be considered retired.

(C) *Comparison of services rendered before and after retirement.* In addition, consideration is given to the nature and extent of the services rendered by the individual before he "retired," as compared with the services performed thereafter. A large reduction in the importance or amount of services performed by the individual in the exercise of duties required by his religious order tends to show that the individual is retired; absence of such reduction tends to show that the individual is not retired. Normally, an individually who reduces by at least 75 percent the amount of services performed shall be considered retired.

Where consideration of the factors described in paragraph (b)(2)(ii) of this section does not establish whether an individual is or is not reasonably considered retired, all other factors are considered.

(3) *Retirement because of total disability.* For purposes of this paragraph, an individual is considered retired because of total disability (i) if he is unable, by reason of a medically determinable physical or mental impairment, to perform the tasks usually required of an active member of his order to the extent necessary to maintain his status as an active member, and (ii) if such impairment is reasonably expected to prevent his resumption of the performance of such tasks to such extent. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. Statements of the individual, including his own description of his impairment (symptoms), are alone insufficient to establish the presence of a physical or mental impairment.

(4) *Evidentiary requirements with respect to retirement.* There shall be attached to the return of taxes paid pursuant to an election under section 3121(r) of the Internal Revenue Code of 1954 a summary of the facts upon which any determination has been made, by the religious order or autonomous subdivision, that one or more of its members retired during the period covered by such return. Each summary shall contain the name and social security number of each such retired member as well as the date of his retirement. Such order or subdivision shall maintain records of the details relating to each such "retirement" sufficient to show whether or not such member or members has in fact retired.

(c) *Certificates of election.* (1) *In general.* A religious order or an autonomous subdivision of such an order desiring to make an election of coverage pursuant to section 3121(r) of the Internal Revenue Code of 1954 and this section shall file Form SS–16, *Certificate of Election of Coverage Under the Federal Insurance Contributions Act,* with the Internal Revenue Service in accordance with the instructions applicable thereto. However, in the case of an election made before August 9, 1973, a document other than form SS–16 shall constitute a certificate of election if it purports to be a binding election of coverage and if it is filed with an appropriate official of the Internal Revenue Service. Such a document shall be given the effect it would have if it were a certificate of election containing the provisions required by paragraph (c)(2) of this section. However, it should subsequently be supplemented by a form SS–16.

(2) *Provisions of certificates.* Each certificate of election shall provide that:

(i) Such election of coverage by such order or subdivision shall be irrevocable,

(ii) Such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision.

(iii) All services performed by a member of such order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision, and

(iv) The wages of each member, upon which such order or subdivision shall pay the taxes imposed on employees and employers by sections 3101 and 3111 of the Internal Revenue Code of 1954, will be determined as provided in § 404.1026(e).

(d) *Effective date of election.* (1) *In general.* Services which are performed by members of orders as defined in §§ 404.1015a(b)(1) are covered during any period either retroactive or prospective for which an order has elected coverage provided the member is not considered retired because of old age or total disability. Except as provided in paragraph (e) of this section, a certificate of election of coverage filed by a religious order or its subdivision, pursuant to section 3121(r) of the Internal Revenue Code of 1954 and this section, shall be in effect, for purposes of section 3121(b)(8)(A) of the Internal Revenue Code of 1954 and for purposes of section 210(a)(8)(A) of the Act, for the period beginning with whichever of the following may be designated by the electing religious order or subdivision:

(i) The first day of the calendar quarter in which the certificate is filed,

(ii) The first day of the calendar quarter immediately following the quarter in which the certificate is filed, or

(iii) The first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the 20th calendar quarter preceding the quarter in which such certificate is filed.

(2) *Retroactive elections.* Whenever a date is designated as provided in paragraph (d)(1)(iii) of this section, the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed. Thus, the election applies to an individual who is no longer a member of a religious order on the first day of such quarter if he performed services as a member at any time on or after the date so designated and is living on the first day of the quarter in which such certificate is filed.

(e) *Coordination with coverage of lay employees.* If at the time the certificate

of election of coverage is filed by a religious order or autonomous subdivision, a certificate of waiver of exemption under section 3121(k) of the Internal Revenue Code of 1954 (extending coverage to any lay employees) is not in effect, the certificate of election shall not become effective unless the order or subdivision files a Form SS–15, *Certificate Waiving Exemption from Taxes Under the Federal Insurance Contributions Act*, and a Form SS–15a, *List to Accompany Certificate on Form SS–15 Waiving Exemption from Taxes Under the Federal Insurance Contributions Act*, to accompany the certificate on Form SS–15, as provided by section 3121(k) of the Internal Revenue Code of 1954. The preceding sentence applies even though an order or subdivision has no lay employees at the time it files a certificate of election of coverage. The effective date of the certificate of waiver of exemption must be no later than the date on which the certificate of election becomes effective, and it must be specified on the certificate of waiver of exemption that such certificate is irrevocable. The certificate of waiver of exemption required under this paragraph shall be filed notwithstanding the provisions of section 3121(k)(3) of the Internal Revenue Code of 1954 (relating to no renewal of the waiver of exemption) which otherwise would prohibit the filing of a waiver of exemption if an earlier waiver of exemption had previously been terminated. If at the time the certificate of election of coverage is filed a certificate of waiver of exemption is in effect with respect to the electing religious order or autonomous subdivision, the filing of the certificate of election shall constitute an amendment of the certificate of waiver of exemption and make the latter certificate irrevocable.

3. Section 404.1016 is amended by revising paragraph (a) to read as follows:

§ 404.1016 Religious, charitable, educational, or certain other organizations exempt from income tax.

(a) *In general.* Services performed by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of the Internal Revenue Code of 1954 (section 101 (6) of the Internal Revenue Code of 1939) are excepted from employment. However, this exception does not apply to services performed during the period for which a Form SS–15, *Certificate Waiving Exemption From Taxes Under the Federal Insurance Contributions Act*, or Form SS–15b, *Certificate for Retroactive Coverage*, filed pursuant to section 3121(k) or section 3121(r) of the Internal Revenue Code of 1954 or section 1426(l) of the Internal Revenue Code of 1939, is in effect if such services are performed by an employee (1) whose signature appears on form SS–15b or on the Form SS–15a, *List to Accompany Certificate on Form SS–15 Waiving Exemption from Taxes Under the Federal Insurance Contributions Act*, or Form SS–15a Supplement, *Amendment to List on Form SS–15a*, filed by such organization under section 3121(k) of the Internal Revenue Code of 1954 (section 1426(l) of the Internal Revenue Code of 1939); (2) who became an employee of such organization after the calendar quarter in which the form SS–15 was filed; or (3) who became a member of a group of employees as described in section 3121(k)(1)(E) of the Internal Revenue Code of 1954 after the calendar quarter in which the form SS–15 was filed with respect to such group. (See § 404.1015(b) and (d) relating to services performed by a minister of a church in the exercise of his ministry or by a member of a religious order not subject to a vow of poverty in the exercise of duties required by such order; § 404.1015a relating to services performed by a member of a religious order or subdivision thereof whose members are required to take a vow of poverty; § 404.1018 relating to services performed in the employ of an organization otherwise exempt from income tax under section 501 (a) of the Internal Revenue Code of 1954 (section 101 of the Internal Revenue Code of 1939); § 404.1019 relating to services performed in the employ of a school, college, or university by certain students; and § 404.1022 relating to services performed by certain student nurses and hospital interns. See 26 CFR § 31.3121(k)–1 relating to waiver of exemption from taxes with respect to certain services under section 3121(k) of the Internal Revenue Code of 1954 and 26 CFR § 31.3121(r)–1 relating to services with respect to which a certificate is in effect under section 3121(r) of the Internal Revenue Code of 1954.)

* * * * *

4. Section 404.1026 is amended by adding paragraph (e) to read as follows:

§ 404.1026 Wages.

* * * * *

(e) *Remuneration for service performed by certain members of religious orders.* In any case where an individual is a member of a religious order as defined in § 404.1015a(b) and performing service in the exercise of duties required by such order, and an election of coverage under section 3121(r) of the Internal Revenue Code of 1954 is in effect with respect to such order or the autonomous subdivision thereof to which such member belongs, the term "wages" shall, subject to the provisions of section 3121(a)(1) of the Internal Revenue Code of 1954 (relating to definition of wages), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision or by any other person or organization pursuant to an agreement (whether written or oral) with such order or subdivision. Such other perquisites shall include any cash either paid by such order or subdivision or paid by another employer and not required by such order or subdivision to be remitted to it. For purposes of this section, perquisites shall be considered to be furnished over the period during which the member receives the benefit of them. In no case shall the amount included as such individual's remuneration under this paragraph be less than $100 a month. All relevant facts and elements of value shall be considered in every case. Where the fair market value of any board, lodging, clothing, and other perquisites furnished to all members of an electing religious order or autonomous subdivision (or to all in a group of members) does not vary significantly, such order or subdivision may treat all of its members (or all in such group of members) as having a uniform wage.

[FR Doc.75–13921 Filed 5–28–75;8:45 am]

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Admissions to Skilled Nursing Facilities More Than 14 Days After Discharge From Hospital

On July 8, 1974, there was published in the FEDERAL REGISTER (39 FR 24920) a notice of proposed rule making with proposed amendments to Subpart A of Regulations No. 5 (20 CFR Part 405), implementing section 248 of Pub. L. 92–603 (86 Stat. 1425), and providing that services furnished eligible beneficiaries in skilled nursing facilities may be covered if admission to the skilled nursing facility occurred more than 14 days after discharge from a hospital in the following situations: (a) Where an individual who required extended care services within 14 days of his discharge from a hospital was unable to be admitted to a skilled nursing facility within such 14 days because of a shortage of appropriate bed space in the geographic area in which he resides, provided he entered the skilled nursing facility within 28 days of his hospital discharge, or (b) where an individual whose condition is such that covered skilled nursing facility care would not be medically appropriate within 14 days after discharge from a hospital was admitted to a skilled nursing facility within such time as it would be medically appropriate to begin an facility. Interested persons were given active course of treatment in such a through August 7, 1974, to submit written comments or suggestions thereon. Comments and suggestions received with regard to such notice of proposed rule making and response thereto are summarized below.

(1) One individual questioned the use of the term "extended care services" since in the Social Security Act the title of the setting in which such services are rendered has been changed from "extended care facility" to "skilled nursing facility." Since the statute still refers to the services rendered as "extended care services", we feel that a change would not be appropriate.

(2) Another individual was concerned that since the index of the FEDERAL REGISTER indicated that this was a Medicaid regulation, that the prior hospi-

talization requirement might inadvertently be imposed on individuals who are patients under title XIX of the Social Security Act. This, of course, is not possible since this amendment relates strictly to a requirement of title XVIII of the Social Security Act and individuals admitted to skilled nursing facilities under the requirements of title XIX would not be affected by this amendment in any way.

In addition, the proposed regulations have been revised to reflect the decision of the court in Wilson Coe v. Secretary of Health, Education, and Welfare, 502 F. 2d 1337 (4th Cir. 1974), decided after the notice of proposed rule making, in which the court applied section 248 of Pub. L. 92-603 to a claim involving an admission to a skilled nursing facility which occurred prior to October 30, 1972, the date of enactment of section 248. The regulations, as revised, provide that section 248 of Pub. L. 92-603 shall be applied to skilled nursing facility admissions prior to October 30, 1972, with respect to which a final determination had not been made prior to that date.

The amendments are adopted as so revised and are set forth below.

(Secs. 1102, 1861(i), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 317, 79 Stat. 331; (42 U.S.C. 1302, 1395x (i), and 1395hh))

Effective date: These amendments shall be effective on June 30, 1975 and apply to skilled nursing facility admissions occurring on or after October 30, 1972, or to skilled nursing facility admissions occurring prior to October 30, 1972, with respect to which a final determination had not been made prior to October 30, 1972.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: May 5, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 22, 1975.

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

Regulations No. 5 of the Social Security Administration (20 CFR Part 405), are further amended as set forth below:

1. Paragraph (a)(1) of § 405.120 is amended by deleting the phrase "within 14 days (as defined in paragraph (d) of this section)" and inserting in its place the phrase "within the time specified in paragraph (d) of this section."

2. Paragraph (d) of § 405.120 is revised to read as follows:

§ 405.120 Posthospital extended care services; scope of benefits.

* * * * *

(d) *Timely admission to a skilled nursing facility.* To be eligible for extended care services an individual must be admitted to a skilled nursing facility within a specified time period.

(1) *Skilled nursing facility admissions prior to October 30, 1972.* With respect to skilled nursing facility admissions occurring prior to October 30, 1972, which do not fall within the exception referred to in paragraph (d)(2) of this section, an individual must have been admitted to the skilled nursing facility and received required post-hospital extended care (see § 405.126) within 14 days after his discharge from a hospital (see paragraph (d)(3) of this section for method of counting days).

(2) *Skilled nursing facility admissions on or after October 30, 1972.* With respect to skilled nursing facility admfssions occurring on or after October 30, 1972, or to skilled nursing facility admissions occurring prior to October 30, 1972, with respect to which a final determination (see Subpart G of this part for definition of "final determination") had not been made prior to October 30, 1972, an individual must (i) be admitted to the skilled nursing facility and receive required post-hospital extended care (see § 405.126) within 14 days after discharge from a hospital, or (ii) be admitted to the skilled nursing facility within 28 days after such discharge, in the case of an individual who was unable to be admitted to a skilled nursing facility within 14 days because of a shortage of appropriate bed space in the geographic area in which he resides provided he required posthospital extended care (see § 405.126) within 14 days of the hospital discharge and continued to require such care through the time of his admission to the facility, or (iii) must be admitted to the skilled nursing facility within such time as it would be medically appropriate to begin an active course of treatment in such a facility, in the case of an individual whose condition is such that post-hospital extended care (see § 405.126) would not be medically appropriate within 14 days after discharge from a hospital (see paragraph (d)(3) of this section for method of counting days).

(3) *Counting days.* For the purpose of this section, "within 14 days" or "within 28 days" means the period of 14 or 28 consecutive calendar days (including Saturdays, Sundays, legal holidays, and days, all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order) beginning with the calendar day following the day of discharge from the hospital or, where paragraph (b)(2) of this section applies, beginning with the calendar day following the day of discharge from a skilled nursing facility.

* * * * *

[FR Doc.75-14012 Filed 5-28-75;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Lockbox and Caller Service Rentals

On April 8, 1975, the Postal Service published in the FEDERAL REGISTER (40 FR 15909) a notice of proposed rulemaking on this subject, setting forth a complete revision of Part 169 of the Postal Service Manual, dealing with post office boxes. The primary purpose of the revision is to reorganize the existing postal box service into two distinct categories of service: Lockbox service, and caller service. Interested persons were invited to submit written views and arguments on the proposed revision at any time on or before May 8, 1975.

A number of commenters recommended that the Postal Service provide free lockbox service to customers in small rural communities who do not have carrier delivery. Several commenters recommended free lockbox service to inner-city residents whose mail has been stolen from their mail boxes.

Persons entitled to carrier delivery who show that their mail boxes have been vandalized or their mail stolen would appear clearly to satisfy the requirement in § 113.32 of the Postal Service Manual to show "good and sufficient reasons" to receive their mail at general delivery windows. There is, of course, no charge for this service. Rural customers who do not receive carrier delivery are likewise entitled to the free service at general delivery windows. Free lockbox service for these customers, as well as for those whose mail boxes have been vandalized, would not be justified because adequate free service is provided at the general delivery window. Secondly, lockbox service causes costs to be incurred by the Postal Service. Accordingly, it is proper to recover such costs from those who benefit from the service.

One commenter believes that it is discriminatory to require rural mail patrons who do not receive home delivery to pay for a post office lockbox, since others receive home delivery free of charge. Since general delivery service is available free of charge, we do not believe it is discriminatory to transfer the additional costs which the Postal Service incurs in providing lockboxes to customers who would bear box purchase and maintenance costs if home delivery were provided.

Some commenters stated that general delivery was not available to them because at the time they left town to go to work the general delivery window was either not open or the mail had not yet been sorted, and when they returned in the evening the window was closed. If there is no one at home to pick up the mail during regular window hours, it would seem that this problem could largely be solved by the customer picking up his mail at the general delivery window in the city or town where he is employed. We believe it not inappropriate that the few customers whose residential or professional practices that make even this solution impracticable are charged a fee for delivery into a box owned and maintained by the Postal Service.

One commenter opposed adoption of a reserved number fee system on the ground that the present no-fee system is mutually beneficial to the Postal Service and its customers and a reserved-number fee system might upset the balance.

The argument is that, if this change is adopted, some customers who usually reserve large blocks of numbers might well give up numbers now held on reserve. Then, when such customers request additional numbers at a later time the numbers assigned may be out of sequence with previously assigned numbers. This would increase sortation costs for the Postal Service and tend to delay mail delivery.

The purpose of the reserved number fee system is to provide an additional service to our customers by assuring the future availability of particular numbers or blocks of numbers to persons or firms who plan for personal or business reasons to use those numbers. The regulation does not prohibit postmasters from continuing to reserve without charge sequential numbers for heavy users of postal boxes when it would be in the best interest of the Postal Service to do so.

One commenter recommended, in effect, that the regulations should be amended to take away a postmaster's discretion under proposed § 169.122j to restrict caller service "if local conditions justify such restrictions." We decline to do so. Local postmasters are in the best position to know how much space they need for efficient postal operations. They know what portion can be allocated to caller service, and whether funds are, or would be, available for adding additional space. Accordingly, it is reasonable, in our opinion, to lodge in the local postmaster the discretion to restrict caller service, if justified by local conditions, subject to the District Manager's approval. We have attempted, however, to clarify the regulation by adding new § 169.323b, providing that customers presently holding more than five lockboxes must pay the appropriate rental fee for the five lockboxes plus the caller service fee for those boxes in excess of five. This addition is essentially a clarification of § 169.122b(2), which has been similarly amended.

Accordingly, having given due consideration to all comments received, the Postal Service has determined to adopt the revision, which is set forth below, with the following additional changes:

1. The rental rate of $27 shown in proposed § 169.27 for group 1, subgroup B, number 5 box size was incorrect. It has been changed to the correct amount—$27.50.

2. In proposed § 169.122d reference was made to Fourth Class Post Offices. These offices have been redesignated in terms of the number of revenue units generated by such offices. Accordingly, the term Fourth Class Post Offices is not being used in these regulations and has been changed to post offices with 35 or fewer revenue units.

To be consistent with this change we also removed reference to the term Fourth Class Post Office Group, which was the third of three groups of rental rates proposed in § 169.231, and substituted the term Group 3. These name changes required amendments in several places in the new regulation.

3. A new § 169.234c is added to provide guidance in the assigning of rates by post offices established after July 1, 1973, which do not provide city carrier delivery.

4. A new § 169.235 is added to provide a formula for determining the rates to be charged by post offices with 35 or fewer revenue units, and to provide for increased rates if the number of revenue units increases.

We also made a number of minor, technical, or editorial changes.

In view of the considerations discussed above, the Postal Service hereby adopts revised Part 169 of the Postal Service Manual, which is effective immediately, reading as set forth below.

PART 169. POST OFFICE LOCKBOX AND CALLER SERVICE

169.1 PURPOSE AND DEFINITION OF SERVICE

.11 *General Purpose*

Post Office Lockbox and Caller Service are premium services provided for the convenience of the public. These two services, provided in addition to available carrier or general delivery, afford customers privacy and permit them to obtain their mail at their convenience during the hours the lobby is open. Both services make use of the traditional Post Office Box Number as the address.

.12 *Description of Services*

.121 Lockbox Service

a. Lockbox Service is provided only through the use of Post Office Lockboxes. The term Drawer is hereby abolished and all boxes previously referred to by that term are to be considered the same as Lockboxes for all purposes, including rental rates. The terms lockbox and box are to be considered the same for purposes of these regulations and the term boxholder is to be applied to those who use lockboxes.

b. Lockboxes are located only in Postal facilities. Customers receive their mail in these boxes and may open the boxes by means of a key or combination. Numbers are assigned to the boxes and the customers must use their assigned Post Office Box Number in their addresses immediately above the city, state and Zip Code.

c. Five sizes of lockboxes are available for rent and customers are assigned a lockbox of a certain size in accordance with their needs as determined by the postmaster.

d. Boxes without doors for customer access, formerly identified as "Call Boxes", shall be used only in conjunction with General Delivery service, and no rent shall be charged for their use.

e. Lockbox Service Does Not Include "alternate means of delivery" established to replace, simplify or extend carrier delivery service. Examples are Vertical Improved Mail (VIM) units, neighborhood cluster box units, apartment house units, rural non-personnel units, etc. These "alternate means of delivery" shall not be administered or charged for under provisions of Part 169 of the Postal Service Manual.

.122 Caller Service

a. Caller Service is provided through the use of sacks, pouches, trays, bundles and other devices. Normally, mail is handed to the customer or his agent at a call window or from a loading dock. Caller Service users are termed Callers throughout these regulations.

b. Caller Service will be provided to customers under the following conditions:

(1) To boxholders who normally receive too much mail for their box when no larger box is available. (Do not consider parcels, catalogs or other bulky items in such a determination).

(2) To customers who wish to rent more than five (5) lockboxes in any one facility. Five lockboxes may be rented to one customer, but additional separation may be provided only through the use of Caller Service. Customers who currently rent more than five lockboxes may retain those boxes providing that the appropriate caller fees are paid.

c. Caller Service may be provided to customers under the following conditions:

(1) To a new customer who will receive (or can be expected to receive) too much mail to be accommodated in the largest box available in the facility.

(2) To a customer who, at his option, desires a lockbox but none are available with the provision that such service does not adversely affect normal postal operations.

(3) To any customer who desires Caller Service in lieu of lockbox service even though boxes of adequate size may be available and the provision of such service does not adversely affect normal postal operations.

d. No Caller Service shall be provided from post offices with 35 or fewer Revenue Units (NOTE: those offices otherwise known as 4th Class Post Offices).

e. A Post Office Box Number is assigned to the caller for each separation utilized and the caller must use his assigned number in the address immediately above the city, state and Zip Code.

f. A customer may obtain Caller Service for the purpose of receiving the mail of a client. A Caller Number issued to such a customer shall be considered to be held by the customer and not the client. All restrictions or regulations provided in 154.212 shall be applicable to the provision of Caller Service under this section.

g. No physical lockbox shall be used for purposes of obtaining a number for a caller.

h. If a caller is already using a number assigned to a lockbox, the caller may be issued a new caller number to replace it. However, this may be done only with the consent of the caller. (See 169.323 for rate to be charged when a caller holds a number assigned to a lockbox.)

i. Where possible, a post office lockbox presently used by a caller for purposes of obtaining a caller number may be renumbered, or an ALPHA prefix or suffix added to the number, and rerented to another party.

j. Caller service may be restricted by postmasters with approval of the District Manager if local conditions justify such restrictions.

.13 *General Caller Service Information*

.131 Caller Service Terms

Services which may have been locally termed as Phantom Box Service, Holdout Service, Firm Direct Service, Firm Holdout Service, Sack Service and miscellaneous other services of similar nature which involved the customer use of a Post Office Box Number as an address and which required the customer pick-up of mail from a postal facility on a regular basis are replaced with Caller Service.

.132 Carrier Holdout Service and Other Exceptions

a. Caller Service Does Not Include Firm Holdout service provided to customers under provisions of 351 of the Postal Service Manual.

b. Caller Service Does Not Include General Delivery Service.

.133 Reservation of Caller Numbers

a. Callers of record may reserve caller numbers for future use. Postmasters shall determine which numbers may be reserved and may restrict this service in accordance with local conditions. The fee for this special service is detailed in 169.31.

b. If a caller has reserved a number and subsequently receives mail separated to that number or otherwise notifies the Post Office that he intends to begin receiving mail addressed and separated to that number, then the appropriate semi-annual rate for caller service will be charged and no return of the reservation fee or any part of the reservation fee will be made. If the customer continues to receive mail addressed for separation to the number he will be charged the appropriate caller fee and for the next fiscal year no reservation fee will be charged. (Note exception in § 169.332b.)

.14 *How To Rent a Lockbox or Obtain Caller Service*

.141 Application for Post Office Box, Form 1093

Form 1093, obtainable from any postmaster, must be filled out completely and submitted to the postmaster at the post office where box or caller service is desired. The application will be approved or denied by the postmaster. Furnishing false information on the application is sufficient reason for denial. (See 169.8).

.142 Known Applicant

A known applicant shall be issued a box or provided caller service upon submission of Form 1093 and payment of the proper rent or fee.

.143 Unknown Applicant

a. Applicant must present his driver's license, military ID or other valid identification to postmaster upon submission of the application, Form 1093.

b. Postmasters will verify that the applicant resides or conducts business at the address shown. Verification procedures will be initiated immediately upon receipt of the application. Verification for local customers should be completed within three working days.

c. A box will be assigned or caller service provided immediately upon approval of the application and receipt of box rent or caller fee.

.144 Minors

Boxes may be rented or caller service extended to minors unless parents or guardians object in writing.

.15 *Conditions of Use*

.151 Individuals

An individual boxholder or caller may receive through his box or caller service mail addressed to himself, his family, relatives or other persons residing in his household whether permanently or temporarily if the mail is properly addressed to the box number.

.152 Firms, Corporations, Associations or Institutions

A firm, corporation, association, public or private institution may receive through its box or caller service mail addressed to its name, any of its officials, employees, inmates, students, teachers or other individuals associated with the organization if the mail is properly addressed to the box number. (See also § 169.122f.)

.153 Mail Addressed to a Box Number

Mail addressed only to a box number may be delivered to the boxholder or caller as long as no improper or unlawful business is conducted.

.154 Updating Application Form

Whenever any information required on Form 1093, Application for Post Office Box, changes or becomes obsolete it shall be the duty of the boxholder or caller to file a revised box application reflecting such changes. Changes or obsolete information must be updated as soon as noted. (See also § 169.821.)

.16 *Restriction on Use*

.161 Accumulation of Mail

Only matter which has passed through the mail, or official postal notices may be placed in a post office box. Boxholders shall remove mail promptly from their boxes. If mail is to be accumulated for more than 30 days, specific arrangements must be made in advance with the postmaster.

.162 Unlawful Activity

No post office boxes or caller service may be used for or in connection with a scheme or enterprise which:

a. Violates any Federal, State or local law;

b. Breaches an agreement with a Federal, State or local agency whereby the boxholder has agreed to discontinue a specified activity, or

c. Violates or attempts to evade any order of a court or administrative body.

.163 Forwarding

Boxes and Caller numbers may not be used when the sole purpose is, by subsequently filing change of address orders, to have mail forwarded or transferred to another address by the Postal Service free of charge.

169.2 LOCKBOX SERVICE RENTAL RATES AND FEES

.21 *Changes in Rates*

a. Revisions of lockbox rental rates and fees may be made effective at any time. If rates for the rental of a lockbox are changed by reason of a general rate change, discontinuance of a post office and reestablishment of same as a station or branch of another post office or the extension of carrier delivery service, no customer shall be made to pay at the newly established rate until the end of the current semi-annual period for which he has already paid. Box customers will receive specific notice when such a change is made. Customers shall pay the difference, if any, between the old rate and the new rate for any period paid in advance of their current period if rates are changed.

b. Rates listed are for a semi-annual or 6-month period. One or two periods may be paid at a time. (See also § 169.526.)

.22 *Key Fee*

Keys for key-type lockboxes shall be issued to customers upon receipt of payment of $1.00 for each key. This shall apply to all keys, including those initially issued to new customers. Account for payments for keys the same as box rents. However, issue Form 3544, Non-Postal Receipt. Other key information is in 169.4.

.23 *Rental Rate Groups*

.231 Three Groups for Establishment of Lockbox Rents

Three groups are established for the determination of lockbox rental rates. These groups are called Group 1, Group 2 and Group 3.

.232 New Groups as Related to Previously Established Groups

In general the new groups are related to the previously established groups in the following manner:

a. Group 1 is subdivided into five subgroups called Subgroup A, B, C, D or E. These subgroups correspond to previously established Groups A, B, C, D and E respectively.

b. Group 2, is subdivided into three subgroups called Subgroup F, G or H. These subgroups correspond to previously established Groups F, G and H respectively.

c. Group 3 corresponds to previously established Group I (eye) which was used exclusively in offices otherwise known as 4th Class Post Offices.

.233 Assignment of Subgroups in Group 1

a. Facilities established prior to July 1, 1973 which were classified as Group A, B, C, D or E at that time shall use Subgroup A, B, C, D or E lockbox rental rates respectively.

b. All mail processing facilities not under the administration of a post office and new post offices providing city carrier service established after July 1, 1973 shall use Subgroup A lockbox rental rates.

c. Facilities established after July 1, 1973, which are under the administration of a post office providing city carrier delivery service, shall be subject to the same lockbox rental rates as those applicable to the main post office.

d. If a post office is discontinued and reestablished as a station or branch of another post office, then that facility will be subject to the same lockbox rental rates as those applicable to the main office.

e. Post offices initiating city carrier delivery service after July 1, 1973 are to charge at Subgroup A rental rates.

.234 Assignment of Subgroups in Group 2

a. Facilities established prior to July 1, 1973 and which were classified as Group F, G or H at that time shall charge at Subgroup F, G or H lockbox rental rates respectively except as provided in 169.242c.

b. Facilities which were established as Group F, G, H or I on or before July 1, 1973, but which have experienced any of the changes listed in 169.233 shall charge rents at the appropriate new levels as indicated by the changes.

.234c Post Offices established after July 1, 1973, not providing city carrier delivery service shall charge at Group 2, Subgroup F rates.

169.235 ASSIGNMENT IN GROUP 3

Post offices with 35 or fewer Revenue Units shall charge at Group 3 rates unless or until:

a. They were classified as Group A, B, C, D, E, F, G or H on or before July 1, 1973, in which case they will charge rents at Subgroup A, B, C, D, E, F, G or H respectively.

b. They exceed 35 Revenue Units in which case they will charge rents at Group 2, Subgroup F if city carrier has not been established, or at Group 1, Subgroup A if city carrier delivery is established.

.24 *Rental Rate Group Application Rules for Customers*

.241 Group 1 Rates, General Rule

Group 1 rates are charged to customers for whom the rental of a lockbox constitutes a premium delivery service. If a customer has available to him or if he is otherwise eligible for delivery by carrier, then his lockbox is a premium means of delivery and he shall be charged at Group 1 rates.

.242 Group 1 Rates, Specific Application

a. In mail processing facilities not under the administration of a post office, all customers shall be charged at the appropriate Group 1, Subgroup A rates.

b. Post offices providing city carrier delivery shall normally charge all customers at the appropriate Group 1 rates in all of their facilities except that a customer eligible for Group 2 rates in that post office may rent one lockbox at Group 2, Subgroup F rates (See 169.244).

c. Post offices not providing city carrier delivery shall charge Group 1, Subgroup A rates to any customers who do any one of the following:

(1) Give as a permanent address of residence or business a different post office or city from that where the box is rented.

(2) Are located on or receive service from a rural carrier route.

(3) Rent more than one lockbox. (First box excepted.)

d. The qualification of a business, association, organization, church or other institution to rent a box at Group 1 or Group 2 rates shall be determined separately from the qualification of any associated person.

.243 Group 2 Rates, General Rule

Group 2 rates are charged customers who do not have available to them, or who are not eligible for, delivery by carrier. Thus, the basic delivery service available to them is more restricted than that available to those who are charged Group 1 rates. However, the use of a lockbox represents a premium service as compared with general delivery.

.244 Group 2 Rates, Specific Application

a. In mail processing facilities not under the administration of a post office, no customer shall be eligible for Group 2 box rental rates.

b. Post offices providing city carrier delivery service shall charge Group 2, Subgroup F rates to customers who:

(1) Are not eligible for and do not receive carrier delivery because of the provisions of Part 155 or Part 156 of the Postal Service Manual and are not served by another post office; or

(2) Are resident in or have a place of business in an area not served by carrier and where an agreement has been made between the postmaster and all customers in that area that delivery will not be provided by carrier but by post office box at a postal facility. Such customers may rent one lockbox at Group 2, Subgroup F rates. They may rent additional lockboxes at the appropriate Group 1 rates.

c. The qualification of a business, association, organization, church or other institution to rent a box at Group 1 or Group 2 rates shall be determined separately from the qualification of any associated person.

.245 Group Three Rates

All lockboxes in post offices with 35 or fewer Revenue Units shall be charged for at the established Group 3 rates without exception. Postmasters shall make every effort to reserve boxes in such offices for local customers.

.25 *General Delivery*

Customers who are eligible to rent a post office box at Group 2 rates but who in fact do not rent a lockbox may be extended no more than one separation in General Delivery without time limit. Any caller separations utilized in addition to the one General Delivery separation by such customers shall be charged for at the full caller rate. Customers who are not eligible to rent a post office lockbox at Group 2 rates may not receive General Delivery for periods longer than 30 days except as provided in Part 113 of the Postal Service Manual.

.26 *Facilities Primarily Serving Academic Institutions*

.261 Boxes Owned by the Institution

The Postal Service shall not set or collect rent for boxes owned by an academic institution if the boxes are separate from designated Postal Service areas and serviced by employees or agents of the institution. The institution may set and collect rent for such boxes, but the revenues shall not be considered to be Postal Service funds. In all other cases rents shall be collected as otherwise provided in 169.2 and the Postal Service shall retain the revenues.

.262 Adjustment of Rental Rates to Meet Semester Schedules

In facilities primarily serving academic institutions or the students of such institutions, box rental rates may be adjusted to better fit the semester schedules as follows:

Period for Box Rental	*Adjusted rate*
95 days or less	½ semi-annual rate.
96 to 140 days	¾ semi-annual rate.
141 to 190 days	Full semi-annual rate.
191 to 230 days	1¼ semi-annual rate.
231 to 270 days	1½ semi-annual rate.
271 days to full year	Full annual rate.

Round off fractions to next highest ten cents. Make no refunds for discontinued service when box has been rented under these provisions.

.27 *Rental Rates for Lockboxes*

Rate or fee per semi-annual period

	Cubic inch capacity of lockboxes				
	To 205	206 to	500 to	1000 to	2000 and over
Box size	1	2	3	4	5
Group 1:					
Subgroup A	12.50	15.00	20.00	25.00	30.00
Subgroup B	10.00	14.00	17.50	20.00	27.50
Subgroup C	8.00	10.00	12.50	17.50	22.50
Subgroup D	7.00	8.00	10.00	15.00	17.50
Subgroup E	5.50	6.50	7.50	12.50	15.00
Group 2:					
Subgroup F	2.50	3.00	4.00	6.00	7.50
Subgroup G	2.00	2.50	3.00	4.50	6.00
Subgroup H	1.50	2.00	2.50	3.50	4.00
Group 3	1.00	1.00	1.00	1.00	1.00

.28 *Effective Date of Lockbox Rental Rates*

The foregoing rates shall be effective July 1, 1975 for all periods of service beginning on or after July 1, 1975. Postmasters shall collect these rents and fees during the last 20 days of June 1975 as provided in these regulations.

169.3 CALLER SERVICE RATES AND FEES

.31 *Reserved Number Fee*

Each number reserved by a customer for future use shall be charged for at the rate of $10 per Postal fiscal year or any part of such a fiscal year. Account for these revenues in the same manner as box rent.

.32 *Caller Service Fees*

.321 When Rates are Effective

Revisions in caller service rates and fees may be made effective at any time. When rates are changed, customers shall pay at the newly established rate at the end of the current semi-annual period for which they have already paid. If customers have paid for an annual period, then at the end of their current semi-annual period they shall pay the difference, if any, between the new rate and that which they have already paid for the second semi-annual period. One or two periods may be paid at a time.

.322 Basic Caller Service Fee

a. General Rule. The basic fee for Caller Service for semi-annual periods beginning on or after July 1, 1975 to be applied to each Caller Number or Separation used shall be $35.00. Account for these revenues the same as box rent. (See also § 169.122e.)

b. Exceptions. If a Caller utilizes many post office box numbers but receives only a bulk delivery of his mail, not separated to those numbers either because his mail is sorted to a unique five-digit ZIP Code held only by him or because sortation is made by caller name or other identification, then the Caller shall be charged the basic caller fee for each separation actually made. He shall be charged the reserved number fee for each of the post office box numbers to which mail received by the caller is addressed.

c. Local Agreements. No local agreements between postmasters and Caller Service or Lockbox Service customers shall be established which shall in any way contravene the provisions of these regulations with respect to the determination or collection of Caller Service fees.

.323 Caller Numbers Which Are Also Assigned to a Lockbox

a. If a caller presently uses a physical lockbox for purposes of obtaining a caller number, then he must pay the appropriate rental fee for the lockbox in addition to the caller service fee.

b. Customers presently holding more than five lockboxes in any one facility must pay the appropriate rental fee for all of their lockboxes plus the caller service fee for all lockboxes they hold in excess of five.

169.4 Equipment: Keys, Locks and Boxes

.41 Keys

.411 Issuance of Keys

Customers utilizing key-type lockboxes will be supplied with keys according to their needs upon payment of the key fee for each key issued.

.412 Restriction on Source of Keys

Customers utilizing post office lockboxes are not permitted to obtain or use any keys except those issued through the Postal Service.

.413 How to get new or additional keys

Customers may obtain keys by submitting Form 1094, Application for Additional Keys to Post Office Box. Customers will pay the appropriate key charges at that time.

.414 Refund of Key Fee

This section shall be applicable only to boxholders renting a key-type box for the first time on or after July 1, 1975.

Upon termination of rental the Postal Service will refund to boxholders the purchase price for up to two keys if such keys are returned to the post office where the box was rented. Use Form 1096 as the receipt but account for funds returned the same way as for box rents or fees returned.

.415 Worn or Broken Keys

Worn or broken keys are replaced without charge if the keys are returned.

.416 Acceptance of Orders for Additional or New Keys

Postmasters shall not hold orders for new or additional keys for more than 24 hours. Key orders should not be consolidated except for general orders for keys for an entire unit of lockboxes. Process all orders for keys as rapidly as possible.

.417 Key Inventory Maintenance

At least three keys must be provided for each keylocking lockbox. Keep at least one key on hand at all times for issuance upon submission by boxholder of Form 1094. Upon issuance of the spare key, requisition a replacement. Withdraw keys in excess of reserve requirements, tag to indicate the key

or lock number, file numerically and store in a safe place.

.42 *Boxes*

.421 Surrender of Keyless Boxes

When a keyless box is surrendered, change the combination before reassignment.

.422 Surrender of Key Boxes

When a customer surrenders his box and fails to return all keys, send Form 1099, Notice to return keys to the customer's new address.

.43 *Locks*

Do not rent boxes having broken locks. When the lock on a rented box is broken, replace the lock and issue the same number of keys to the customer as had been issued to him for the broken lock. Make no charge for these keys. Do not force customer to change boxes or box numbers due to the failure of postal equipment.

.44 *Changing Locks*

Always change the lock immediately when a key type box is surrendered.

169.5 INTERNAL CONTROLS, RECORD KEEPING AND RENT PAYMENT

.51 *Record of Boxholders*

Keep a record of boxes, boxholders and callers on Form 1091, Box Rent Register for Keylocking and Keyless Equipment in five files as follows:

a. Cards for vacant boxes in numerical sequence.

b. Cards for boxes rented for one semi-annual period, by month rent is due and in numeric sequence within the month.

c. Cards for boxes rented for two semi-annual periods, by month rent is due and in numeric sequence within the month.

d. Cards for callers paid for one semi-annual period, by month fee is due and in numeric sequence within the month.

e. Cards for callers paid for two semi-annual periods, by month payment is due and in numeric sequence within the month.

.52 *Payment of Box Rent and Caller Fees*

.521 Purpose

This section establishes semi-annual payment periods for customers that are not bound by the Postal Service fiscal year.

.522 Rent Paid in Advance

Box rent and caller fees must be paid in advance for no less than a semi-annual or no more than an annual period. Fees and rent may be paid by check to postmasters. However, checks sent by mail must be received by the postmaster by the due date.

.523 Receipt

A Form 1538, Box Rent Receipt, will be given for each box rent or caller payment except that:

a. Boxholders or callers who hold more than one box or caller number may be issued one receipt for payment for all of their box and caller numbers.

b. Maintain a separate list of such multiple number customers showing numbers used, customer name, fee charged and normal due date for each. Mark receipt with the number (count) of boxes or caller numbers paid for at that time.

.524 Payment Periods

Payment may be made for any six or twelve consecutive months. The beginning of a payment period is established on the date of the approval of the application to rent a box.

.525 How a Customer May Change His Payment Period Date

Boxholders of record may change their payment period by submitting a new application to rent a box and noting on the application the month they wish to use as the start of their payment period. This date must be before the end of their current payment period and rents and fees already paid will not be refunded or applied to the new payment period, except that a remaining period of six (6) months or more will be applied to six (6) months of the new payment period.

.526 Boxholders and Callers of Record

Boxholders and callers of record may, during the last month of their rental period, pay rent for their next semi-annual or annual payment period.

.527 Rented Before 15th of Month

If a lockbox is rented by a new boxholder on or before the 15th of any month the rental period shall be from the first day of that month. If rented after the 15th day of the month the rental period shall be computed from the first day of the following month.

.53 *Notices*

.531 Notices of rent due, Notice 32, shall be placed in boxes or handed to callers 20 days before rent is due. If a boxholder or caller is temporarily out of town, and if he has filed a temporary forwarding order, the notice will be sent to him.

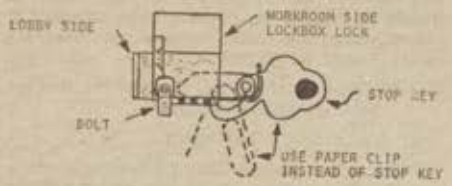
.532 Notices to government agencies paying rent and fees on an annual basis will be postmarked before release and will show the box number(s) and the amount due for one year.

.54 *Past Due Box Rent or Caller Fee*

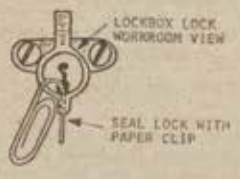
.541 Boxes

a. Plug the Lock or Change the Combination if a Lockbox Customer Fails To Pay Rent by the Due Date and has not submitted a change of address order or otherwise indicated that he is terminating the service.

b. Prohibition of Access to a Key-Type Lock may be accomplished according to the following diagram. If key-stops are available, use them but if they are not available use a paper clip. Do Not Order any Key Stops. They Are a Discontinued Item but May Be Used Until Stock on Hand Is Exhausted.



SIDE VIEW



END VIEW

c. Continue to Distribute the Mail to the Box for up to 10 Days. If at the end of that time the customer has not paid the rent or left other instructions, remove the mail from the box and treat that mail and any subsequent mail addressed to the customer at that box as undeliverable mail unless it is possible to deliver it by carrier or general delivery.

d. At the End of 10 Days Close the Box if the customer has not paid his rent or submitted other instructions.

e. If the Customer Pays His Rent unplug the lock or notify him of his new combination.

.542 Callers

a. If a caller fails to pay his fee by the due date and does not submit a change of address order and does not attempt to obtain his mail, retain his mail for a period not exceeding 10 days, then treat his mail as undeliverable mail unless it may be readily delivered by carrier.

b. If a caller fails to pay his fee by the due date and does not submit a change of address order and attempts to obtain his mail within 10 days, explain to him or his agent that at the end of the tenth day after the due date, if payment or a change of address order is not received his mail will be delivered to his street address and that he will lose the use of his post office or caller box number(s) and may not obtain his mail at the postal facility. Continue to give him his mail until the end of the ten day period, but do not provide him in excess of one separation (in case multiple separations had been provided) during that period.

.55 *When a Box Is Surrendered*

.551 Rerental of a Surrendered Box

If a customer surrenders a box before the end of the payment period, the box may be rented to another customer after 15 days. If the box has been closed by the Judicial Officer, the box may be rented to another customer after 20 days. (See Section 169.8.)

.552 Surrender of a Box

A box shall be considered to have been surrendered if:

a. The boxholder submits a permanent change of address order.

b. The boxholder refuses or fails to pay appropriate rent or fees by the due date.

c. The boxholder submits in writing an order to discontinue service.

.553 Nonsurrender of a Box

A box shall not be considered to have been surrendered if:

a. The boxholder dies or disappears before the end of the period for which he has rented the box.

b. The boxholder submits a temporary change of address order.

c. There is a change of address order issued for mail going to the box by any person other than the boxholder.

.554 Refund of Box Rent and Caller Fees

When a lockbox is closed or surrendered or Caller Service discontinued, no portion of the rent or fees shall be refunded to a customer who has paid on a semi-annual basis. A customer who has paid on an annual basis and who discontinues service before the end of his annual period may apply for a refund of that portion of his payment that is applicable to a full, remaining semi-annual period.

169.6 Operations

.61 *Placing in Boxes*

Place mail addressed to post office boxes in proper boxes immediately after distribution. If the flow of the mail allows it and no lengthy delays will occur, attempt to place larger items such as newspapers, catalogs and magazines in boxes prior to placing smaller items such as letter mail and flats into the boxes.

.62 *Withdrawal From Boxes*

Mail may be delivered to authorized persons who have forgotten their key or cannot open their box. However, mail should not be handed out to persons properly supplied with keys who can open their boxes but who make it a practice of requesting that their mail be given to them.

.63 *Delivery by Carrier*

Do not remove mail from boxes of address for delivery by carrier except for the case of box service discontinued due to failure to pay rent.

.64 *Multi-Pickup Callers*

Callers who desire to call at a postal facility for their mail more than once in any 24 hour period as a regular practice shall make provisions with the postmaster for the establishment of a proper and reasonable schedule of pick-up. Postmasters shall determine the times and places most satisfactory to the post office.

.65 *Standards*

.651 Box Service

If the postmaster determines that safety and security provisions allow it and if he determines that there is sufficient public demand, then he may keep the box lobby open to the public 24 hours per day.

.652 Caller Service

Caller service shall be provided during normal hours of business. Caller service may be provided at all other hours during which mail is undergoing distribution within the facility if it is consistent with normal operations.

.66 *Changes of Address Order*

.661 Standard Procedure for Use in Facilities Without Central Markup System

a. When the number of Forms 3575, Change of Address Order, average five or more per month, maintain a change of address order book (supply item 0–391–M) in the box and caller section.

b. Use a separate address change sheet, Form 1564, for each letter of the alphabet separated by item 0–89(b), Index.

c. As Forms 3575 are received, post pertinent information chronologically on appropriate sheet. Make appropriate entries on Forms 1564 whenever a former boxholder fails to furnish a forwarding order at the time he surrenders a lockbox or when it is closed for nonpayment of rent.

d. Maintain one set of Forms 1564 at the main office, station or branch providing the service.

e. After entry to Forms 1564, file Forms 3575 chronologically by months or alphabetically, in a manner that will permit withdrawal at the end of the month after requests are 2 years old. See 158.2 for forwarding time limit.

f. If the number of requests on Form 3575 averages less than 5 per month follow the same procedure except that Forms 3575 may be filed in alphabetical order and used for reference purposes in lieu of a register.

.662 Flag Boxes

a. White labels identify lockboxes for which there are no entries on Forms 1564. Use a colored label or a colored dot or tab applied to a white label to identify all boxes for which there ARE entries on Form 1564 and for which mail may be received addressed to other than the current boxholder.

b. If a box has changed hands more than 3 times in the last year use any reasonable means in addition to colored labels or dots that will identify this box as one which will probably receive mail addressed to other than the current boxholder.

c. If desired, the dates on which colored labels should be replaced with white labels or dots or tabs removed from white labels may be shown on the labels. Except for these dates only information relating to the name of the current boxholder shall be shown on any label. No data pertaining to the forwarding address of the former boxholder shall be placed on labels either before or after rental of the box.

d. Case all mail addressed to color coded boxes, other than that addressed to or in care of the current boxholder, to a single separation for determination of forwarding address from Forms 1564. If no forwarding address is on record, distribute the mail to the boxes as addressed unless the boxholder of record advises that mail for the addressee shall not be placed in his box.

e. Mail rejected by the boxholder shall be treated as undeliverable mail unless it may be readily delivered by carrier.

f. Replace Colored Labels With White Labels or Remove Colored Dots or Tabs From White Labels Immediately Following Termination of a Forwarding or Change of Address Order or as Soon as it Is Apparent That a Need for the Color Coding No Longer Exists.

169.7 (Reserved)

169.8 Refusal To Provide Service.

.81 *Refusal To Provide Service to a New Customer.*

.811 Postmaster's Authority.

A postmaster may refuse to rent a post office box or extend caller service to any person if he has reason to believe that such person:

a. has falsified the application or has, within the previous 2 years, physically abused a box or violated any regulation or contractual provision relating to the care and use of a box or caller service; or

b. is likely to use a box or caller service in connection with a scheme or enterprise in violation of 169.162.

.812 Customer's Right of Appeal

Whenever the rental of a post office box or the extension of new (or additional) caller service is refused, the postmaster shall, upon written request made within 10 days, furnish the applicant with the reasons for such refusal in writing. Where the refusal to rent or extend is based in whole or in part upon the grounds specified in 169.811, an appeal may be taken in the same manner and subject to the same limitations as where a Notice of Intent To Close a Post Office Box (or to terminate caller service) has been issued. (See 39 C.F.R. 958).

.82 *Refusal To Continue To Provide Service to a Current Customer*

.821 Postmaster's Authority

Postmasters do not have authority to close a post office box or terminate caller service without referral to higher authority except in cases of failure to pay rent or where the boxholder has clearly and unequivocably given up the box or abandoned it under the conditions given in 169.552.

.822 Grounds for Closure or Refusal To Renew

A box may be closed or caller service terminated whenever the boxholder has falsified the application for the box or has violated, or is violating, any of the regulations or contractual terms or conditions relating to its care and use.

.823 Procedures

Postmasters or any other postal officials who have reason to believe that any regulation or contractual provision governing the rental or use of a post office box or caller service has been or is being violated shall send a report of the facts, with any supporting documents to the General Counsel.

.824 Notice of Intent To Close a Post Office Box

Whenever the General Counsel is in receipt of substantial evidence which he believes warrants the closing of a post office box or the termination of caller service, he may issue Notice of Intent To Close a Post Office Box (or to terminate caller service). Such notice shall state clearly the reasons for the contemplated action and inform the boxholder or caller of his right to appeal this determination to the Judicial Officer, United States Postal Service, Washington, D.C. 20260.

.825 Service of Notice

The Notice of Intent To Close a Post Office Box (or terminate caller service) may be served on the boxholder or caller by certified mail, with restricted delivery, addressed to his post office box or other address. Obtain a return receipt therefor and forward immediately to the General Counsel. If restricted delivery cannot be made, deposit the notice in the box or in the receptacle provided for the caller for delivery as ordinary mail and this shall constitute valid service. Complete a post office delivery receipt, Form 3849, and send to the General Counsel. Endorse both the Form 3849 and the return receipt for the certified mail to show that restricted delivery could not be made and that the notice was delivered as ordinary mail. An order of the Judicial Officer closing a post office box or terminating caller service or affirming the refusal to grant an original or renewal application for such box or caller service shall bar the granting of any similar application wherever made, by or on behalf of the person involved, until such order has been revoked, amended or modified by the Judicial Officer.

.826 Right of Appeal

a. An appeal taken from a Notice to Close a Post Office Box (or to terminate caller service) issued under 169.82 must be filed with the docket clerk no later than 20 days after service of such notice. (See 39 CFR 958.3).

b. If no appeal is taken within 20 days after service of the Notice of Intent to Close a Post Office Box (or to terminate caller service), the box may be closed or the caller service terminated by order of the General Counsel without further notice to the boxholder or caller.

.83 *Disposition of Mail*

When a box has been closed or caller service terminated pursuant to 169.81 or 169.82 or by the order of the Judicial Officer, notify the boxholder or caller and transfer mail addressed to the box or to the box number assigned to the caller to general delivery. Hold the current time limitation for forwarding orders. At the end of the applicable period, all mail addressed to the caller shall be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with 122.32.

A Post Office Services (Domestic) transmittal letter making this change in the pages of the Postal Service Manual is in the process of being published and will be transmitted to subscribers automatically as soon as possible. Notice of the issuance of this transmittal letter will be published in the usual manner in the FEDERAL REGISTER through an appropriate amendment to 39 CFR 111.3.

(39 U.S.C. 401, 404)

LOUIS A. COX,
General Counsel.

[FR Doc.75-13972 Filed 5-28-75;8:45 am]

PART 310—ENFORCEMENT OF THE PRIVATE EXPRESS STATUTES

PART 320—SUSPENSION OF THE PRIVATE EXPRESS STATUTES

Correction and Clarification

On September 16, 1974, the Postal Service published regulations under the Private Express Statutes as 39 CFR Parts 310 and 320, to take effect on October 20, 1974. The Postal Service now amends its regulations in Parts 310 and 320 to correct three errors that have been discovered in the regulations as originally published. (A missing word "or" was inserted in § 310.1(a)(7)(vii) by publication at 39 FR 36114 (Oct. 8, 1974).) The changes are described as follows:

Section 310.1(a)(7)(v) is amended to make clear that books—as well as catalogs—are not considered to be letters for purposes of the Private Express Statutes. The line between what are considered letters and what are not considered letters is drawn on the basis of number of pages, since short printed reports, price lists, and other bound matter constitute "messages" that may have all the attributes of "letters", as defined in § 310.1 (a), and have physical characteristics similar to other personal and business communications. The line of "24 or more bound pages with at least 22 printed" has simply been borrowed from § 134.121 of the Postal Service Manual, where it has long served as a guide to what is included within the meaning of "books or catalogs" for certain rate classification purposes. It has, however, no necessary connection with the classification schedule, and the exceptional tie to the classification schedule reflected in unamended § 310.1(a)(7)(v) has been severed since this tie produced an unintended result in private express administration.

Section 310.7 is amended to make clear that changes in Part 320 as well as in Part 310 will be made only in accordance with the rulemaking provisions of the Administrative Procedure Act.

Section 320.3(b) is amended to correct a misprint in which the word "contained" appeared in lieu of the proper word, "carried".

Because these changes are corrective and clarifying only, because they are limited in scope, and because they relieve a restriction that might otherwise appear to exist, the Postal Service finds that publication for comment or publication in advance of the effective date is unnecessary and would be contrary to the public interest. The Postal Service will, however, entertain any comments on these changes that the public may wish to submit.

Accordingly, the following amendments are effective immediately:

1. In § 310.1, paragraph (a)(7)(v) is revised to read as follows:

§ 310.1 Definitions.

(a) * * *

(7) * * *

(v) Books and catalogs consisting of 24 or more bound pages with at least 22 printed, and telephone directories.

2. Section 310.7 is revised to read as follows:

§ 310.7 Amendment of regulations.

Amendments of the regulations in this part and in Part 320 may be made only in accordance with the rulemaking provisions of the Administrative Procedure Act.

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§ 320.3(b) [Amended]

3. In § 320.3(b) the word "contained" in the second sentence is changed to "carried."

(39 U.S.C. 401, 404, 601–606 (18 U.S.C. 1693–99, 1724))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-13971 Filed 5-28-75;8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 63—GRANT PROGRAMS ADMINISTERED BY THE OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

On January 8, 1975, a document was published in the FEDERAL REGISTER (40 FR 1516) proposing to amend 45 CFR Subtitle A by adding a new part 63 establishing rules for the award and administration of grants by the Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, hereafter referred to as the Assistant Secretary.

All comments supported adoption of the rules. However, as a result of the comments and further Departmental analysis, the following changes are made.

The title of the proposed rules and the Purpose and scope, § 63.1, raised a number of questions concerning the applicability and scope of the program. To clarify this, the title of Part 63 is changed to indicate that the regulations apply only to the grant programs administered by the Office of the Assistant Secretary for Planning and Evaluation. In addition, § 63.1, Purpose and scope, has been redrafted to identify the various programs from which grants may be awarded under these regulations. The revised section also describes the overall objectives of the policy research program, which is the only program under which the Assistant Secretary plans to award grants in FY–75. The new language lists the statutory authorities for the Assistant Secretary's grant programs, cites the regulations for determining if an award shall be by grant or contract, and identifies the regulations which govern contracts awarded by the Assistant Secretary.

A new section, § 63.8 has been added to identify and clarify the relationship among the supplemental regulations and conditions affecting grants awarded by the Assistant Secretary. It identifies the specific regulations and statutory provisions which apply to grants awarded by the Assistant Secretary under Section 232 of the Community Services Act. It further provides for the timely identification in the Federal Register of any other regulations which would be applicable to future programs under which the Assistant Secretary may make grants. Finally, it brings together in one place a listing of the major Departmental regulations which will apply to all grants awarded by the Assistant Secretary.

To make the policies compatible with overall Departmental policy, three new sections have been added and one existing section has been expanded. They are: *§ 63.22, Cost sharing, provides for cost sharing as required by law for DHEW grants.*

Section 63.32, Data collection instruments, has been supplemented with two paragraphs defining the responsibility for collection of information, and the requirement for parental consent when children are involved as respondents.

Section 63.38, Publications, provide for the customary acknowledgement of Federal assistance for publications resulting from grants.

Section 63.39, Religious worship or instruction, restricts the use of Federal funds in those areas.

In addition, a number of editorial changes were made, the term Assistant Secretary was defined (§ 63.2), and a central address was established for applications and questions on the interpretation of regulations and administration of grants (§ 63.3).

These regulations are issued under the authority of section 602 of the Community Services Act of 1974 (42 USC 2942) and section 1110 of the Social Security Act (42 USC 1310).

Effective date. This part was published for comment on January 8, 1975, and all changes reflect established policies and practices which are generally in effect for Departmental grant programs. Therefore, Subtitle A of Title 45 of the Code of Federal Regulations is amended by adding a new Part 63 as follows, effective.

Dated: May 2, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

Approved: May 22, 1975.

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

Subpart A—General

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AUTHORITY: Sec. 602, Community Services Act (42 U.S.C. 2942); Section 1110, Social Security Act (42 U.S.C. 1310)

Subpart A—General

§ 63.1 Purpose and scope.

(a) *Applicability.* Except to the extent inconsistent with an applicable Federal statute the regulations in this part apply to all grant awards of Federal assistance made by the Assistant Secretary for Planning and Evaluation or his designee, hereinafter referred to in this part as the Assistant Secretary. Such grants include those under section 232 of the Community Services Act (42 USC 2825), section 1110 of the Social Security Act (42 USC 1310), and such other authority as may be delegated to the Assistant Secretary for policy research activities.

(b) *Exceptions to applicability.* The award and administration of contracts and cooperative agreements by the Assistant Secretary shall not be covered by this subchapter. Contracts entered into by the Assistant Secretary shall be subject to the regulations in 41 CFR Chapters 1 and 3. Generally, the Assistant Secretary will select between grant and contract procedures and instruments, both with regard to the solicitation process and with respect to unsolicited proposals, on the basis of criteria set forth in the proposed revision of 41 CFR 3–1.53 published at 39 FR 27469 at any subsequent revision thereof.

(c) *Overall objective.* The overall objective of policy research activities is to obtain information, as it relates to the mission of the Department of Health, Education, and Welfare, about the basic causes of and methods for preventing and eliminating poverty and dependency and about improved methods for delivering human resources services. Such information is obtained through the conduct of basic and applied research, statistical analyses, and demonstrations and evaluations which have demonstrated a high probability of impacting on the formulation or modification of major Departmental policies and programs.

§ 63.2 Eligibility for award.

(a) *Groups and organizations eligible.* Except where otherwise prohibited by law, any public or nonprofit private agency, institution, or organization which is found by the Assistant Secretary to be authorized and qualified by educational, scientific, or other relevant competence to carry out a proposed project in accordance with the regulations of this subchapter shall be eligible to receive a grant under this part.

(b) *Project eligible.* Any project found by the Assistant Secretary to be a research, pilot, evaluation, or demonstration project within the meaning of this section and § 63.1 shall be eligible for an award. Eligible projects may include planning, policy modeling or research utilization studies; experiments; demonstrations; field investigations; statistical data collections or analyses; or other types of investigation or studies, or combinations thereof, and may either be limited to one aspect of a problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and may involve multiple disciplines, facilities, and resources.

§ 63.3 Program announcements and solicitations.

(a) In each fiscal year the Assistant Secretary may from time to time solicit applications through one or more general or specialized program announcements. Such announcements will be published in the FEDERAL REGISTER as notices and will include:

(1) A clear statement of the type(s) of applications requested;

(2) A specified plan, time(s) of application, and criteria for reviewing and approving applications;

(3) Any grant terms or conditions of general applicability (other than those set forth in this part) which are necessary (i) to meet the statutory requirements of applicable legislation, (ii) to assure or protect the advancement of the project, or (iii) to conserve grant funds.

(b) *Applications for grants.* Any applicant eligible for grant assistance may submit on or before such cutoff date or dates as the Assistant Secretary may announce in program solicitations, an application containing such pertinent information and in accordance with the forms and instructions as prescribed herein and additional forms and instructions as may be specified by the Assistant Secretary. Such application shall be executed by the applicant or an official or representative of the applicant duly authorized to make such application. The Assistant Secretary may require any party eligible for assistance under this subchapter to submit a preliminary proposal for review and approval prior to the acceptance of an application submitted under these provisions.

63.3(c) All applications and preliminary proposals should be addressed to:

Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Room 5027, Washington, D.C. 20201.

§ 63.4 Cooperative arrangements.

(a) Eligible parties may enter into cooperative arrangements with other eligible parties, including those in another State, to apply for assistance.

(b) A joint application made by two or more applicants for assistance under this subchapter may have separate budgets corresponding to the programs, services and activities performed by each of the joint applicants or may have a combined budget. If joint applications present separate budgets, the Assistant Secretary may make separate awards, or may award a single grant authorizing separate amounts for each of the joint applicants.

(c) In the case of each cooperative arrangement authorized under paragraph (a) of this section and receiving assistance, except where the Assistant Secretary makes separate awards under paragraph (b) of this section all such applicants (1) shall be deemed to be joint legal recipients of the grant award and (2) shall be jointly and severally responsible for administering the project assisted under such grant.

§ 63.5 Effective date of approved grant.

Federal financial participation is normally available only with respect to obligations incurred subsequent to the effective date of an approved project. The effective date of the project will be set forth in the notification of grant award. Grantees may be reimbursed for costs resulting from obligations incurred before the effective date of the grant award if such costs are authorized by the Assistant Secretary in the notification of grant award or subsequently in writing, and otherwise would be allowable as costs of the grant under the applicable regulations and grant terms and conditions.

§ 63.6 Evaluation of applications.

(a) *Review procedures.* All applications filed in accordance with § 63.3 shall be evaluated by the Assistant Secretary through officers, employees, and such experts or consultants engaged for this purpose as he/she determines are specially qualified in the areas of research pursued by this office. The evaluation criteria below will be supplemented each fiscal year by a program announcement outlining priorities and objectives for policy research, and by other general or specialized solicitations. Such supplements may modify the criteria in paragraph (b) of this section to provide greater specificity or otherwise improve their applicability to a given announcement or solicitation.

(b) *Criteria for evaluation.* Review of applications under paragraph (a) of this section will take into account such factors as:

(1) Scientific merit and the significance of the project in relation to policy objectives;

(2) Feasibility of the project;

(3) Soundness of research design, statistical technique, and procedures and methodology;

(4) Theoretical and technical soundness of the proposed plan of operation including consideration of the extent to which:

(i) The objectives of the proposed project are sharply defined, clearly stated, and capable of being attained by the proposed procedures;

(ii) The objectives of the proposed project show evidence of contributing to the achievement of policy objectives;

(iii) Provisions are made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished; and

(iv) Appropriate provisions are made for satisfactory inservice training connected with project services.

(5) Expected potential for utilizing the results of the proposed project in other projects or programs for similar purposes;

(6) Sufficiency of size, scope, and duration of the project so as to secure productive results;

(7) Adequacy of qualifications and experience, including managerial, of personnel;

(8) Adequacy of facilities and other resources;

(9) Reasonableness of estimated cost in relation to anticipated results; and

(10) Where the applicant has previously received an award from the Department of Health, Education, and Welfare, the applicant's compliance or noncompliance with requirements applicable to such prior award as reflected in past written evaluation reports, memoranda on performance, and completeness of required submissions: Provided, that in any case where the Assistant Secretary proposes to deny assistance based upon the applicant's noncompliance with requirements applicable to a prior award, he shall do so only after affording the applicant reasonable notice and an opportunity to rebut the proposed basis for denial of assistance.

§ 63.7 Disposition of applications.

(a) *Approval, disapproval, or deferral.* On the basis of the review of an application pursuant to § 63.6 the Assistant Secretary will either (1) approve the application in whole or in part, for such amount of funds and subject to such conditions as he/she deems necessary or desirable for the completion of the approved project, (2) disapprove the application, or (3) defer action on the application for such reasons as lack of funds or a need for further review.

(b) *Notification of disposition.* The Assistant Secretary will notify the applicant in writing of the disposition of its application. A signed notification of grant award will be issued to notify the applicant of an approved project application.

§ 63.8 Supplemental Regulations and Grant Conditions.

(a) *Grants under section 232 of the Community Services Act.* (1) Any grants awarded with funds appropriated under section 232 of the Community Services Act shall be subject to the following regulations issued by the Director of the Community Services Administration (formerly the Office of Economic Opportunity):

45 CFR 1060.2	(Income Poverty Guidelines)
45 CFR 1060.3	(Limitation on Benefits to Those Voluntarily Poor)
45 CFR 1067.1	(Suspension and Termination of Assistance)
45 CFR 1068.6	(Grantee Compliance with IRS Requirements for Withheld Federal Income and Social Security Taxes)
45 CFR 1069.1	(Employee Participation in Direct Action)
45 CFR 1069.2	(Limitations with Respect to Unlawful Demonstrations, Rioting, and Civil Disturbances)
45 CFR 1070.1	(Public Access to Grantee Information)

No other portions of Chapter X of this title are applicable to such grants.

(2) Grants awarded with funds appropriated under section 232 of the Community Services Act shall also be subject to the applicable statutory requirements in sections 242, 243, and 244, and title VI of the Community Services Act. The Assistant Secretary will advise grantees of the nature of these requirements at or prior to the time of award.

(3) In the event that any provision of this part is inconsistent with a provision of law or a regulation referenced in paragraphs (1) and (2) of this section with respect to any grant funded under section 232 of the Community Services Act, the provision of this part shall, to the extent of any such inconsistency, not be effective.

(b) *Grants under other statutory authority.* Grants awarded by the Assistant Secretary may be subject to regulations, other than those set forth in this part, which have been issued under the authority of statutes authorizing particular awards. In such a case, that fact will be set forth in the program announcement soliciting applications for such grants published in the FEDERAL REGISTER pursuant to § 63.3.

(c) *Other regulations applicable to grants under this part.* Federal financial assistance provided under this part shall be subject to the following additional regulations except as otherwise provided in this part:

(1) Part 74 of this title, establishing uniform administrative requirements and cost principles for grants by the Department of Health, Education, and Welfare.

(2) Part 80 of this title, effectuating the provisions of title VI of the Civil Rights Act of 1964; and

(3) Part 16 of this title, establishing a Departmental Grant Appeals Board for the resolution of specified post-award grant disputes.

Subpart B—Financial Provisions

§ 63.16 Scope of Subpart.

This subpart sets forth supplemental financial provisions which apply to all grants awarded by the Assistant Secretary.

§ 63.17 Amount of award.

Federal assistance shall be provided only to meet allowable costs incurred by the award recipient in carrying out an approved project in accordance with the authorizing legislation and the regulations of this Part.

§ 63.18 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Government will not exceed the amount set forth in the grant award document or any modification thereof approved by the Assistant Secretary which meets the requirements of applicable statutes and regulations. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amount unless and until the Assistant Secretary has notified the grantee in writing that such amount has been increased and has specified such increased amount in a revised grant award document. Such revised amount shall thereupon constitute the maximum cost to the Government for the performance of the grant.

§ 63.19 Budget revisions and minor deviations.

Pursuant to § 74.102(d) of this title, paragraphs (b)(3) and (b)(4) of that section are waived.

§ 63.20 Period during which grant funds may be obligated.

(a) The amount of the grant award shall remain available for obligation by the grantee during the period specified in the grant award or until otherwise terminated. Such period may be extended by revision of the grant with or without additional funds pursuant to paragraph (b) of this section where otherwise permitted by law.

(b) When it is determined that special or unusual circumstances will delay the completion of the project beyond the period for obligation, the grantee must in writing request the Assistant Secretary to extend such period and must indicate the reasons therefor.

§ 63.21 Obligation and liquidation by grantee.

Obligations will be considered to have been incurred by a grantee on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities, shall be considered to have been obligated as of the time such services were rendered, such travel was performed, and such rented facilities were used, respectively.

§ 63.22 Cost sharing.

Policy Research funds shall not be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of the project.

Subpart C—Special Provisions

§ 63.30 Scope of Subpart.

This subpart sets forth supplemental special provisions which apply to all grants awarded by the Assistant Secretary.

§ 63.31 Protection of human subjects.

All grants made pursuant to this part are subject to the specific provisions of Part 46 of this title relating to the protection of human subjects.

§ 63.32 Data collection instruments.

(a) *Definitions.* For the purposes of this section "Child" means an individual who has not attained the legal age of consent to participate in research as determined under the applicable law of the jurisdiction in which such research is to be conducted.

"Data-collection instruments" means tests, questionnaires, inventories, interview schedules or guides, rating scales, and survey plans or any other forms which are used to collect information on substantially identical items from 10 or more respondents.

"Respondents" means individuals or organizations from whom information is collected.

(b) *Applicability.* This section does not apply to instruments which deal solely with (1) functions of technical proficiency, such as scholastic aptitude or school achievement, or (2) routine demographic information.

(c) *Protection of privacy.* (1) No project supported under this part may involve the use of data collection instruments which constitute invasions of personal privacy through inquiries regarding such matters as religion, sex, race, or politics. (2) A grantee which proposes to use a data collection instrument shall set forth in the grant application an explanation of the safeguards which will be used to restrict the use and disclosure of information so obtained to purposes directly connected with the project, including provisions for the destruction of such instruments where no longer needed for the purposes of the project.

(d) *Clearance of instruments.* (1) Grantees will not be required to submit data-collection instruments to the Assistant Secretary or obtain the Assistant Secretary's approval for the use of these instruments, except where the notification of grant award specifically so provides. (2) If a grantee is required under paragraph (d) (1) of this section to submit data-collection instruments for the approval of the Assistant Secretary or if a grantee wishes the Assistant Secretary to review a data-collection instrument, the grantee shall submit seven copies of the document to the Assistant Secretary along with seven copies of the Office of Management and Budget's standard form No. 83 and seven copies of the Supporting Statement as required in the "Instructions for Requesting OMB Approval under the Federal Reports Act" (Standard form No. 83A).

(e) *Responsibility for collection of information.* A grantee shall not in any way respresent or imply (either in a letter of transmittal, in the data-gathering instruments themselves, or in any other manner) that the information is being collected by or for the Federal Government or any department, agency or instrumentality thereof. Basic responsibility for the study and the data-gathering instruments rests with the grantee.

(f) *Parental consent.* In the case of any survey using data-collection instruments in which children are involved as respondents, the grantee, in addition to observing the other requirements contained in this section, and in Part 46 as appropriate, shall provide assurances satisfactory to the Assistant Secretary that informed consent will be obtained from the parents of each such respondent prior to the use of such instruments, except that a waiver from the requirements of this paragraph for specific data-collection activities may be granted upon the written request by the grantee and a determination by the Assistant Secretary that a waiver is necessary in order to fully carry out the purposes of the grant.

§ 63.33 Treatment of animals.

If animals are utilized in any project receiving assistance, the applicant for such assistance shall provide assurances satisfactory to the Assistant Secretary that such animals will be provided with proper care and humane treatment; in accordance with the Animal Welfare Act (7 U.S.C. 2131 et seq.) and regulations set forth in (9 CFR 1, 2, 3, 4)

§ 63.34 Principal investigators.

The principal investigator(s) designated in successful grant applications as responsible for the conduct of the approved project, shall not be replaced without the prior approval of the Assistant Secretary or his designee. Failure to seek and acquire such approval may result in the grant award being terminated in accordance with the procedures set forth in § 74.114 of this title or such other regulations as may be indicated in the grant terms and conditions.

§ 63.35 Dual compensation.

If a project staff member or consultant of one grantee is involved simultaneously in two or more projects supported by any funds either under this part or otherwise, he/she may not be compensated for more than 100 percent of his/her time from any funds during any part of the period of dual involvement.

§ 63.36 Fees to Federal employees.

The grantee shall not use funds from any sources to pay a fee to, or travel expenses of, employees of the Federal Government for lectures, attending program functions, or any other activities in connection with the grant.

§ 63.37 Leasing facilities.

In the case of a project involving the leasing of a facility, the grantee shall demonstrate that it will have the right to occupy, to operate, and, if necessary, to maintain and improve the leased facility during the proposed period of the project.

§ 63.38 Publications.

Any publication or presentation resulting from or primarily related to Federal financial assistance under this part shall contain an acknowledgement essentially as follows:

> The activity which is the subject of this report was supported in whole or part by a grant from the Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of that Office and no official endorsement by that Office should be inferred.

§ 63.39 Religious worship or instruction.

Federal funds shall not be used for the making of any payment for religious worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious instruction.

[FR Doc.75-13922 Filed 5-28-75;8:45 am]

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 126—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES, SPECIAL PROGRAMS AND PROJECTS, TITLE III, SECTION 306

Final Funding Criteria

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 14, 1975, (40 FR 11885) which described criteria for determining the award of grants under Title III, section 306 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b). This program provides financial assistance to local educational agencies for special programs and projects. Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1231(d)) these regulations were transmitted to the Congress concurrently with the publication of the notice of proposed rulemaking in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the day of such transmission, subject to the provisions therein concerning congressional action and adjournment.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed criteria. No comments have been received and the proposed criteria are hereby adopted without change and are set forth below.

It should be noted that pursuant to section 402(a)(2)(ii) of Pub. L. 93-380, the authorization for ESEA, Title III, section 306 expires June 30, 1975.

Effective date. The notice of proposed rulemaking was transmitted to Congress on March 10, 1975 pursuant to section 431(d) of the General Education

Provisions Act (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such having been taken. These criteria shall become effective on May 29, 1975.

(20 U.S.C. 844b)

(Catalog of Federal Domestic Assistance No. 13.516, Special Programs and Projects of the Elementary and Secondary Education Act of 1965, as amended, Title III, Section 306)

Dated: May 8, 1975.

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

Approved: May 22, 1975.

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

APPENDIX

I. *Types of applications.* A. Many innovative approaches contributing to the solution to national education problems have been developed in past years with Title III funds and other monies. Emphasis for Section 306 grants for Fiscal Year 1975 has been placed on the dissemination and diffusion of successful educational programs and practices in areas of national concern. Therefore, applications for the following three types of projects will be given priority in the award of grants:

1. *Developer-Demonstration Projects.* Projects in which a local educational agency that has successfully implemented an exemplary approach to the solution of an educational problem common to all or several States undertakes to aid other local educational agencies (through such activities as training and dissemination activities) in adopting that approach. Of particular interest are projects which have successfully implemented preschool programs which serve the needs of parents and other persons relating to preschool children.

2. *Statewide Facilitator Projects.* Projects in which a local educational agency in cooperation with the State educational agency assists other local educational agencies within its own State to find an appropriate Developer-Demonstration program selected under categories I.A.1 above and I.F. below, to meet their educational needs.

3. *Replication of Projects Validated by Office of Education.* Projects in which a local educational agency having large numbers or proportions of children with deficiencies in reading and mathematics undertakes to replicate compensatory education programs "Project Information Packages" (hereinafter referred to as PIPs) which have been validated by the Office of Education and which are appropriate to the demonstrated needs of the district.

B. The Commissioner has also assigned priority to helping the schools assume a substantially new role in assisting parents and parenting persons, such as day care center and nursery school workers, babysitters, and other persons having direct contact with young children, to respond more effectively to the needs and potential of young children. Applications are sought for the establishment in school districts of early childhood outreach programs which extend school services to the community and home.

C. The Commissioner has also recognized the fact that many local school district administrators are requesting training in the application of performance-based management techniques to assure optimal use of limited resources to meet the most critical educational needs of their schools. Applications may therefore be made for support of short term training programs in the implementation of performance-based management approaches such as Management By Objectives (MBO). Applicants may choose from among a number of already developed performance-based training approaches listed by the funding agency, or they may select another already developed program.

D. In addition, educational problems associated with child abuse and neglect have been identified as a national educational problem. Therefore, priority will also be given to applications for projects in which a local educational agency implements a comprehensive demonstration program to provide more effective educational services to victims of child abuse and neglect enrolled in elementary and secondary schools.

E. Pursuant to section 306(b) of the Act, grants will be made to local educational agencies to develop, implement or aid in the adoption of programs designed to meet the special educational needs of handicapped children. Priority will be given to projects holding promise of having a favorable early impact upon the education of handicapped children.

F. The Commissioner is also interested in special programs for the teaching of standard mathematics in schools with large numbers of children with severe deficiencies in mathematics through instruction in advanced mathematics by qualified instructors with bachelor degrees or above in mathematics or the mathematical sciences or equivalent experience. Applications may be submitted for a Developer-Demonstration Project (see I.A.1) with this program focus or for a one-year careful replication and evaluation of an already developed program.

(20 U.S.C. 841, 843(b), 844, 844b; S. Rep. No. 634, 91st Cong., 2d Sess. 27–28 (1970))

II. *General criteria for the selection of applications.* General program criteria for the review of project applications submitted pursuant to Section 306 of the Act are found in § 126.8 of the regulations promulgated under Section 306 of the Act. (40 FR 8179, published February 26, 1975). Additionally, review criteria found in 45 CFR 100a.26(b) (38 FR 30664, published November 6, 1973) are applicable to grants made under this program.

(20 U.S.C. 843(b), 844, 844b)

III. *Additional criteria for each type of application.* The following criteria will be used in judging the specific type of project application indicated:

A. *Developer-Demonstration Projects.* Activities supportable with project funds will include the development and dissemination of a variety of information packages about the exemplary approach being demonstrated, the refinement of training materials for use with school districts planning to adopt the approach, the maintenance of a small staff to provide training to potential adopters at the development site and limited technical assistance at adopted sites, and other activities clearly related to the demonstration nature of the project. School districts must agree to cover the operational costs of the project as it serves local school children with State and local funds. The developer-demonstration project will not cover these operational costs.

1. The approach to be demonstrated will be judged by its degree of exemplariness as characterized by:

a. The extent to which the project constitutes a comprehensive means of meeting a critical national educational need or a problem common to all or several States;

b. The extent of the availability of the components required to implement the approach, including material products, training, detailed documentation regarding needs addressed, target population characteristics, staffing, institutional setting, parent and community involvement, objectives, procedures and activities, evaluation design and outcomes, and costs;

c. The extent to which a wide range of school districts would find the approach practicable for adoption relative to instructional methodology, materials, equipment, and facilities, management scheduling, and assessment;

d. The degree of innovativeness of the approach; and

e. Availability of statistically significant evidence that in at least two previous implementations of the approach with comparable groups (either in the same year or two succeeding years), the approach has demonstrated a high degree of success in the achievement of its major objectives.

2. The project will also be judged by the extent to which the application sets forth procedures for:

a. Disseminating information about the approach in a variety of ways and levels of specificity;

b. Making readily available material products to potential adopters; and

c. Providing them with training and other kinds of technical assistance required to implement the approach in a new location.

B. *Statewide facilitator projects.* A statewide facilitator will be furnished with a list of and information about exemplary approaches selected under I.A.1 above and I.H.1. below by the Office of Education. The facilitator will then assist local educational agencies in its own State to select programs for replication from among the selected developer-demonstration approaches, as follows:

1. Funds will be made available to support a small core staff who will perform a variety of activities such as:

a. Providing detailed information about the available demonstration approaches selected to interested school districts within the State;

b. Assisting local school districts to match needs with the most appropriate developer-demonstration approach; and

c. Implementing the project with a small experienced staff who will seek to promote actual adoption within their State of the exemplary approaches before the end of the 1975–76 school year or at the beginning of the next school year.

C. *Replication of Projects Validated by the Office of Education.* The Office of Education has identified six exemplary compensatory education programs "Project Information Packages" (hereinafter referred to as PIPs) which have been validated. Local educational agencies which have had applications approved under this category will replicate at least one such program consistent with local educational needs as determined by the Office of Education.

1. Grant funds will provide support for a full-time project director with support services, technical assistance from districts and persons involved in the development and implementation of the successful approach, materials and supplies referenced or included in the PIP, and for a locally designed evaluation.

2. The following criteria will be used to select applicants who will replicate a PIP approach:

a. The extent to which the applicant local educational agency provides evidence that it has a high concentration of students with severe deficiencies in reading or mathematics;

b. The extent to which the district can provide the necessary human and material resources using State and local funds to implement an exemplary program; and

c. The extent to which the application sets forth a cohesive plan to initiate evaluation on the effect, implementation, and design of the PIPs. The evaluation should include establishment by the applicant district of two comparison groups, one of which would serve as the experimental group using testing, interviews, questionnaires, and continuous classroom monitoring.

D. *Early Childhood Outreach Projects.* School districts may apply for support to implement a new preschool effort designed to help parents and parenting persons provide more effectively for the early education of children in the home, day care centers, or elsewhere.

1. Grant funds will be made available to support a full-time project director with credentials and experience in early childhood education/child development and parent involvement and education; secretarial assistance; local travel; and library resources, such as printed and audiovisual materials and toys; and program evaluation.

2. The criteria used to review these applications are as follows:

a. The extent to which the applicant local educational agency provides evidence of the need for an early childhood outreach program;

b. The extent to which the applicant provides evidence indicating community interest in early childhood education;

c. The extent to which the proposed activity builds upon earlier preschool initiatives on the part of the applicant district;

d. The extent to which the district will make available facilities and resources to accommodate the program and can demonstrate past commitment to opening school facilities to various community activities;

e. The extent to which the proposed outreach program includes carefully defined goals and specific activities to meet the goals which respond to the varied preschool needs identified; and

f. The extent to which the proposed program includes a plan for coordinating activities and services with those of other local institutions and organizations serving families with young children.

E. *Child Abuse and Neglect Projects.* School districts may apply for support to implement a comprehensive program which will prepare teachers to:

1. Identify children who are victims of child abuse and neglect;

2. Make proper referral of these children to other individuals or agencies for help; and

3. Work more effectively with such children in their classrooms and with the children's parents.

The criteria used to review these applications are as follows:

1. The extent to which the critical nature of the child abuse and neglect problem to be attacked by the project is supported by specific data collected systematically in the local school district;

2. The extent to which the proposed project builds upon local experiences in attempting to prepare teachers to identify and provide appropriate services to victims of child abuse and neglect enrolled in their classroom;

3. The extent to which the project represents an innovative, comprehensive strategy for enabling the schools to contribute effectively to reducing the incidence and effects of child abuse and neglect; and

4. The extent to which the application reflects a knowledge of State and local laws which affect the school's role in coping with child abuse and neglect.

F. *Projects Aiding Handicapped Children.* Projects will be judged by the same criteria as the Developer-Demonstration Projects as described under III.A.1. above. In addition, priority will be given local school districts which apply for funds for one-year developmental projects which hold promise of having a favorable early impact upon the education of handicapped children in the following areas of focus: Early childhood education, education of the severely handicapped (severely emotionally disturbed—schizophrenic and autistic, profoundly and severely mentally retarded, those having two or more serious handicapping conditions—mentally retarded-deaf and mentally retarded-blind, etc.), career education, and questions involving the placement of handicapped children in the regular classroom. These projects may be new efforts or may represent a development of an operating program.

G. *Projects to Train Local School Administrators in Performance-Based Management Approaches.* Districts may apply for support to conduct a short term training program to enable local school administrators to effectively implement performance-based management approaches such as Management by Objectives. Applicant districts may choose from a number of training programs identified by the funding agency or may request funds to implement another performance-based management approach training program of their own selection. In the latter case a full description of the training program, as well as evidence that the program has been judged effective in earlier tests, must be included with the application.

1. Grant funds will support the instructional fees, travel, and per diem of the trainers; materials and supplies associated with the training; local travel and per diem of trainees if necessary; and an evaluation of the effectiveness of the training.

2. The criteria used to review these applications are as follows:

a. The extent to which the applicant district provides evidence of consensus among local school administrators from the School Principals to the Superintendent for the need for training in the implementation of a performance-based management approach.

b. The extent to which the local educational agency presents a concise statement of the problems which it believes can be resolved through use of the approach selected.

c. The extent to which the applicant provides evidence of a long-term concern about improved local school management; and

d. The extent to which the district commits itself to implementing the management approach district-wide for a minimum of a full school year following the training.

H. *Projects to diffuse or to replicate mathematics programs taught by mathematics specialists.* 1. School districts may apply for support to help other school districts adopt an exemplary program involving mathematics specialists in the teaching of standard mathematics through advanced mathematics instruction in schools with large numbers of children with severe deficiencies in mathematics. Criteria to be used in the review of such applications are found in III.A above.

2. School districts may also apply to replicate and evaluate an already developed mathematics program with the same characteristics.

a. Grant funds for the replication and evaluation project will be made available for a full-time project director, secretarial assistance, the instructional services of mathematics specialists, program evaluation, local travel, consultant services and materials and supplies.

b. The criteria used to review these applications are as follows:

i. The extent to which the applicant local school district provides evidence that it has a high concentration of students with severe deficiencies in mathematics;

ii. The extent to which the applicant district provides a detailed description of the program proposed for implementation, including its rationale, objectives, activities, staff requirements, material requirements, and previous evaluation findings;

iii. The extent to which the local educational agency provides evidence of earlier attempts to solve the local mathematics achievement problems and presents strong reasons for greater expectations for success from the proposed program;

iv. The extent to which the applicant district provides evidence of its intent and capability to continue the program with State and local funds if it proves successful locally; and

v. The extent to which the application sets forth a cohesive plan to evaluate the effects and implementation of the new program. The evaluation should include (a) establishment by the applicant district of two comparison groups, one of which would serve as the experimental group, (b) valid and reliable data collection instruments, and (c) appropriate data analysis techniques.

IV. *Priority Order for Selecting Projects.* Applications meeting the "general criteria" (See II above) and the "additional criteria" (See III above) will be selected for funding according to the following priority order:

A. Currently funded Developer-Demonstration Projects, Statewide Facilitator Projects, "Project Information Package" Replication Projects, and Child Abuse and Neglect Projects which have performed satisfactorily during the past year.

B. Projects which in addition to projects under A are necessary to meet the legislative set-aside for the education of handicapped children.

C. New Projects in each of the following areas:

1. Developer Demonstrator projects in home-based preschool education and projects which provide early childhood outreach programs.

2. Projects which provide short-term training programs for local school administrators to assist them in implementing performance-based management approaches such as Management by Objectives.

3. Developer-Demonstration and replication projects which provide for mathematics programs taught by mathematics specialists.

4. State Facilitator Projects.

5. New Developer-Demonstration Projects.

The Commissioner will use his discretion, consistent with the overall merit of the proposals submitted and each State's allotment, to determine the number of projects and the amounts of money to be used in each of these areas.

(20 U.S.C. 843(b), 844, 844b; S. Rep. No. 634, 91st Cong., 2d Sess. 27-28 (1970))

[FR Doc.75-14011 Filed 5-28-75;8:45 am]

PART 189—VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

Notice of proposed rule making setting forth proposed amendments to the regulations governing the veterans' cost-of-instruction program (authorized at 20 U.S.C. 1070e-1) was published in the FEDERAL REGISTER on January 6, 1975 (40 FR 1053-1057). Interested persons were invited to submit written comments, suggestions, or objections regarding the notice to the Office of Education within 30 days.

A. *Comments and responses.* After consideration of the comments received, it has been determined that the pro-

posed regulatory amendments should be adopted without change. A summary of the comments, with responses, follows:

1. Comment. Several commenters suggested that the three veteran counting dates designated for payments to institutions in § 189.3(b) be dates which occur in the same academic year.

Response. In light of (1) the desirability that an institution utilize its three payments within one academic year and (2) the timing of the Congressional appropriations process, the current dates appear to be appropriate. They enable an institution of higher education to plan its veterans' services over the summer, on the basis of the size of its first payment, for an academic year beginning in the fall.

2. Comment. Several commenters objected to the new provision concerning use of program funds by institutions for travel expenditures (§ 189.17(c)).

Response. This provision is deemed necessary in order to prevent unreasonable expenditures by institutions for travel and to establish a uniform policy.

3. Comment. Several commenters suggested that more detailed applications as to intended use of funds be required than is currently the case. One commenter suggested more rigorous auditing procedures by the Commissioner.

Response. In light of the size of awards under this program, the corresponding requirements and procedures provided for in the proposed regulations are deemed adequate. It should be noted that a new provision at § 189.21(b)(7) calls for the submission by an educational institution of a proposed budget and that new § 189.32(b) calls for an audit of its program expenditures by an institution.

4. Comment. Other suggestions included the following: a. Provide for payments for students not enrolled as at least half-time students.

b. Compute an institution's payment on the basis of the average number of veterans enrolled on the three counting dates.

c. Provide a flat amount of $20 per veteran to each institution.

d. Provide for a maximum annual payment to an institution of $75,000 rather than $135,000.

e. Provide for payments for veterans who are graduate students.

f. Require an institution to expend 90 percent or 100 percent of its program funds for required veterans' services.

Response. Each of these suggestions would conflict with statutory provisions, the first with section 491(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1088(c)(2)) and the others with the program statute (20 U.S.C. 1070e-1). With regard to the last suggestion, however, it should be noted that § 189.17(a) requires an institution to expend more than 75 percent of its program funds for required veterans' services if such greater amount is needed to provide such services.

B. *Effective date.* These regulations were transmitted to the Congress concurrently with their publication as a notice of proposed rule making pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The period set forth in such section 431(d) for Congressional action on the regulations has expired without such action having been taken. The proposed regulations are hereby adopted without change, as set forth below. These regulations are effective May 29, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.540, Higher Education—Cost of Veterans' Instruction (VCIP))

Dated: April 10, 1975.

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

Dated: May 6, 1975.

R. L. ROUDEBUSH,
Administrator of Veterans' Affairs.

Approved: May 22, 1975.

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

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AUTHORITY.—Section 420, Higher Education Act of 1965, as added by section 1001(a) of Pub. L. 92-318, 86 Stat. 378 (20 U.S.C. 1070e-1), as amended, unless otherwise noted.

Subpart A—General Provisions

§ 189.1 Definitions.

As used in this part:

"Academic year" means a period beginning on July 1 and ending on the following June 30.

"Cost-of-instruction payment," or "payment," means an amount calculated with respect to an institution of higher education for an academic year on the basis of undergraduate veteran student enrollment.

"Institution of higher education," or "institution," means an educational institution in any State which: (a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (b) is legally authorized within such State to provide a program of education beyond secondary education, (c) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (d) is a public or other nonprofit institution, and (e) is accredited by a nationally recognized accrediting agency or association as determined by the Commissioner or, if not so accredited, (1) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (2) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or (3) is an institution which has been approved by a state agency recognized by the Commissioner pursuant to § 438(b) of the Higher Education Act of 1965, as amended. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (a), (b), (d), and (e) of this definition.

"Instructional expenses in academically related programs" means the expenditures of instructional departments of an institution of higher education for salaries, office expenses, equipment, and research.

"School or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (a) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (b) to prepare them to teach theological subjects.

"State" includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"Student" means a person in attendance as at least a half-time student at an institution of higher education. The term is further defined as follows:

(a) "Full-time student" means a student who (1) is enrolled for the equivalent of at least 14 semester hours or (2) is enrolled for the equivalent of not less than 12 semester hours and is being charged on the basis of the institution's normal full-time fee schedule.

(b) "Three-quarter time student" means a student who (1) is enrolled for the equivalent of 10 through 13 semester hours or (2) is enrolled for the equivalent of not less than 9 semester hours and is being charged at least three-quarters of the institution's normal full-time fees.

(c) "Half-time student" means a student who (1) is enrolled for the equiva-

lent of 7 through 9 semester hours or (2) is enrolled for the equivalent of not less than 6 semester hours and is being charged at least one-half of the institution's normal full-time fees.

"Undergraduate" refers to a student who (a) has not earned his first bachelor's degree or professional degree, and (b) (1) is pursuing a program of studies leading to a certificate or diploma or (2) is receiving or has received educational assistance under subchapter V or subchapter VI of chapter 34 of title 38, United States Code. A student who has not earned his first bachelor's or professional degree and who is enrolled in a program of study at the postsecondary level which is designed to extend for more than four academic years shall not be considered as an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program leads to a first degree and is designed to extend for a period of five academic years.

"Veteran" means a person receiving benefits under chapter 31 or chapter 34 of title 38, United States Code, or who, if enrolled in an institution of higher education, would be eligible for such benefits.

(20 U.S.C. 1070e, 1070e-1, 1087-1(b), 1088, 1141.)

§ 189.2 Institutional eligibility.

(a) To apply for assistance under this part, an applicant must be an institution of higher education, and must meet the requirements specified in paragraph (b) or (c) of this section.

(b) In order for an institution of higher education to apply for assistance under this part during an academic year following one during which it was not eligible for or did not apply for such assistance, it must have in attendance on April 16 of such academic year (or, where such date falls between academic terms of the institution, the end of the previous academic term), a number of undergraduate veteran students receiving benefits under chapter 31 or chapter 34 of title 38, United States Code (or who have received benefits under subchapter V or subchapter VI of such chapter 34 while attending such institution during that academic year) equal to at least 25 and to at least (1) 110 percent of the number of undergraduate veteran students who were in attendance on the first counting date adopted under this part for the preceding academic year and were at that time receiving benefits under chapter 31 or chapter 34 of title 38, United States Code (or had received benefits under subchapter V or subchapter VI of such chapter 34 while attending such institution during that academic year), or (2) 10 per centum of the total number of undergraduate students in attendance at such institution during such current academic year, if such number does not constitute a per centum of such undergraduate students which is less than such per centum for the preceding academic year.

(c) In order for an institution of higher education to apply for assistance under this part during an academic year following one during which it has received such assistance, it must have in attendance on April 16 of such academic year (or, where such date falls between academic terms of the institution, the end of the previous academic term), a number of undergraduate veteran students receiving benefits under chapter 31 or chapter 34 of title 38, United States Code (or who have received benefits under subchapter V or subchapter VI of such subchapter 34 while attending such institution during that academic year) equal to at least (1) the number of undergraduate veteran students who were in attendance on the first counting date adopted under this part for the preceding academic year and were at that time receiving benefits under chapter 31 or chapter 34 of title 38, United States Code (or had received benefits under subchapter V or subchapter VI of such chapter 34 while attending such institution during that academic year), or (2) the minimum number of such persons which was necessary for such institution to establish eligibility for assistance under this part during the preceding academic year, whichever is less.

(d) Schools or departments of divinity and proprietary institutions (i.e., organized for profit) are not eligible to apply for assistance under this part.

(20 U.S.C. 1070e-1.)

§ 189.3 Calculation of cost-of-instruction payment.

(a) To compute an institution's cost-of-instruction payment under this part, the Commissioner of Education shall determine, on the basis of data provided by the institution:

(1) The number of undergraduate veteran students in attendance on the applicable dates specified in paragraph (b) of this section who are at those times recipients of vocational rehabilitation subsistence under chapter 31 of title 38, United States Code, or of educational assistance under chapter 34 of title 38, United States Code, and to whom the services required by §§ 189.12 and 189.13 will be reasonably accessible, and

(2) The number of undergraduate veteran students in attendance on the applicable dates specified in paragraph (b) of this section who have ever received educational assistance under subchapter V or subchapter VI of chapter 34 of title 38, United States Code, and to whom the services required by §§ 189.12 and 189.13 will be reasonably accessible.

(b) A cost-of-instruction payment for a given academic year shall, by reason of paragraph (d) of this section, be based on the number of students in attendance on April 16 of the preceding academic year and October 16 and February 16 of the given year (or, where such dates fall between academic terms of the institution, the end of the previous academic term), and shall, subject to the availability of funds, be computed at the following annual rate:

(1) For students described in paragraph (a) (1) of this section:

(i) $300 per full-time student;

(ii) $225 per three-quarter time student;

(iii) $150 per half-time student; and

(iv) No payment for students not enrolled as at least half-time students.

(2) For students described in paragraph (a) (2) of this section:

(i) $150 per full-time student;

(ii) $112.50 per three-quarter time student;

(iii) $75 per half-time student; and

(iv) No payment for students not enrolled as at least half-time students.

(c) (1) Notwithstanding any other provision of this section, the maximum amount of payments in any fiscal year to any institution of higher education, or any branch thereof which is located in a community which is different from that in which the parent institution is located, shall be $135,000.

(2) Funds which become available as a result of the limitation on payments set forth in subparagraph (c) (1) shall be apportioned in such a manner as will result in the receipt by institutions of a uniform minimum amount of first up to $9,000, and then in excess of $9,000, to the extent that funds remain available, except that no institution shall receive funds in excess of the amounts calculated according to paragraph (b) of this section.

(d) One third of the program funds available for a given academic year shall be used for payment to institutions based on enrollment data for April 16 of the preceding academic year. Funds obligated to an individual institution which remain after the payment to such institution based on the April 16 enrollment data shall be paid to such institution on the basis of enrollment data for October 16 and February 16 of the given year at rates per undergraduate veteran student in the categories set forth in § 189.3 (a) (1) and (2) equal to the rates for such students at which the payment based on April 16 enrollment data was made.

(e) Notwithstanding any other provision of this section, the sum of the second and third payments to an institution for any academic year may not exceed twice the amount of the first payment to such institution for such year.

(20 U.S.C. 1007e-1, 31 U.S.C. 701)

§ 189.4 Applicability of civil rights provisions.

(a) Federal financial assistance under this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Pub. L. 88-352).

(42 U.S.C. 2000d.)

(b) Federal financial assistance under this part is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination) and any regulations issued thereunder.

(20 U.S.C. 1681-86; Pub. L. 92-318, section 906.)

Subpart B—Required Services and Use of Funds

§ 189.11 Special definitions.

For purposes of this subpart:

(a) "Full-time," with respect to an office of veterans' affairs, means that the office of veterans' affairs (1) is staffed by at least one person who is employed by an institution on a full-time basis and whose sole institutional responsibility is that of coordinating the activities of the office (except that an institution described in § 189.14 may employ part-time employees for this purpose who together assume the responsibility of at least one full-time employee) and (2) provides services at times and places convenient to the veterans being served.

(b) "Outreach" means an extensive, coordinated, communitywide program of reaching veterans within the institution's normal service area, determining their needs, and making appropriate referral and follow-up arrangements with relevant service agencies.

(c) "Recruitment" means a concerted effort to interest veterans in taking advantage of opportunities for a wide variety of postsecondary training experiences at the institution.

(d) "Special education programs" means specially designed remedial, tutorial, and motivational programs designed to promote success in the postsecondary experience.

(e) "Counseling" means professional assistance available to veterans for consulation on personal, family, educational, and career problems.

(20 U.S.C. 1070e–1.)

§ 189.12 Office of veterans' affairs.

Except as provided in § 189.14, an application for assistance under this part shall be approved only if the Commissioner is satisfied that the applicant will maintain, during the period for which the award is made, a full-time office of veterans' affairs with adequate services, in light of the criteria set forth in § 189.16, in the areas of outreach, recruitment, special education programs, and counseling.

(20 U.S.C. 1070e–1.)

§ 189.13 Related veterans' services.

Except as provided in § 189.14, an application for assistance under this part shall be approved only if the Commissioner is satisfied that the applicant will, during the period for which the award is made, make an adequate effort, as measured by the criteria set forth in § 189.16, to carry out:

(a) Programs designed to prepare educationally disadvantaged veterans for postsecondary education (1) under subchapter V of chapter 34 of title 38, United States Code, and (2) in the case of any institution located near a military installation, under subchapter VI of such chapter 34;

(b) Active outreach, recruiting, and counseling activities through the use of other funds such as those available under federally assisted work-study programs; and

(c) An active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of title 38, United States Code.

(20 U.S.C. 1070e–1.)

§ 189.14 Institutions with small numbers of students and veterans.

An institution with less than 2,500 students and no more than 70 undergraduate veteran students in attendance on April 16 (or, where such date falls between academic terms of the institution, the end of the previous academic term) of an academic year during which assistance under this part is sought need provide the services described in § 189.12 only to the extent of maintaining a full-time office of veterans' affairs with adequate services in the areas of recruitment and counseling, and need not provide the services described in § 189.13.

(20 U.S.C. 1070e–1.)

§ 189.15 Consortium agreements.

In the case of an institution with less than 2,500 students in attendance on April 16 (or, where such date falls between academic terms of the institution, the end of the previous academic term) of an academic year during which assistance under this part is sought, the Commissioner may permit one or more of the functions set forth in §§ 189.12 and 189.13 to be carried out under a consortium agreement between that institution and one or more other such institutions located within a reasonable commuting distance therefrom if he finds that (a) such institution cannot feasibly carry out such functions by itself, and (b) the benefits of such functions will be readily accessible to veterans attending, and to veterans in the community served by, each of the institutions which are parties to the agreement.

(20 U.S.C. 1070e–1.)

§ 189.16 Criteria for assessing adequacy of veterans' programs.

An applicant institution's assurance pursuant to § 189.21(b)(6), with respect to the requirements of §§ 189.12 and 189.13 and to the extent that such requirements are not waived pursuant to § 189.14, shall be made in light of the following criteria, which criteria shall also be used by the Commissioner in evaluating the adequacy of the institution's veterans' programs:

(a) *In general.*—(1) Adequate identification and assessment of the veteran population in the institution's normal service area;

(2) Appropriate consideration, in terms of programs and services, of the number of veterans enrolled at the institution;

(3) The establishment of an advisory mechanism involving community and institutional personnel to assist in the institution's decisionmaking process with respect to veterans' services and through which the institution may become aware of the views of the institution's administrative and academic staff, its veteran student population, and relevant community organizations;

(4) The use of qualified Vietnam-era veterans in staffing the institution's office of veterans' affairs and in providing related services;

(5) The employment of a sufficient number of qualified staff members in order to adequately support required veterans' activities and services;

(6) The provision of adequate, visible and accessible housing for the institution's office of veterans' affairs, in light of the institution's veteran student enrollment and physical environment; and

(7) The coordination of veterans' services with other campus services available to veterans, such as admissions, student financial aid, counseling, and job placement.

(b) With respect to outreach, the establishment and maintenance of—

(1) Contact with veterans in the institution's normal service area;

(2) A procedure for assessing veterans' needs, problems, and interests; and

(3) A coordinated and extensive referral service involving agencies providing assistance in areas such as housing, employment, health, recreation, vocational and technical training, and financial assistance;

(c) With respect to recruitment, the establishment and maintenance of a process of bringing the maximum number of veterans into purposeful systematic programs of postsecondary education most suited to their educational and career aspirations, including such techniques as publications, use of mass media, and personal contacts;

(d) With respect to special education programs, the establishment and maintenance of—

(1) Support from appropriate departments of the institution for launching special education programs for the veteran student of a remedial, motivational, and tutorial nature;

(2) Support throughout the institution for appropriate changes in rules, policies, and procedures that will accommodate the special needs and problems of the veteran student; and

(3) Adequate guidance for individual veteran students that will insure the highest possible rate of their retention in educational programs; and

(e) With respect to counseling, the establishment and maintenance of—

(1) Ease of access of veteran students to professional assistance for consultation on personal, family, educational, and career problems as appropriate and necessary; and

(2) Frequent and scheduled liaison of the office of veterans' affairs with the institution's academic departments, counseling service, and central administration.

(20 U.S.C. 1070e–1)

§ 189.17 Expenditure requirements.

(a) Not less than (1) 75 percent of funds awarded to an institution under

this part or (2) the amount of funds needed to implement the required services set forth in §§ 189.12 and 189.13, whichever is greater, shall be used by the institution to implement such services. Any remaining awarded funds may be used solely to defray instructional expenses in academically related programs of such institution.

(b) All assistance received under this part must be expended or obligated for the foregoing purposes not later than the end of the period for which the award is made. Obligations will be considered to have been incurred by a recipient on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities, shall be considered to have been obligated as of the time such services were rendered, such travel was performed, and such rented facilities were used, respectively.

(c) Travel expenditures shall be restricted to recruitment and outreach activities, attendance at Office of Education sponsored meetings providing technical assistance for this part, and attendance at Office of Education approved professional meetings.

(20 U.S.C. 1070e, 1070–1, 1232c(b)(2); 31 U.S.C. 200)

Subpart C—Application Process

§ 189.21 Submission of application by individual institutions.

(a) Assistance under this part will be provided only on the basis of an application submitted by an institution which sets forth all information necessary to determine the institution's eligibility and payment amount.

(b) Each application must be submitted on a form to be provided by the Commissioner and contain the following:

(1) Information necessary to show that the institution is eligible for assistance under this part;

(2) Information necessary to determine the amount of the institution's payment, in accordance with § 189.3;

(3) An assurance that any funds received by the institution under this part will not be used for a school or department of divinity or for any religious worship or sectarian activity;

(4) An assurance that any funds received by the institution under this part which are not required pursuant to § 189.17 to be used to implement the requirements of §§ 189.12 and 189.13 will be used solely to defray instructional expenses in academically related programs of the institution;

(5) An assurance that the institution will expend during the period for which the award is made, for all academically related programs of the institution, an amount equal, in terms of either total or per student expenditure, to at least the average amount so expended during the 3 academic years preceding such period, together with such supporting data as the Commissioner may require;

(6) An assurance that the institution will carry out the required services set forth in §§ 189.12 and 189.13;

(7) An assurance that the institution will initiate the services required by §§ 189.12 and 189.13, and will submit a proposed budget for the operation of the office of veterans' affairs, not later than 90 days after the date of award notification;

(8) An assurance that the services required by §§ 189.12 and 189.13 will be reasonably accessible to all undergraduate veteran students on behalf of whom funds are received by the institution under this part; and

(9) If the institution is seeking a waiver of any of the required activities specified in §§ 189.12 and 189.13 pursuant to § 189.14, information necessary to show that it has less than 2,500 students and not more than 70 undergraduate veteran students in attendance on April 16 (or, where such date falls between academic terms of the institution, the end of the previous academic term) of the academic year during which assistance under this part is sought.

(20 U.S.C. 1070e–1.)

§ 189.22 Submission of applications by parties to consortium agreements.

Institutions proposing to carry out the activities required under this part through a consortium agreement, pursuant to § 189.15, must submit their applications on a form to be provided by the Commissioner, and each such institution must provide all information and assurances required pursuant to § 189.21 as well as information and assurances necessary to a finding by the Commissioner that the conditions for a consortium agreement set forth in § 189.15 have been met.

(20 U.S.C. 1070e–1.)

Subpart D—Fiscal and Reporting Requirements

§ 189.31 Maintenance of records.

(a) *Records.* Each institution and consortium of institutions shall keep intact and accessible records relating to the receipt and expenditure of Federal funds in accordance with section 434(a) of the General Education Provisions Act, including all accounting records and related original and supporting documents that substantiate direct costs charged to the award. Records must be maintained so as to reflect (1) expenditures made for veterans' services provided for under this part, and (2) expenditures made for instructional costs in academically related programs.

(b) *Period of retention.* (1) Except as provided in paragraph (b)(2) or (b)(3) of this section, the records specified in paragraph (a) of this section shall be retained for 3 years after the date of the submission of the fiscal operations report, pursuant to § 189.33, to which they pertain.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after it is no longer needed for program purposes.

(3) The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(c) *Microfilm copies.* Institutions may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(20 U.S.C. 1232c(a).)

§ 189.32 Audits.

(a) *Audit and examination.* The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all records required pursuant to § 189.31(a) and to any other pertinent books, documents, papers, and records of the institution or consortium of institutions. The Commissioner may, at any time before or after making a payment under this part, review the data supplied by an institution with respect to such payment and take appropriate action as a result thereof, including that of requiring the institution to return funds received on the basis of inaccurate data submitted by the institution.

(b) *Audit responsibilities.* All expenditures by recipient institutions or consortiums thereof shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations. Such audits shall be scheduled with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

(20 U.S.C. 1232c (a), (b)(2).)

§ 189.33 Fiscal operations reports.

(a) In addition to such other accounting as the Commissioner may require, an institution or consortium shall render annually, with respect to the assistance awarded under this part, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting in a format approved by the Commissioner shall be submitted to the Commissioner within 90 days of the expiration of the academic year for which such assistance was awarded, and the institution or consortium shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may, upon written request, be extended at the discretion of the Commissioner.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628)

§ 189.34 Limitations on costs.

(a) The maximum amount of a payment under this part shall be set forth in the award document. The total payment from the Federal Government will not exceed the amount so set forth.

(b) Institutions will be governed by the cost principles set forth in Part II

of Appendix D of 45 CFR Part 74 (Part II of Appendix C of 45 CFR Subchapter A).

(31 U.S.C. 200; 20 U.S.C. 1070e–1.)

§ 189.35 Reporting requirements.

(a) Institutions of higher education, and consortiums thereof, receiving assistance under this part must submit to the Commissioner no more than 30 days after the close of each academic year, a report describing the manner in which the required veterans' services were provided during such academic year. Such a report shall be in a format approved by the Commissioner and shall make specific reference to the extent to which the criteria set forth in § 189.16 of this part have been met.

(b) Interim reports describing the progress being made in providing the veterans' services required pursuant to §§ 189.12 and 189.13 of this part shall be submitted if, and at such times as, the Commissioner deems such reports necessary.

(20 U.S.C. 1070e–1.)

[FR Doc.75–13920 Filed 5–28–75;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 rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Mecloqualone and the Thiophene Analog of Phencyclidine in Schedule I

On March 15, 1974, the Administrator of the Drug Enforcement Administration requested the Assistant Secretary of Health to submit, in behalf of the Department of Health, Education and Welfare, a scientific and medical evaluation and recommendation that the thiophene analog of phencyclidine (1-[1-(2-thienyl) cyclohexy] piperidine) be placed in Schedule I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513).

On October 22, 1974, a similar request was made with respect to mecloqualone.

By a letter dated January 21, 1975, the Assistant Secretary for Health submitted the requested scientific and medical evaluations and recommendations. That letter is set out as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

Washington, D.C. 20201

JANUARY 21, 1975.

Mr. JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration, Department of Justice, 1405 Eye Street NW., Washington, D.C. 20537.

DEAR MR. BARTELS: The appropriate agencies within the Department of Health, Education and Welfare, and the FDA Controlled Substances Advisory Committee, have evaluated the DEA proposals of March 15 and October 22, 1974 to control the thiophene analog of phencyclidine ([1-(1-2-thienyl) cyclohexyl] piperidine) and mecloqualone. We agree that these substances should be controlled in Schedule I of the Controlled Substances Act (Pub. L. 91-513).

Pursuant to the criteria for Schedule I substances described in section 202.(b) of the Controlled Substances Act, the present evidence indicates that these substances have a high potential for abuse, have no currently accepted medical use in treatment in the United Sttaes, and there is lack of accepted safety for use of these substances under medical supervision.

Schedule I control of the thiophene analog of PCP and mecloqualone therefore seems to be clearly in the interest of public health.

Enclosed please find a document supporting these recommendations.

Sincerely yours,

CHARLES C. EDWARDS, M.D.,
Assistant Secretary for Health.

Upon receipt of this letter, the Drug Enforcement Administration undertook a review of the following: (1) Materials submitted to DEA by the Department of Health, Education and Welfare with the letter of January 21, 1975; (2) materials on file with the Food and Drug Administration; (3) published scientific and medical literature from the United States and other nations regarding these drugs; (4) selected investigatory files compiled for law enforcement purposes by the Drug Enforcement Administration; and (5) the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluations and recommendations of the Secretary of Health, Education and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, mecloqualone and the thiophene analog of phencyclidine have a high potential for abuse.

2. Mecloqualone and the thiophene analog of phencyclidine have no currently accepted medical use in treatment in the United States.

3. There is a lack of accepted safety for use of mecloqualone and of the thiophene analog of phencyclidine under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator proposes that § 1308.11 of Title 21 of the Code of Federal Regulations be amended to read:

§ 1308.11 Schedule I.

* * * * *

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) 4-bromo-2,5-dimethoxyamphetamine 7391
Some trade or other names: 4-bromo - 2,5 - dimethoxy - α - methylphenethylamine; 4-bromo-2,5-DMA.

(2) 2,5-dimethoxyamphetamine 7396
Some trade or other names: 2,5-dimethoxy - α - methylphenethylamine; 2,5-DMA.

(3) 4-methoxyamphetamine 7411
Some trade or other names: 4-methoxy - α - methylphenethylamine; paramethoxyamphetamine; PMA.

(4) 5-methoxy-3,4 - methylenedioxy amphetamine 7401

(5) 4-methyl-2,5,-dimethoxyamphetamine 7395
Some trade and other names: 4 - methyl - 2,5, - dimethoxy- α - methylphenethylamine; "DOM"; and "STP".

(6) 3,4 - methylenedioxy amphetamine 7400

(7) 3,4,5-trimethoxy amphetamine.. 7390

(8) Bufotenine 7433
Some trade and other names: 3 - (β - Dimethylaminoethyl) - 5 - hydroxyindole; 3-(2 - dimethylaminoethyl) - 5 - indolol; N,N - dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.

(9) Diethyltryptamine 7434
Some trade and other names: N,N-Diethyltryptamine; DET.

(10) Dimethyltryptamine 7435
Some trade or other names: DMT.

(11) Ibogaine 7260
Some trade and other names: 7 - Ethyl - 6,6α, 7,8,9,10,12, 13 - octahydro - 2 - methoxy - 6,9 - methano - 5H-pyrido [1',2':1,2] azepino [5,4-b] indole; tabernanthe iboga.

(12) Lysergic acid diethylamide 7315

(13) Marihuana 7360

(14) Mescaline 7381

(15) Peyote 7415

(16) N-ethyl-3-piperidyl benzilate... 7482

(17) N-methyl-3-piperidyl benzilate.. 7484

(18) Psilocybin 7437

(19) Psilocyn 7438

(20) Tetrahydrocannabinols 7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
△1 cis or trans tetrahydrocannabinol, and their optical isomers.
△6 cis or trans tetrahydrocannabinol, and their optical isomers.
△3,4 cis or trans tetrahydrocannabinol, and its optical isomers.
(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

(21) Thiophene Analog of Phencyclidine
Some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine); 2-Thienyl Analog of Phencyclidine, TPCP.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) mecloqualone 2572

All interested persons are invited to submit their comments or objections in writing regarding this proposal. The comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Department of Justice, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than July 1, 1975.

In the event that an interested party submits objections to this proposal which present grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail that a hearing on these objections will be held as soon as the matter may be heard at the Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may, without a hearing, and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: May 9, 1975.

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

[FR Doc.75-13818 Filed 5-28-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 18]

MARINE MAMMALS

Procedures for Hearings on Proposed Regulations

The Marine Mammal Protection Act authorizes the Secretary to prescribe regulations and to waive the moratorium on the taking and/or importation of marine mammals and marine mammal products and, for such prescription or waiver, refers the Secretary to section 103 of the Act (16 U.S.C. 1373). Section 103(d) requires that regulations be made on the record after opportunity for an agency hearing on such regulations and, in the case of a waiver, on a determination by the Secretary to waive the moratorium.

On July 12, 1974 proposed regulations to govern hearings on the record as required by section 103 of the Act (16 U.S.C. 1373) were published in the FEDERAL REGISTER, 39 FR 25664–25667, by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce. Thirty days were provided for comments on the proposed regulations.

The only comment received was from the Environmental Protection Agency (EPA). The EPA suggested that provision be made for introducing the environmental impact statement into the record of the hearing. To comply with that suggestion, §§ 216.73(b)(6) and 216.85(b) have been amended. Furthermore, if an environmental impact statement is necessary, the statement will be considered when the Director determines the issues of fact published in the notice of hearing pursuant to § 216.73(b)(5).

The regulations to govern hearings on the record as required by section 103 of the Marine Mammal Protection Act (16 U.S.C. 1373) were published in final form in the FEDERAL REGISTER, 40 FR 10182–10186, March 5, 1975.

It is the intent of the Director, U.S. Fish and Wildlife Service to adopt the regulations published in final form by the NMFS on March 5, 1975 [40 FR 10182–10182]. The purpose of adopting these regulations would be to allow the two Departments to handle joint requests for a waiver of the moratorium and hearings simultaneously.

The basic format for the proposed hearing procedures to govern section 103 hearings consist of:

(1) Publication of notice in the FEDERAL REGISTER of (i) an intent to waive the moratorium and/or to prescribe regulations and (ii) issues which may be involved in the hearing;

(2) Submission in writing of all direct testimony to be introduced at the hearing. Such submission must be accomplished by a date specified in the notice;

(3) As soon as possible after the date specified in (2) above, the presiding officer shall consider all the direct testimony offered and make a preliminary determination of the issues presented;

(4) The presiding officer shall then conduct a prehearing conference and cause to be published in the FEDERAL REGISTER a final hearing agenda;

(5) If the presiding officer determines at the prehearing conference that no issues of fact are presented by the written direct testimony, the presiding officer shall publish in the FEDERAL REGISTER such determination and notice that no hearing will be held and that any person may submit written comments for the presiding officer's consideration prior to his rendering of a recommended decision;

(6) When a hearing is held, only direct testimony previously submitted may be introduced. Direct testimony not submitted as provided in these regulations and introduced at the hearing shall not be considered a part of the record;

(7) The hearing shall be limited to cross-examination of witnesses introducing direct testimony. Oral arguments may be allowed at the presiding officer's discretion;

(8) After the hearing, written comments may be submitted by any interested person;

(9) After the time provided for submission of written comments, the presiding officer shall make a recommended decision and transmit such decision with the transcript and comments to the Director for a final determination.

Written comments, views and objections with respect to this proposed adoption of regulations may be submitted to the Director, U.S. Fish and Wildlife Service (MNB), Washington, D.C. 20240. All material received on or before June 30, 1975 will be considered.

The Fish and Wildlife Service published the present subpart G in the FEDERAL REGISTER on February 13, 1975 (40 FR 6661–6663) for the hearing to waive the Moratorium and return the Management of Walrus to the State of Alaska. This proposal will replace the earlier publication as the new subpart G will broaden the hearing procedures from walrus to all marine mammals.

Accordingly, it is hereby proposed to amend Subpart G, Part 18, Subchapter B, Chapter I of Title 50, CFR by deleting it in its entirety and replacing it with the following new language.

LYNN A. GREENWALT,
Director.

MAY 21, 1975.

Subpart G—Notice and Hearing on Section 103 Regulations

Sec.

18.70 Basis and purpose.
18.71 Definitions.
18.72 Scope of regulations.
18.73 Notice of hearing.
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18.84 Waiver of right to participate.
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18.88 Oral and written arguments.
18.89 Recommended decision, certification of the transcript and submission of comments on the recommended decision.
18.90 Director's decision.

AUTHORITY: Title I of the Marine Mammal Protection Act of 1972, 86 Stat. 1027 (16 U.S.C. 1361–1407), Pub. L. No. 92-522.

Subpart G—Notice and Hearing on Section 103 Regulations

§ 18.70 Basis and purpose.

(a) Sections 101(a)(2), 101(a)(3)(A), and 101(b) (16 U.S.C. §§ 1371(a)(2), 1371(a)(3)(A), 1371(b) (1972)) of the Act and these regulations authorize the Director, U.S. Fish and Wildlife Service,

to (1) impose regulations governing the taking of marine mammals incidental to commercial fishing operations; (2) waive the moratorium and to adopt regulations with respect to the taking and importing of animals from each species of marine mammals under his jurisdiction; (3) prescribe regulations governing the taking of depleted marine mammals by any Indian, Aleut or Eskimo, respectively. In prescribing regulations to carry out the provisions of said sections, the Act refers the Director to § 103 (16 U.S.C. § 1373 (1972)). In accordance with § 103(d), regulations must be made on the record after opportunity for an agency hearing on such regulations and, in the case of a waiver, on the determination by the Director to waive the moratorium pursuant to section 101(a)(3)(A) (16 U.S.C. 1371(a)(3)(A) (1972)).

(b) The purpose of this subpart is to establish rules of practice and procedure for all hearings conducted pursuant to § 103(d).

§ 18.71 Definitions.

Definitions shall be the same as in subpart A of this Part except as follows:

(a) "Party" means, for the purposes of this subpart:

(1) The Director or his representative;

(2) A person who has notified the Director by specified dates of his or her intent to participate in the hearing pursuant to §§ 18.74 and 18.83(b).

(b) "Witness" means, for the purposes of this subpart, any person who submits written direct testimony on the proposed regulations.

A person may be both a party and a witness.

§ 18.72 Scope of regulations.

The procedural regulations in this subpart govern the practice and procedure in hearings held under § 103(d) of the Act. These hearings will be governed by the provisions of 5 U.S.C. § 556 and § 557 of the Administrative Procedure Act. The regulations shall be construed to secure the just, speedy, and inexpensive determination of all issues raised with respect to any waiver or regulation proposed pursuant to § 103(d) of the Act with full protection for the rights of all persons affected thereby.

§ 18.73 Notice of hearing.

(a) A notice of hearing on any proposed regulations shall be published in the FEDERAL REGISTER, together with the Director's proposed determination to waive the moratorium pursuant to section 101(a)(3)(A) (16 U.S.C. § 1371(a)(3)(A)), where applicable.

(b) The notice shall state:

(1) The nature of the hearing;

(2) The place and date of the hearing. The date shall not be less than 60 days after publication of notice of the hearing;

(3) The legal authority under which the hearing is to be held;

(4) The proposed regulations and waiver, where applicable, and a summary of the statements required by § 103(d) of the Act (16 U.S.C. § 1373(d));

(5) Issues of fact which may be involved in the hearing;

(6) If a draft Environmental Impact Statement is required, the date of publication of the draft and the place(s) where the draft and comments thereon may be viewed and copied;

(7) Any written advice received from the Marine Mammal Commission;

(8) The place(s) where records and submitted direct testimony will be kept for public inspection;

(9) The final date for filing with the Director a notice of intent to participate in the hearing pursuant to § 81.74;

(10) The final date for submission of direct testimony on the proposed regulations and waiver, if applicable, and the number of copies required;

(11) The docket number assigned to the case which shall be used in all subsequent proceedings; and

(12) The place and date of the prehearing conference.

§ 18.74 Notification by interested persons.

Any person desiring to participate as a party shall notify the Director, by certified mail, on or before the date specified in the notice.

§ 18.75 Presiding officer.

(a) Upon publication of the notice of hearing pursuant to § 18.73, the Director shall appoint a presiding officer pursuant to 5 U.S.C. 3105. No individual who has any conflict of interest, financial or otherwise, shall serve as presiding officer in such proceeding.

(b) The presiding officer, in any proceeding under this subpart, shall have power to:

(1) Change the time and place of the hearing and adjourn the hearing;

(2) Evaluate direct testimony submitted pursuant to these regulations, make a preliminary determination of the issues, conduct a prehearing conference to determine the issues for the hearing agenda, and cause to be published in the FEDERAL REGISTER a final hearing agenda;

(3) Rule upon motions, requests and admissibility of direct testimony;

(4) Administer oaths and affirmations, question witnesses and direct witnesses to testify;

(5) Modify or waive any rule (after notice) when determining no party will be prejudiced;

(6) Receive written comments and hear oral arguments;

(7) Render a recommended decision; and

(8) Do all acts and take all measures, including regulation of media coverage, for the maintenance of order at and the efficient conduct of the proceeding.

(c) In case of the absence of the original presiding officer or his inability to act, the powers and duties to be performed by the original presiding officer under this part in connection with a proceeding may, without abatement of the proceeding, be assigned to any other presiding officer unless otherwise ordered by the Director.

(d) The presiding officer may upon his own motion withdraw as presiding officer in a proceeding if he deems himself to be disqualified.

(e) A presiding officer may be requested to withdraw at any time prior to the recommended decision. Upon the filing by an interested person in good faith of a timely and sufficient affidavit alleging the presiding officer's personal bias, malice, conflict of interest or other basis which might result in prejudice to a party, the hearing shall recess. The Director shall immediately determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 18.76 Direct testimony submitted as written documents.

(a) Unless otherwise specified, all direct testimony, including accompanying exhibits, must be submitted to the presiding officer in writing no later than the dates specified in the notice of the hearing (§ 18.73), the final hearing agenda (§ 18.81), or within 15 days after the conclusion of the prehearing conference (§ 18.83) as the case may be. All direct testimony shall be in affidavit form and exhibits constituting part of such testimony, referred to in the affidavit and made a part thereof, must be attached to the affidavit. Direct testimony submitted with exhibits must state the issue to which the exhibit relates; if no such statement is made, the presiding officer shall determine the relevance of the exhibit to the issues published in the FEDERAL REGISTER.

(b) The direct testimony submitted shall contain:

(1) A concise statement of the witness' interest in the proceeding and his position regarding the issues presented. If the direct testimony is presented by a witness who is not a party, the witness shall state his relationship to the party; and

(2) Facts that are relevant and material.

(c) The direct testimony may propose issues of fact not defined in the notice of the hearing and the reason(s) why such issues should be considered at the hearing.

(d) Ten copies of all direct testimony must be submitted unless the notice of the hearing otherwise specifies.

(e) Upon receipt, direct testimony shall be assigned a number and stamped with that number and the docket number.

(f) Contemporaneous with the publication of the notice of hearing, the Director's direct testimony in support of the proposed regulations and waiver, where applicable, shall be available for public inspection as specified in the notice of hearing. The Director may submit additional direct testimony during the time periods allowed for submission of such testimony by witnesses.

§ 18.77 Mailing address.

Unless otherwise specified in the notice of hearing, all direct testimony shall be addressed to the Presiding Officer,

c/o Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240. All affidavits and exhibits shall be clearly marked with the docket number of the proceedings.

§ 18.78 Inspection and copying of documents.

Any document in a file pertaining to any hearing authorized by this subpart or any document forming part of the record of such a hearing may be inspected and/or copied in the Office of the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240 unless the file is in the care and custody of the presiding officer, in which case he shall notify the parties as to where and when the record may be inspected.

§ 18.79 Ex parte communications.

(a) After notice of a hearing is published in the FEDERAL REGISTER, all communications, whether oral or written, involving any substantive or procedural issue and directed either to the presiding officer or to the Director, Deputy Director or Marine Mammal Coordinator, U.S. Fish and Wildlife Service, without reference to these rules of procedure, shall be deemed ex parte communications and are not to be considered part of the record for decision.

(b) A record of oral conversations shall be made by the above persons who are contacted. All communications shall be available for public viewing at the place(s) specified in the notice of hearing.

(c) The presiding officer shall not consult any person or party on any fact in issue or on the merits of the matter unless notice and opportunity is given for all parties to participate.

§ 18.80 Prehearing conference.

(a) After an examination of all the direct testimony submitted pursuant to § 18.76, the presiding officer shall make a preliminary determination of issues of fact which may be addressed at the hearing.

(b) The presiding officer's preliminary determination shall be made available at the place or places provided in the notice of the hearing (§ 18.73(b)(8)) at least five days before the prehearing conference is held.

(c) The purpose of the prehearing conference shall be to enable the presiding officer to determine, on the basis of the direct testimony submitted and prehearing discussions:

(1) Whether the presiding officer's preliminary determination of issues of fact for the hearing has omitted any significant issues;

(2) What facts are not in dispute;

(3) Which witnesses may appear at the hearing; and

(4) The nature of the interest of each party and which parties' interests are adverse.

(d) Only parties may participate in the prehearing conference and a party may appear in person or be represented by counsel.

(e) Parties who do not appear at the prehearing conference shall be bound by the conference's determinations.

§ 18.81 Final agenda of the hearing.

(a) After the prehearing conference, the presiding officer shall prepare a final agenda which shall be published in the FEDERAL REGISTER within ten days after the conclusion of the conference. A copy of the final agenda shall be mailed to all parties.

(b) The final agenda shall list: (1) all the issues which the hearing shall address, the order in which those issues shall be presented, and the direct testimony submitted which bears on the issues; and (2) a final date for submission of direct testimony on issues of fact not included in the notice of hearing if such issues are presented. The final agenda may also specify a final date for submission of direct testimony to rebut testimony previously submitted during the time specified in the notice of the hearing.

(c) The presiding officer shall publish with the final agenda a list of witnesses who may appear at the hearing, a list of parties, the nature of the interest of each party, and which parties' interests are adverse on the issues presented.

§ 18.82 Determination to cancel the hearing.

(a) If the presiding officer concludes that no issues of fact are presented by the direct testimony submitted, the presiding officer shall publish such conclusion and notice in the FEDERAL REGISTER that a hearing shall not be held and shall also publish a date for filing written comments on the proposed regulations. Written comments may include proposed findings and conclusions, arguments or briefs.

(b) A person need not be a party to submit any written comments.

(c) Promptly after expiration of the period for receiving written comments, the presiding officer shall make a recommended decision based on the record, which in this case shall consist of the direct testimony and written comments submitted. He shall transfer to the Director his recommended decision, the record and a certificate stating that the record contains all the written direct testimony and comments submitted. The Director shall then make a final decision in accordance with these regulations (§ 18.90).

§ 18.83 Rebuttal testimony and new issues of fact in final agenda.

(a) Direct testimony to rebut testimony offered during the time period specified in the notice of hearing may be submitted pursuant to these regulations within fifteen days after the conclusion of the prehearing conference unless the presiding officer otherwise specifies in the final agenda.

(b) If the final agenda presents issues not included in the notice of the hearing published pursuant to § 18.73:

(1) Any person interested in participating at the hearing on such issues presented shall notify the Director by certified mail of an intent to participate not later than ten days after publication of the final agenda. Such person may present direct testimony or cross-examine witnesses only on such issues presented unless he previously notified the Director pursuant to § 18.74; and

(2) Additional written direct testimony concerning such issues may be submitted within the time provided in the final agenda. Such direct testimony will comply with the requirements of § 18.76.

§ 18.84 Waiver of right to participate.

Persons who fail to notify the Director pursuant to § 18.74 and § 18.83 shall be deemed to have waived their right to participate as parties in any part of the hearing.

§ 18.85 Conduct of the hearing.

(a) The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer changes the time or place. If a change occurs, the presiding officer shall publish the change in the FEDERAL REGISTER and shall expeditiously notify all parties by telephone or by mail: *Provided*, That if the change in time or place of hearing is made less than five days before the date previously fixed for the hearing, the presiding officer shall also announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) The presiding officer shall, at the commencement of the hearing, introduce into the record: the notice of hearing as published in the FEDERAL REGISTER; all subsequent notices published in the FEDERAL REGISTER; the draft Environmental Impact Statement if it is required and the comments thereon and agency responses to the comments; and a list of all parties. Direct testimony shall then be received with respect to the matters specified in the final agenda in such order as the presiding officer shall announce. With respect to direct testimony submitted as rebuttal testimony or in response to new issues presented by the prehearing conference, the presiding officer shall determine the relevancy of such testimony.

(c) The hearing shall be publicly conducted and reported verbatim by an official reporter.

(d) If a party objects to the admission or rejection of any direct testimony or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript and shall be subject to review at the same time and in the same manner as the Director's final decision. Only objections made before the presiding officer may subsequently be relied upon in the proceedings.

(e) All motions and requests shall be addressed to, and ruled on by, the presiding officer, if made prior to his certification of the transcript or by the Director if made thereafter.

§ 18.86 Direct testimony.

(a) Only direct testimony submitted by affidavit as provided in these regulations and introduced at the hearing by a witness shall be considered part of the record. Such direct testimony shall not be read into evidence but shall become a part of the record subject to exclusion of irrelevant and immaterial parts thereof;

(b) The witness introducing direct testimony shall:

(1) State his name, address and occupation;

(2) State qualifications for introducing the direct testimony. If an expert, the witness shall briefly state the scientific or technical training which qualifies him as an expert;

(3) Identify the direct testimony previously submitted in accordance with these regulations; and

(4) Submit to appropriate cross and direct examination. Cross-examination shall be by a party whose interests are adverse on the issue presented, to the witness', if the witness is a party, or to the interests of the party who presented the witness.

(c) A party shall be deemed to have waived the right to introduce direct testimony if such party fails to present a witness to introduce the direct testimony.

(d) Official notice may be taken of such matters as are judicially noticed by the courts of the United States: *Provided*, That parties shall be given adequate notice, by the presiding officer, at the hearing, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

§ 18.87 Cross examination.

(a) The presiding officer may:

(1) Require the cross-examiner to outline the intended scope of the cross-examination;

(2) Prohibit parties from cross-examining witnesses unless the presiding officer has determined that the cross-examiner has an adverse interest on the facts at issue to the party-witness or the party presenting the witness. For the purposes of this subsection, the Director's or his representative's interest shall be considered adverse to all parties;

(3) Limit the number of times any party or parties having a common interest may cross-examine an "adverse" witness on the same matter; and

(4) Exclude cross-examination questions that are immaterial, irrelevant or unduly repetitious.

(b) Any party shall be given an opportunity to appear, either in person or through an authorized counsel or representative, to cross-examine witnesses. Before cross-examining a witness, the party or counsel shall state his name, address and occupation. If counsel cross-examines the witness, counsel shall state for the record the authority to act as counsel. Cross-examiners shall be assumed to be familiar with the direct testimony.

(c) Any party or party's counsel who fails to appear at the hearing to cross-examine an "adverse" witness shall be deemed to have waived the right to cross-examine that witness.

(d) Scientific, technical or commercial publications may only be utilized for the limited purposes of impeaching witnesses under cross-examination unless previously submitted and introduced in accordance with these regulations.

§ 18.88 Oral and written arguments.

(a) The presiding officer may, in his discretion, provide for oral argument at the end of the hearing. Such argument when permitted, may be limited by the presiding officer to the extent necessary for the expeditious disposition of the proceeding.

(b) The presiding officer shall announce at the hearing a reasonable period of time within which any interested person may file with the presiding officer any written comments on the proposed regulations and waiver, including proposed findings and conclusions and written arguments or briefs, which are based upon the record and citing where practicable the relevant page or pages of the transcript. If a party filing a brief desires the presiding officer to reconsider any objection made by such party to a ruling of the presiding officer, he shall specifically identify such rulings by reference to the pertinent pages of the transcript and shall state his arguments thereon as a part of the brief.

(c) Oral or written arguments shall be limited to issues arising from direct testimony on the record.

§ 18.89 Recommended Decision, Certification of the transcript and submission of comments on the recommended decision.

(a) Promptly after expiration of the period for receiving written briefs, the presiding officer shall make a recommended decision based on the record and transmit the decision to the Director. The recommended decision shall include:

(1) A statement containing a description of the history of the proceedings;

(2) Findings on the issues of fact with the reasons therefor; and

(3) Rulings on issues of law.

(b) The presiding officer shall also transmit to the Director the transcript of the hearing, the original and all copies of the direct testimony, and written comments. The presiding officer shall attach to the original transcript of the hearing a certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the tesimony given at the hearing except in such particulars as are specified.

(c) Immediately after receipt of the recommended decision, the Director shall give notice thereof in the FEDERAL REGISTER, send copies of the recommended decision to all parties, and provide opportunity for the submission of comments. The recommended decision may be reviewed and/or copied in the office of the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

(d) Within twenty days after the notice of receipt of the recommended decision has been published in the FEDERAL REGISTER, any interested person may file with the Director any written comments on the recommended decision. All comments, including recommendations from or consultation with the Marine Mammal Commission, must be submitted during the twenty-day period to the Director at the above address.

§ 18.90 Director's decision.

(a) Upon receipt of the recommended decision and transcript and after the twenty-day period for receiving written comments on the recommended decision has passed, the Director shall make a final decision on the proposed regulations and waiver, where applicable. The Director's decision may affirm, modify, or set aside, in whole or in part, the recommended findings, conclusions and decision of the presiding officer. The Director may also remand the hearing record to the presiding officer for a fuller development of the record.

(b) The Director's decision shall include:

(1) A statement containing a description of the history of the proceeding;

(2) Findings on the issues of fact with the reasons therefor; and

(3) Rulings on issues of law.

(c) The Director's decision shall be published in the FEDERAL REGISTER. If the waiver is approved, the final adopted regulations shall be promulgated with the decision.

[FR Doc.75-13959 Filed 5-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-EA-37]

TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 75-13408, appearing in the FEDERAL REGISTER, Thursday, May 22, 1975, on page 22272, in the third paragraph, third sentence which reads, "All communications received on or before June 30, 1975 * * * ", the date should be corrected to read " * * * June 23, 1975 * * * ".

Federal Railroad Administration

[49 CFR Ch. II]

[Docket No. RSOR-4, Notice 2]

PROTECTION OF RAILROAD MAINTENANCE-OF-WAY-AND-STRUCTURE EMPLOYEES

Extension of Comment Period

Notice is hereby given that, at the request of the Railway Labor Executives' Association, the Federal Railroad Administration (FRA) has extended to June 30, 1975, the period for filing written comments on the advance notice of

proposed rulemaking published on April 18, 1975 (40 FR 17265). This advance notice solicited public participation and comment in the development of safety regulations to require railroads to take certain protective measures to prevent rail equipment from striking railroad maintenance-of-way-and-structure employees engaged in servicing, repairing or installing of track, track structures, and signal system components.

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

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75-13932 Filed 5-28-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 552]

[Docket No. 75-12; Notice 1]

PETITION PROCEDURES

Proposed Rulemaking

Correction

In FR Doc. 75-12931 appearing in the issue of Friday, May 16, 1975, the proposed effective date in the last paragraph of column 2 on page 21487 should read: "30 days after FEDERAL REGISTER publication of the rule."

ACTION

[45 CFR Part 1212]

SPONSORS' AGREEMENTS

Suspension and Termination and Denial of Request To Renew

Full-time volunteers serving in programs under Part A and some full-time volunteers under Part C of Title I of the Domestic Volunteer Service Act of 1973 (87 Stat. 397, 400) are assigned to sponsors pursuant to agreements between ACTION and sponsors. (ACTION also funds full-time volunteer programs under Part C through grants to sponsors.) Procedures for ACTION's suspension and termination of such agreements, as well as for denying requests to renew them, are needed to give sponsors an opportunity to present their views concerning any such actions. Section 402(15) of the Act (87 Stat. 411) authorizes the Director generally to perform such functions and take such steps consistent with the purposes and provisions of the Act, as he deems necessary or appropriate to carry out the provisions of the Act.

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations to add a new Part 1212. This will provide procedures, including notice and an opportunity to present views, with respect to the suspension and termination and denial of requests to renew agreements for the assignment of full-time volunteers under Parts A and C of Title I, the Domestic Volunteer Service Act of 1973.

The proposed procedures provide for the suspension and termination of an agreement because of the material failure of a sponsor to comply with its terms and conditions. They also provide for denial of a request to renew an agreement. These procedures do not apply to the suspension or the termination of or denial to refund grants or contracts of assistance which may fund full-time volunteer program under Part C of Title I. Part 1206 of this title is applicable to such situations.

Inquiries may be addressed and comments and views concerning the proposed new part may be submitted to ACTION, 806 Connecticut Avenue, Washington, D.C. 20525, Attention: Associate Director for Domestic and Anti-Poverty Operations. All comments received on or before June 30, 1975, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1212 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1212—SPONSORS' AGREEMENTS—SUSPENSION AND TERMINATION AND DENIAL OF REQUESTS TO RENEW

Subpart A—Suspension and Termination of Agreements

Sec.
1212.1-1 Purpose and scope.
1212.1-2 Application of this part.
1212.1-3 Definitions.
1212.1-4 Suspension.
1212.1-5 Termination.
1212.1-6 Time and place of termination hearings.
1212.1-7 Termination of hearing procedures.
1212.1-8 Decisions and notices regarding termination.
1212.1-9 Right to counsel; travel expenses.
1212.1-10 Modification of procedures by consent.
1212.1-11 Other remedies.

Subpart B—Request To Renew Agreement

1212.2-1 Applicability of this subpart.
1212.2-2 Purpose.
1212.2-3 Definitions.
1212.2-4 Procedures.
1212.2-5 Right to counsel.

AUTHORITY: Sections: 103, 122, 402 (12), and 420 of Pub. L. 93-113, 87 Stat. 394, 396, 401, and 414.

Subpart A—Suspension and Termination of Agreements

§ 1212.1-1 Purpose and scope.

(a) This subpart establishes rules and review procedures for the suspension and termination of agreements between ACTION and sponsors for the assignment of full-time volunteers under Parts A and C of Title I, the Domestic Volunteer Service Act of 1973, 87 Stat. 394, Pub. L. 93-113 (the Act), because of a material failure of a sponsor to comply with the terms and conditions of any such agreement including applicable laws, regulations, program guidelines and policies, instructions, plans, or approved volunteer work assignments.

(b) These procedures do not apply to the termination of projects resulting from a State Governor's action pursuant to section 103(d) of the Act, which provides that the assignment of a volunteer within a State may be terminated by the Director of ACTION when requested by the Governor or Chief executive officer of the State concerned.

(c) This subpart does not apply to any administrative action of the ACTION agency based upon any violation, or alleged violation, of Title VI of the Civil Rights Act of 1964 and sections 417 (a) and (b) of the Act relating to nondiscrimination. In the case of any such violation or alleged violation Part 1203 of this chapter shall apply.

(d) Suspension and termination of agreements are not grievances under Part 1211, Chapter XII, Title 45, "Volunteer Grievance Procedure".

§ 1212.1-2 Application of this part.

This subpart applies to full-time volunteer programs authorized under Parts A and C of Title I of the Act and operated pursuant to agreements between ACTION and sponsors. It does not apply to volunteer programs operated pursuant to grants or contracts of assistance under Part C of Title I. Part 1206, Chapter XII, Title 45, Code of Federal Regulations applies to such grants and contracts.

§ 1212.1-3 Definitions.

As used in this section—

(a) The terms "ACTION" or "ACTION Agency" include each regional office and state office.

(b) The term "Deputy Director" means the Deputy Director of the ACTION agency.

(c) The term "responsible ACTION official" refers to the appropriate ACTION Regional Director or his designee in the case of volunteer programs authorized under Parts A and C of Title I of the Act. However, in the case of programs under Part C of Title I, in which the sponsor agrees to reimburse ACTION for part or all of the costs of the program, the "responsible ACTION official" is the appropriate Regional Contracts Officer or his designee.

(d) The term "Hearing Examiner" means the individual conducting the termination hearing pursuant to § 1206.1-7.

(e) The term "agreement" means any written instrument, including a memorandum, arrangement, or contract between ACTION and a sponsor providing for the assignment or referral of full-time domestic volunteers under either Parts A or C of the Act, except grants or contracts of assistance.

(f) The term "sponsor" means a public or non-profit private agency, institution, or organization or a state or other political jurisdiction which has signed an agreement.

(g) The term "agency means a public or non-profit private agency, institution, or organization or a State or other political jurisdiction with which the sponsor has entered into an arrangement for the placement or service of a volunteer or volunteers.

(h) The term "party" in the case of a termination hearing means ACTION, the sponsor concerned, and any other agency or organization which has a right or

which has been granted permission by the Hearing Examiner to participate in a hearing concerning termination pursuant to § 1212.1–5(e).

(i) The term "termination" means an action permanently terminating part or all of an agreement with respect to a program prior to the time that such program is concluded by the terms and conditions of the agreement. It does not include the refusal to sign a new or amended agreement, which is covered by Subpart B.

(j) The term "suspension" means any action temporarily suspending or curtailing part or all of an agreement with respect to a program prior to the time that such program is concluded by the terms and conditions of the agreement. It does not include the refusal to sign a new or amended agreement which is covered by subpart B.

(k) The term "volunteer" means a full-time domestic volunteer serving pursuant to an agreement.

(l) The term "Act" means the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 394, as amended from time to time.

(m) The term "program" is used in several distinct ways in this Part. It may mean a full-time domestic volunteer program, such as VISTA, or the ACTION Cooperative Volunteer program. It may also mean a part or whole of a project or program in which a volunteer participates or to which he is assigned or referred.

(n) The term "administrative hold" means that period starting when a volunteer has been removed from a program because of any suspension or termination action taken against a sponsor and has not yet resigned or been terminated or transferred to a new program. During such period, he continues to receive his regular allowances and stipend.

(o) The term "contract of assistance" refers to contracts or other written arrangements entered into between ACTION and sponsors whereby ACTION provides or shares the cost of volunteer support. One example would be a VISTA contract of assistance for transportation or supervisory support services. (See Vol. 39, FEDERAL REGISTER, No. 47, March 8, 1974, p. 9221.) Termination of contract of assistance is governed by section 412 of the Act and Part 1206 of this Title.

§ 1212.1–4 Suspension.

(a) *General.* The responsible ACTION official may suspend an agreement in whole or in part for a material failure or threatened material failure to comply with any requirement stated in § 1212.-1–1. Such suspension shall be pursuant to notice and opportunity to show cause why the agreement should not be suspended as provided in paragraph (b) of this section. However, in emergency cases, where the responsible ACTION official determines summary action is appropriate, the alternative summary procedure of paragraph (c) of this section shall be followed.

(b) *Suspension on notice.* (1) Except as provided in paragraph (c) of this section, the procedure for suspension shall be on notice of intent to suspend as hereinafter provided.

(2) The responsible ACTION official shall notify the sponsor by letter or by telegram that ACTION intends to suspend the agreement in whole or in part unless good cause is shown why it should not be suspended. In such letter or telegram the responsible ACTION official shall specify the grounds for the proposed suspension and the proposed effective date of the suspension.

(3) The responsible ACTION official shall also inform the sponsor of its right to submit written material in opposition to the intended suspension and of its right to request an informal meeting at which it may respond and attempt to show why such suspension should not occur. The period of time within which the sponsor may submit such written material or request the informal meeting shall be stated in the notice of intent to suspend. However, in no event shall the period of time within which the sponsor must submit written material or request such a meeting be less than 5 days after the notice of intent to suspend the agreement is received. If the sponsor requests a meeting, the responsible ACTION official shall fix a time and place for the meeting, which shall not be more than 10 days after the sponsor's request is received by ACTION.

(4) In lieu of the provisions of subparagraph (3) of this paragraph dealing with the right of the sponsor to request an informal meeting, the responsible ACTION official may within 10 days on his own initiative establish a time and place for such a meeting and notify the sponsor in writing or by telegram.

(5) The responsible ACTION official may in his discretion extend the period of time or date referred to in the previous paragraphs of this section and shall notify the sponsor in writing or by telegram of any such extension.

(6) At the time the responsible ACTION official sends the notification referred to in subparagraphs (2), (3), and (4) of this paragraph to the sponsor, he shall also send a copy of it to any agency whose activities or failures to act have substantially contributed to the proposed suspension, and shall inform such agency that it is entitled to submit written material or to participate in the informal meeting referred to in subparagraphs (3) and (4) of this paragraph. In addition, the responsible ACTION official may in his discretion give such notice to any other agency.

(7) Within 3 days of receipt of the notice referred to in subparagraphs (2), (3), and (4) of this paragraph, the sponsor shall send a copy of such notice and a copy of these regulations to any agency which would lose the services of a volunteer as a result of any suspension action. Any agency that wishes to submit written material may do so within the time stated in the notice. Any agency that wishes to participate in the informal meeting with the responsible ACTION official contemplated herein may request permission to do so from the responsible ACTION official, who may in his discretion grant or deny such permission. In acting upon any such request from an agency, the responsible ACTION official shall take into account the effect of the proposed suspension on the particular agency, the extent to which the meeting would become unduly complicated as a result of granting such permission, and the extent to which the interests of the agency requesting such permission appear to be adequately represented by other participants.

(8) In the notice of intent to suspend assistance the responsible ACTION official shall invite voluntary action to adequately correct the deficiency which led to the initiation of the suspension proceeding.

(9) The responsible ACTION official shall consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting provided for in subparagraphs (3) and (4) of this paragraph as well as any showing that the sponsor has adequately corrected the deficiency which led to the initiation of suspension proceedings. If after considering the material presented to him the responsible ACTION official concludes the sponsor has failed to show cause why assistance should not be suspended, he may suspend assistance in whole or in part and under such terms and conditions as he shall specify.

(10) Notice of such suspension shall be promptly transmitted to the sponsor and shall become effective upon delivery. Suspension shall not exceed 30 days unless during such period of time termination proceedings are initiated in accordance with § 1212.1–5, or unless the responsible ACTION official and the sponsor agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension shall remain in full force and effect until such proceedings have been fully concluded.

(11) During a period of suspension, the responsible ACTION official shall decide whether the volunteers assigned to the program should be removed and placed in "administrative hold." In making his decision, the responsible ACTION official shall pay particular attention to the importance of not interrupting a volunteer's assignment. However, where, in his opinion, the best interests of the volunteers and ACTION would be so served, he may remove the volunteers from the program. The decision to remove the volunteers is not a grievance under Part 1211, Chapter XII, Title 45, "Volunteer Grievance Procedure."

During the period of suspension, no new expenditures shall be made and no new obligations shall be incurred under any contract of assistance in connection with the suspended program except as specifically authorized in writing by the responsible ACTION official. Expenditures under any such contract to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the sponsor's approved work plan, and not in anticipation of suspension or termina-

tion, shall not be considered new expenditures.

(12) The responsible ACTION official may in his discretion modify the terms, conditions and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the sponsor had adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspensions partly or fully rescinded may, in the discretion of the responsible ACTION official, be reimposed with or without further proceedings: Provided, however, That the total time of any suspension, including a resumption of a suspension, may not exceed 30 days unless termination proceedings are initiated in accordance with § 1212.1–5 or unless the responsible ACTION official and the sponsor agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of assistance shall remain in full force and effect until such proceedings have been fully concluded.

(c) *Summary suspension.* (1) The responsible ACTION official may suspend the agreement without the prior notice and opportunity to show cause provided in paragraph (b) of this section if he determines in his discretion that immediate suspension is necessary because of a serious risk of (i) substantial injury to or loss of government property or loss of Federal funds, or (ii) violation of a Federal, state, or local criminal statute, or (iii) violation of section 403 of the Act or any applicable regulations, guidelines and instructions, published in accordance with section 420 of the Act implementing this section of the Act, and that such risk is sufficiently serious to outweigh the general policy in favor of advance notice and opportunity to show cause.

(2) Notice of summary suspension shall be given to the sponsor by letter or by telegram, shall become effective upon delivery to the sponsor and shall specifically advise the sponsor of the effective date of the suspension and the extent, terms and conditions of any partial suspension. The notice shall also forbid the sponsor to make any new expenditures or incur any new obligations under any contract of assistance, or part thereof, in connection with the suspended portion of the program. Expenditures under any such contract to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the sponsor's approved work plan and not in anticipation of suspension or termination, shall not be considered new expenditures.

The notice may also inform the sponsor that a volunteer or volunteers are being removed from the program. Such removal shall be governed by the same terms and conditions as in paragraph (b) (11) of this section.

(3) In the notice of summary suspension the responsible ACTION official shall advise the sponsor that it may request ACTION to provide it with an opportunity to show cause why the summary suspension should be rescinded. If the sponsor requests such an opportunity, the responsible ACTION official shall immediately inform sponsor in writing of the specific grounds for the suspension and shall within 7 days after receiving such request from the sponsor hold an informal meeting at which the sponsor may show cause why the summary suspension should be rescinded. Notwithstanding the provisions of this subparagraph, the responsible ACTION official may proceed to initiate termination proceedings at any time even though assistance to the sponsor has been suspended in whole or in part. In the event that termination proceedings are initiated, the responsible ACTION official shall nevertheless afford the sponsor, if it so requests, an opportunity to show cause why suspension should be rescinded pending the outcome of the termination proceedings.

(4) Copies of the notice of summary suspension shall be furnished by the sponsor to agencies in the same manner as notices of intent to suspend as set forth in paragraph (b) (6), (7), and (8) of this section. Agencies may submit written material to the responsible ACTION official or to participate in the informal meeting as in the case of intended suspension proceedings set forth in paragraph (b) (6) and (7) of this section.

(5) The effective period of a summary suspension of assistance may not exceed 30 days unless termination proceedings are initiated in accordance with § 1212.1–5, or unless the parties agree to a continuation of summary suspension for an additional period of time, or unless the sponsor, in accordance with paragraph (c) (3) of this section, requests an opportunity to show cause why the summary suspension should be rescinded.

(6) If the sponsor requests an opportunity to show cause why a summary suspension action should be rescinded the suspension shall continue in effect until the sponsor has been afforded such opportunity and a decision has been made. Such a decision shall be made within 5 days after the conclusion of the informal meeting referred to in paragraph (c) (3) of this section. If the responsible ACTION official concludes, after considering all material submitted to him, the sponsor has failed to show cause why the suspension should be rescinded, the responsible ACTION official may continue the suspension in effect up to a total of 30 days, *provided however*, That if termination proceedings are initiated, the summary suspension of assistance shall remain in full force and effect until all termination proceedings have been fully concluded.

§ 1212.1–5 Termination.

(a) If the responsible ACTION official believes that an alleged failure to comply with any requirement stated in § 1212.1–1 may be sufficiently serious to warrant termination of the agreement, whether or not the agreement has been suspended, he shall so notify the sponsor by letter or telegram. The notice shall state that there appear to be grounds which warrant terminating the agreement and shall set forth the specific reasons therefor. If the reasons result in whole or substantial part from the activities of an agency other than the sponsor, which presently has volunteers assigned to it, the notice shall identify that agency. The notice shall also advise the sponsor that the matter has been set down for hearing at a stated time and place, in accordance with § 1212.1–6. In the alternative the notice shall advise the sponsor of its right to request a hearing and shall fix a period of time, which shall not be less than 10 days from receipt of notice, in which the sponsor may request a hearing.

(b) Termination hearings shall be conducted in accordance with the provision of §§ 1212.1–7 and 1212.1–8. They shall be scheduled for the earliest practicable date, but not later than 30 days after a sponsor has requested a hearing in writing or by telegram. Consideration shall be given to a request by a sponsor to advance or postpone the date of a hearing scheduled by ACTION. Any such hearing shall afford the sponsor a full and fair opportunity to demonstrate that it is in compliance with requirements specified in § 1212.1–1. In any termination hearing, the sponsor shall have the burden of proving why the proposed termination action should not take place.

(c) If the responsible ACTION official pursuant to paragraph (a) of this section informs a sponsor that a proposed termination action has been set for hearing, the sponsor shall within 5 days of its receipt of this notice send a copy of it to all agencies which would be affected by the termination and to each agency identified in the notice pursuant to paragraph (a) of this section. The sponsor shall send the responsible ACTION official a list of all agencies notified and the date of notification.

(d) If the responsible ACTION official has initiated termination proceedings because of the activities of an agency, that agency may participate in the hearing as a matter of right. Any other agency, person, or organization that wishes to participate in the hearing may, in accordance with § 1212.1–7(d), request permission to do so from the Hearing Examiner. Such participation shall not, without the consent of ACTION and the sponsor, alter the time limitations for the delivery of papers or other procedures set forth in this section.

(e) The results of the proceeding and any measure taken thereafter by ACTION pursuant to this part shall be fully binding upon the sponsor and all agencies whether or not they actually participated in the hearing.

(f) A sponsor may waive a hearing by notice to the responsible ACTION official in writing and submit written information and argument for the record. Such material shall be submitted to the responsible ACTION official within a reasonable period of time to be fixed by him upon the request of the sponsor. The failure

of a sponsor to request a hearing, or to appear at a hearing for which a date has been set, unless excused for good cause, shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is then in the possession of ACTION.

(g) The responsible ACTION official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the date of any applicable hearing.

§ 1206.1–6 Time and place of termination hearings.

The termination hearing shall be held in Washington, D.C., or in the appropriate Regional Office or state office, at a time and place fixed by the responsible ACTION official unless he determines that the convenience of ACTION, or of the parties or their representatives, requires that another place be selected.

§ 1206.1–7 Termination hearing procedures.

(a) *General.* The termination hearing, decision, and any review thereof shall be conducted in accordance with the rules of procedure set forth in this section and §§ 1212.1–8 and 1212.1–9.

(b) *Presiding Officer.* The presiding officer at the hearing shall be an independent hearing examiner. The responsible ACTION official shall notify the Chief, Labor and Employees Relations Branch that appointment of a Hearing Examiner will be required. He shall within seven days after such notification, secure the services of a Hearing Examiner, who shall possess the qualifications specified in Appendix A. The Hearing Examiner shall conduct a full and fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the Hearing Examiner shall have all powers authorized by law, and he may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the Hearing Examiner for good cause shown shall otherwise determine.

(c) *Presentation of evidence.* Both ACTION and the sponsor are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination as may be required for a full and true disclosure of all facts bearing on the issues.

(d) *Participation.* (1) In addition to ACTION, the sponsor, and any agency which has a right to appear, the Hearing Examiner in his discretion may permit the participation in the proceedings of such persons or organizations as he deems necessary for a proper determination of the issues involved. Such participation may be limited to those issues or activities which the Hearing Examiner believes will meet the needs of the proceeding, and may be limited to the filing of written material.

(2) Any person or organization that wishes to participate in a proceeding may apply for permission to do so from the Hearing Examiner. This application, which shall be made as soon as possible after the notice of proposed termination has been received by the sponsor, shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments.

(3) The Hearing Examiner shall permit or deny such participation and shall give notice of his decision to the applicant, the sponsor, and ACTION, and, in the case of denial, a brief statement of the reasons therefor. If participation is granted, the Hearing Examiner shall notify all parties of that fact and may, in appropriate cases, include in the notification a bief statement of the issues as to which paticipation is pemitted.

(4) Permission to participate to any extent is not a recognition that the participant has any interest which may be adversely affected or that the participant may be aggrieved by any decision, but is allowed solely for the air and information of the Hearing Examiner.

(e) *Filing.* All papers and documents which are required to be filed shall be filed with the Hearing Examiner. Simultaneous with filing, copies shall be sent to the other parties.

(f) *Notice.* The responsible ACTION official shall send the sponsor and any other party a written notice which states the time, place, nature of the hearing, the legal authority and jurisdiction under which the hearing is to be held. The notice shall also identify with reasonable specificity the facts relied on as justifying termination and/or the ACTION requirements which it is contended the sponsor has violated. The notice shall be filed and served not later than 10 days prior to the hearing and a copy thereof shall be filed with the Hearing Examiner.

(g) *Notice of intention to appear.* The sponsor and any other party which has a right or has been granted permission to participate in the hearing shall give written confirmation to ACTION of its intention to appear at the hearing 3 days before it is scheduled to occur. Failing to do so may, at the discretion of the Hearing Examiner, be deemed a waiver of the right to a hearing.

(h) *Form and date of service.* All papers and documents filed or sent to a party shall be signed in ink by the appropriate party or his authorized representative. The date on which papers are filed shall be the day on which the papers or documents are deposited, postage prepaid in the U.S. mail, or delivered in person: *Provided however,* That the effective date of the notice that there appear to be grounds which warrant terminating assistance shall be the date of its delivery or attempted delivery at the sponsor's last known address as reflected in the records of ACTION.

(i) *Prehearing conferences.* Prior to the commencement of a hearing the Hearing Examiner may, subject to the provisions of paragraph (b)(2), of this section, require the parties to meet with him or correspond with him concerning the settlement of any matter which will expedite the hearing.

(j) *Evidence.* Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but the Hearing Examiner shall apply rules or principles designed to assure production of relevant evidence and to subject testimony under oath to such examination and cross-examination as may be required for a full and true disclosure of the facts. The Hearing Examiner may exclude irrelevant, immaterial, or unduly repetitious evidence. A transcript shall be made of the oral evidence and shall be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties and opportunity shall be given to refute allegations and arguments advanced on either side of the issues.

(k) *Depositions.* The Hearing Officer may authorize the taking of depositions provided that all parties are afforded an opportunity to participate in the taking of the depositions. The party who requested the deposition shall arrange for a transcript to be made of the proceedings and shall upon request, and at his expense, furnish all other parties with copies of the transcript.

§ 1212.1–8 Decisions and notices regarding termination.

(a) Each decision of a Hearing Examiner shall set forth his findings of fact and conclusions. The decision shall also specify the requirement or requirements with which it is found that the sponsor has failed to comply.

(b) The decision of the Hearing Examiner may provide for continued suspension or termination of the agreement in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

(c) A copy of the decision shall be mailed to all parties. Any party may, within 20 days of the mailing of such decision, or such longer period of time as the Hearing Examiner specifies, file with the Regional Director his written exceptions to the decision and any supporting brief or statement. Upon the filing of such exceptions the Regional Director shall, within 20 days of the mailing of the exceptions, review the decision and issue his own written decision thereof, including the reasons therefor. The decision of the Regional Director may increase, modify, approve, vacate, remit, or mitigate any sanction imposed in the decision of the Hearing Examiner or may remand the matter to the Hearing Examiner for further hearing or consideration.

(d) Whenever a hearing is waived, a decision shall be made by the responsible ACTION official and a written copy of the final decision shall be given to the sponsor.

(e) The sponsor may request the Deputy Director to review a final decision by the responsible ACTION official which provides for the termination of an agreement. Such a request must be made in

writing within 15 days after the sponsor has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the sponsor requests such a review, the Deputy Director or his designee shall consider the reasons stated by the sponsor for seeking the review and shall approve, modify, vacate or mitigate any sanction imposed by the responsible ACTION official or remand the matter to the responsible ACTION official for further hearing or consideration. The decision of the responsible ACTION official will be given great weight by the Deputy Director or his designee during the review. Pending the decision of the Deputy Director or his designee assistance shall remain suspended under the terms and conditions specified by the responsible ACTION official, unless the responsible ACTION official or the Deputy Director or his designee otherwise determines. Every reasonable effort shall be made to complete the review by the Deputy Director or his designee within 30 days of receipt of the sponsor's request.

§ 1212.1–9 Right to counsel.

In all proceedings under this subpart, whether formal or informal, the sponsor and ACTION shall have the right to be represented by counsel or other authorized representatives.

§ 1212.1–10 Modification of procedures by consent.

The responsible ACTION official or the Hearing Examiner of a termination hearing may alter, eliminate, or modify any of the provisions of this subpart with the consent of the sponsor, and in the case of a termination hearing, with the consent of all agencies that have a right to participate in the hearing pursuant to § 1212.1–5(e). Such consent must be in writing or be recorded in the hearing transcript.

§ 1212.1–11 Other remedies.

The procedures established by this subpart shall not preclude ACTION from pursuing any other remedies authorized by law.

APPENDIX A

STANDARD FOR EXAMINERS

An examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1) (a) Current employment in grade GS–12 or equivalent, or above.

(b) Satisfactory completion of a specialized course of training prescribed by the Civil Service Commission for examiners.

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to:

Identify and select appropriate sources of information; collect, organize, analyze, and evaluate information; and arrive at sound conclusions on the basis of that information;

Analyze situation; make an objective and logical determination of the pertinent facts; evaluate the facts; and develop practicable recommendations or decisions on the basis of facts;

Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

Interpret and apply regulations and other complex written material;

Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of:

The relationship between volunteer administration and over-all management concerns; and

The principles, systems, methods, and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Civil Service Commission's register for, Hearing Examiner, GS–935–0.

(4) Membership in good standing in the National Academy of Arbitrators.

(5) A former Federal employee who at the time of leaving the Federal service was in grade GS–12 or equivalent, or above, and who meets all the requirements specified for an examiner except completion of the prescribed training course, may be used as an examiner upon satisfactory completion of the training course.

Subpart B—Refusal To Renew Agreement

§ 1212.2–1 Applicability of this subpart.

This subpart applies to full-time volunteer programs authorized under Parts A and C of Title I of the Act and operates pursuant to agreements between ACTION and sponsors. It does not apply to full-time volunteer programs operated pursuant to grants or contracts of assistance under Part C of Title I. Part 1206, Chapter XII, Title 45, Code of Federal Regulations applies to such grants and contracts.

§ 1212.2–2 Purpose.

This subpart establishes rules and review procedures for the denial of a request by a sponsor to renew an agreement for the assignment of full-time volunteers under Parts A and C of Title I of the Act. It also includes denial of a request to amend an existing agreement to add additional volunteers. Such denials are not grievances under Part 1211, Chapter XII, Title 45, "Volunteer Grievance Procedure."

§ 1212.2–3 Definitions.

As used in this subpart, the terms "ACTION," "responsible ACTION official," "agreement," and "sponsor" shall have the same meaning as specified in § 1212.1–3.

§ 1212.2–4 Procedures.

(a) Wherever possible, the responsible ACTION official shall make a tentative decision at the time of its field review as to the level of new volunteers which it intends to offer a sponsor for the sponsor's next program year. An ACTION official shall notify the sponsor of this tentative decision as soon as possible following the field review.

(b) The procedures set forth in paragraphs (c) through (g) of this section shall apply only where a new application for volunteers submitted by a current sponsor is rejected or is reduced to 80 percent or less of the sponsor's authorized volunteer level in the current agreement. These procedures do not apply to reductions based on legislative requirements, or on general policy, including limiting the number of years volunteers will be provided to a sponsor for a particular program or project, or in instances where regardless of a sponsor's current authorized volunteer level, its application for volunteers is not reduced by 20 percent or more.

(c) Before rejecting an application of a sponsor within the meaning of paragraph (b) of this section, the responsible ACTION official shall notify the sponsor of its intention and shall offer the sponsor an opportunity to submit written material and to meet informally with another ACTION official to show cause why its application should not be rejected or reduced. Written notification of ACTION's intention shall be sent to the sponsor as far in advance of the end of the sponsor's current program year as possible. The notice shall inform the sponsor that a tentative decision has been made to reject or reduce an application. The notice shall also state the reasons for the tentative decision to which the sponsor shall address himself if he wishes to make a presentation.

(d) If the sponsor requests an informal meeting with an ACTION official as discussed in paragraph (c) of this section, such a meeting shall be scheduled by ACTION as soon as possible after the notice is sent to the sponsor informing it of ACTION's tentative decision to reject or reduce its application. However, this meeting may not, without the consent of the sponsor, be scheduled sooner than 14 days after ACTION has mailed the notice to the sponsor.

(e) The ACTION official who shall conduct this meeting shall be an ACTION official who is not authorized to sign an agreement with the sponsor and did not participate in the tentative decision to reject or reduce the application.

(f) An ACTION official who participated in the tentative decision to reject or reduce the application shall wherever possible attend the meeting. The meeting shall be held in Washington, D.C., in the appropriate Regional or state office, or in the city or county in which the sponsor is located.

(g) The recommendation of the official who conducts the meeting together with any written material submitted by the sponsor shall be forwarded for review to the responsible ACTION official. He shall inform thee sponsor of his decision and the basis for the decision in writing. If he rejects or reduces the application, no further appeal lies to any other ACTION official.

§ 1212.2–5 Right to counsel.

In all proceedings under this subpart, whether formal or informal, the sponsor

and ACTION shall have the right to be represented by counsel or other authorized representatives.

Issued in Washington, D.C. on May 23, 1975.

MICHAEL P. BALZANO, JR.,
Director.

[FR Doc.75-14034 Filed 5-28-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 20487; FCC 75-565]

CABLE TELEVISION CARRIAGE

Selection of Television Signals

In the matter of amendment of Part 76, Subpart D of the Commission's Rules and Regulations Relative to Selection of Television Signals for Cable Television Carriage (leapfrog rules): §§ 76.59(b) (1) and (2), 76.61(b) (1) and (2), 76.63.

1. Notice is hereby given of proposed rule making in the above-entitled matter concerning the "leapfrogging" provisions of §§ 76.59(b) (1) and (2), 76.61 (b) (1) and (2), and 76.63 of the Commission's cable television rules.[1]

2. The evolution of the Commission's current "leapfrogging" rule can be traced back to the Notice of Inquiry and Notice of Proposed Rule Making in Docket 15971, FCC 65-334, 1 FCC 2d 453 (1965). In that document the Commission began grappling with its jurisdiction over nonmicrowave cable television systems and the impact of cable television on the television broadcast industry. Parties commenting in that proceeding asserted that generalized restrictions on the distance the signal of a television broadcast station may be extended beyond the station's contour were necessary in order to prevent the multiplicity of local stations contemplated by the Sixth Report and Order, 41 FCC 148 (1952), from being displaced by a CATV "network" distributing the New York, Chicago and Los Angeles signals nationwide. They added that CATV systems should be required to select the stations it carries in an order of priority determined by the distance of each station from the system, i.e., that the system should carry nearer stations in preference to more distant ones, so as to avoid, "leapfrogging". The Commission concluded that the petitioners assertions raised matters of future importance, but reached no conclusion on the issue and requested interested parties to address themselves to it in future proceedings.[2] Further comment on the issue was sought by the Commission in the Notice of Proposed Rule Making and Notice of Inquiry in Docket 18397, FCC 68-1176, 15 FCC 2d 417 (1968).

This was followed by the August 5, 1971 "Letter of Intent," 36 FCC 2d 260, in which we proposed to allow carriage of one independent station without restriction as to point of origin, permit carriage of other stations under rules intended to encourage UHF station carriage, and permit cable systems to compose channels of programming from more than one station.

3. In the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972), rules embodying the current leapfrog policy were adopted. In doing so we stated:

> In establishing policy in this area we have had a number of conflicting considerations to reconcile. On the one hand, it is arguably desirable to allow cable systems the greatest possible choice, on the assumption that they will select those signals that will most appeal to their subscribers and are available at the least expense. But in that event there is a risk that most cable systems would select stations from either Los Angeles, Chicago, New York, or one of the other larger markets. There would then be no general participation by broadcast television stations in the benefits of cable carriage. There is the additional consideration that carriage of closer stations, because they are usually in the same region and often in the same state, supplies some programming that is more likely to be of interest in the cable community. We believe we have struck an appropriate balance. (Paragraph 92)

Since that time suggestions have been made by the Commission's Federal State/Local Advisory Committee and to the Cable Television Re-regulation Task Force that further consideration be given to particular aspects of this issue.[3] In the Clarification of Rules and Notice of Proposed Rule Making, FCC 74-383, 46 FCC 2d 175, para. 9 (1974), the Commission responded to the Advisory Committee's suggestion that consideration be given to the views of cable operators and franchising authorities in ruling on waiver requests based on a showing of community of interest. The Commission agreed with the Advisory Committee suggestion and went on to state that "as we gain more experience in this area, we may consider appropriate amendments of our leapfrogging rules (§ 76.59, 61 et seq.) to accommodate the carriage of in-state signals in some or all situations."

4. Our continuing review of our cable television rules generally as well as our specific experience with the operation of the existing leapfrogging rules, particularly insofar as problems have been brought to our attention in waiver petitions,[4] and through the work of our Re-Regulation Task Force, has led us to question whether the current rules achieve the practical objectives we had desired. Whether the problem lies with the specifics of the rules or their underlying objectives is uncertain, but it does appear that matter relevant to these rules bear considerable new discussion.

5. A major concern with the rules is that they deprive cable system operators (and hence cable subscribers) of a choice as to which signals may be carried and thus may deprive subscribers of a quality or diversity of programming they might otherwise enjoy. A number of facets of this general problem deserve special mention. Among the reasons discussed for having rules of this type was the desirability of cable subscribers having access to programming from the same state or region which would likely be of particular

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[1] Similar provisions of the rules apply to first 50, second 50 and smaller television markets. Sections 76.61(b) (1) and (2), for example, provide:

(1) *Full network stations.* A cable television system may carry the nearest full network stations, or the nearest in-State full network stations;

NOTE: The Commission may waive the requirements of this subparagraph for good cause shown in a petition filed pursuant to § 76.7.

(2) *Independent stations.* (1) For the first and second additional signals, if any, a cable television system may carry the signals of any independent television station: *Provided however,* That if signals of stations in the first 25 major television markets (see § 76.51 (a)) are carried pursuant to this subparagraph, such signals shall be taken from one or both of the two closest such markets, where such signals are available. If a third addition signal may be carried, a system shall carry the signal of any independent UHF television station located within 200 air miles of the reference point for the community of the system (see § 76.53), or, if there is no such station, either the signal of any independent VHF television station located within 200 air miles of the reference point for the community of the system, or the signal of any independent UHF television station.

NOTE: It is not contemplated that waiver of the provisions of this subparagraph will be granted.

[2] The Commission asked interested parties to address themselves to the following questions among others:

Does it promote more effective use of our communications systems if closer signals are carried?

Is such carriage called for in the public interest in order to extend the service area of UHF stations or VHF stations serving sparsley populated areas and thus enhance their chances of successful operation?

If a policy along these lines is adopted, should it be accompanied by a concommitant duty, on the part of the station carried, to provide some amount of programming of particular interest to the people in the CATV community. (Paragraph 53)

[3] The Federal-State/Local Advisory Committee was established at the time the Cable Television Report and Order was adopted to further advise the Commission as to the allocation of regulatory responsibilities among the various levels of government. The Re-Regulation Task Force, whose creation was announced in a Public Notice of May 15, 1974, was established to review the Commission's cable television rules with a view towards eliminating unnecessary rules and improving the operation of those rules considered necessary.

[4] See for example, denial of leapfrogging waivers requested on grounds of excessive microwave costs; Vidi-Comm of Saugerties, Inc., FCC 74-1201, 49 FCC 2d 893 (1974); Citizens Cable of Allen County, FCC 75-240, — 1 FCC 2d — (1975); Moshannon Valley TV Cable Co., FCC 73-1206, 43 FCC 2d 1190 (1973), recons. denied, FCC 74-357, 46 FCC 2d 619 (1974); Morgantown Cable Company, FCC 74-66, 45 FCC 2d 158 (1974); on ground of de minimis mileage; Citizens Cable of Allen County, supra; Auburn Cable Company, FCC 74-1359, 50 ECC 2d 220 (1974); on grounds of near-by systems carrying the requested signals; High Fidelity Cable Television, FCC 74-511, 47 FCC 2d 73 (1974); Warner Cable of Pittsfield/Dalton, FCC 74-429, 46 FCC 2d 852 (1974); Citizens Cable of Allen County, supra, on grounds of carrying an in-state signal; STV Cable Television, Inc., FCC 74-1392, 50 FCC 2d 424 (1974).

interest in the cable community.[5] Although the present rules concerning the carriage of distant network affiliated stations recognize this rationale by providing a preference to "in-state" stations, the independent station rules do not. The result, with respect to independent stations, may be the required carriage of stations closer in proximity geographically but not from the same state and possibly more distant in community of interest. Compare Commission on Cable Television of the State of New York, FCC 73-1148, 43 FCC 2d 836 (1973), reconsid. denied, FCC 74-99, 45 FCC 2d 283 (1974), First Illinois Cable TV Inc., FCC 74-125, 45 FCC 2d 304 (1974), reconsid. granted in part, FCC 74-694, 47 FCC 2d 715 (1974).

6. Beyond this problem of systems being cut off from instate programming, the restriction on the system operators ability to select signals freely may be undesirable from the subscribers point of view for other reasons. Systems may be forced to carry signals with very limited audience appeal. The type of "specialty stations" involved broadcast predominantly religious oriented programming and/or stock market quotations. Cable subscribers in such situations do not receive the type and variety of programming which was contemplated when the rules were adopted. By limiting choice as to stations available for carriage, subscriber welfare may be affected in other ways as well. Access to stations with a somewhat different format than local stations could be lost. With greater freedom of choice, signals more beneficial to subscribers and stations alike might be carried.

7. Another major concern is with the burdens these rules may place on cable systems and hence their subscribers when additional costs are passed on in the form of rate increases. The cost problem has two aspects. If the leapfrog rules require carriage of signals from two different directions, the microwave route costs are likely to be far greater than if a single route can be used to import two or three signals from the same city or the same general direction. Further, microwave expenses are likely to be high unless a number of different systems help bear the cost of constructing and operating the facilities. If costs are to be shared, all systems involved must be permitted to carry the same signals. The magnitude of the costs involved, of course, vary widely depending on system location. It appears likely, however, that there are some areas in which the costs imposed are so large as to preclude carriage of any distant independent signals.[6]

8. Another concern with the operation of the existing rules, and possibly with rules of this type generally, is that their operation may be subject to so many vagaries of geography and population distribution as to conflict in significant fashion with some of the reasons initially advanced as warranting their adoption. The rules in their present form, because they apply only to top-25 market independent stations and allow a choice between the two closest such markets, would not, for example, prohibit a Washington, D.C. station from being carried as far away as Miami, Florida while they would prohibit the carriage of the same stations in much closer areas of Pennsylvania. They do not prohibit carriage of New York City stations into many of the larger eastern seaboard cities such as Philadelphia, Hartford, New Haven, or Boston, but would prohibit such carriage in Rhode Island. The rules, if strictly applied, would tend to encourage, if not require, carriage of Los Angeles stations as far away as Salt Lake City. Cf. Western TV Cable Corp., FCC 73-152, 39 FCC 2d 624 (1973). While some more restrictive type of rules might tend to eliminate some of their apparent anomalies, they would further limit such flexibility in obtaining distant signals as now exists.

9. Finally, we think it appropriate to give further consideration to the underlying rationale of the rules. Do the rules actually benefit stations that would otherwise be passed over by giving them cable carriage? Are the costs they impose worth the benefits produced? Are they necessary to assure cable subscribers access to instate and regional programming? Is there any real threat of undue concentration of control over media voices?

10. In view of these substantial questions, we believe it desirable to consider whether or not it is in the public interest to eliminate the existing rules. On the other hand, if it is our ultimate determination that some rules should be retained, can their flexibility be increased and their operation improved through some alternative to the existing rules? We seek comment on the value of adopting one or more of the following alternatives:

a. A deletion of the Note to §§ 76.59 (b)(2) and 76.61(b)(2) and the policy against considering microwave costs when waivers of the rule are sought;

b. A revision of the rules to allow at least one signal to be carried without restriction as to point of origin;

c. Elimination of the rules application insofar as they prohibit carriage of stations from within the same state;

d. A definition of "specialty stations" (see paragraph 6 above) and their elimination as stations to which the leapfrog rules apply;

e. Application of the rules only to stations in the three or four largest markets, i.e., New York, Los Angeles, Chicago and Philadelphia;

f. New rules based on a zone or regional concept with all stations within the zone equally available for carriage and systems beyond such zones not limited by leapfrog rules as to stations available for carriage. Zones would be of sufficient size (150–200 miles?) to assure stations carriage in areas where they would receive some benefit from cable carriage but not so large as to impose carriage restrictions in areas where cable carriage would be so far distant from a station's off-the-air market area as to be of limited value to the stations involved;

g. Rules specifically intended to encourage the carriage of UHF television stations.

11. In filing comments, parties are encouraged to be as explicit as possible concerning the reasons why particular regulations are thought appropriate and the factual premises underlying such reasons. Of particular interest to us in reaching a decision in this proceeding will be studies or information quantifying:

a. The benefits, if any, of cable carriage to stations whose carriage is mandated by the rules,

b. The additional burdens, nationwide and in particular communities, which compliance with existing or alternative regulation imposes on cable system operators,

c. How these private benefits and burdens on television stations and cable television systems are reflected in television service to the public, including both cable subscribers and the non-cable viewing public.

[5] For example, in the Notice of Inquiry and Notice of Proposed Rule Making in Docket 15971, FCC 65-339, 1 FCC 2d 453, para. 53 (1965), the Commission questioned whether carriage of closer stations should be required "on the ground that carriage of such signals would bring a programming service more likely to come closer to meeting the CATV community's interests than those from a distant state?" In the Notice of Proposed Rule Making and Notice of Inquiry in Docket 18397, FCC 68-1176, 15 FCC 2d 417, para. 56 (1968), we made reference to systems "carrying the signals of stations of the same type that are located closer to the system and thus are much more apt to have regional or in-state programming more attuned to the needs and interest of the community." See also Cable Television Report and Order, supra, paragraph 92.

[6] An extreme instance of the type of problem that may be encountered is reflected in the Commission's recent decision in Citizens Cable of Allen County, Inc., FCC 75-240, — FCC 2d — (1974). In that case, the applicant asked for a waiver of the "leapfrogging" rules to permit it to import Chicago independent Station WGN-TV to its five proposed cable systems surrounding and contiguous to the city of Fort Wayne. Citizens argued that there was an existing microwave link from Chicago to Fort Wayne, but none from Detroit or Cincinnati (two closer top-25 markets) and it could not afford the cost of the construction of such links. While all five systems were to operate off a common headend, Chicago was the second closest to two communities, Detroit was the second closest to two, and Cincinnati was the second closest to one. If the applicant chose to go to the second closest top-25 market for its second independent, it was forced to go to three such markets and construct two separate microwave links which it had made a substantial showing it could not afford to construct. Although the practical problems involved in such a situation were recognized, the Commission felt constrained to deny the waiver request in view of the express policy statement in the Reconsideration of the Cable Television Report and Order, supra, that "we do not intend to return to the process whereby waiver is requested in case after case because of microwave savings. * * *" Paragraph 25.

12. Authority for the rule making proposed herein is contained in section 4(i), 303 and 403 of the Communications Act of 1934, as amended. All interested parties are invited to file written comments on this rule making proposal on or before July 8, 1975, and reply comments on or before July 23, 1975. In reaching a decision on this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this Notice.

15. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 M St., NW.).

Adopted: May 15, 1975.

Released: May 22, 1975.

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

[FR Doc.75-13927 Filed 5-28-75;8:45 am]

[47 CFR Part 76]

[Docket No. 20482; FCC 75-541]

CABLE TELEVISION SYSTEMS

Exempt from Obligation of Providing Syndicated Program Exclusivity Protection

In the matter of amendment of Part 76, Subpart F of the Commission's Rules and Regulations to Exempt Smaller Cable Television Systems and Smaller System Conglomerates from the Obligation of Providing Syndicated Program Exclusivity Protection: §§ 76.99 and 76.51 et seq.

1. Notice is hereby given of proposed rule making in the above captioned matter. As set forth in the attached Appendix, and as discussed herein, we are proposing adoption of a rule which would exempt from the obligations of our syndicated program exclusivity rules cable television systems and systems conglomerates serving fewer than 1000 subscribproceeding, desire to initiate a broad review of its syndicated program exclusivity rules but, rather, is suggesting only an exemption for smaller systems and system conglomerates.

2. Between 1965 [1] and 1972 [2], the Commission had program exclusivity or nonduplication rules which generally made no distinction between network and syndicated programming. These rules required cable television systems, at the request of local stations as defined in the rules, to delete certain programming from distant or lower priority station's signals. In the Cable Television Report and Order of 1972, separate rules were applied to network and syndicated programming.[3]

3. In our Notice of Proposed Rule Making in Docket 19995,[4] we raised the question of whether, as had been suggested in a rule making petition filed by the National Cable Television Association, cable television systems with under 1500 subscribers should be exempt from the requirements of our network non-duplication rules.[5] In the First Report and Order [6] in that proceeding, we adopted rules exempting systems or system conglomerates with fewer than 1000 subscribers from non-duplication obligations on the grounds that the burden of providing such protection fell disproportionally heavily on these systems in view of their small size and in the belief that such an exemption would not be likely to have any significant adverse impact on television broadcast service to the public.[7]

4. It would appear that the analysis upon which this network non-duplication exemption was based may also be relevant to the matter of syndicated program exclusivity. The manpower and capital expenditure factors associated with the purchase, operation, and maintenance of a program exclusivity switcher apply with equal import to the provision of both network and syndicated program protection. And, while we are aware of the need to consider the cumulative impact of exemptions of this type, we question whether, either individually or in combination with the existing network non-duplication exemption, a 1000 subscriber exemption from the syndicated exclusivity protection rules (§§ 76.99 and 76.151 et seq.) would adversely impact on television broadcast service to the public. We note that, at least as to network affiliated stations, most program schedules include far more network programs than syndicated programs, that the number of systems now subject to our syndicated program exclusivity rules (due to market location, etc.) is significantly smaller than that number obligated to protect network programs, and that the syndicated protection rules, in contrast to the network rules, do not necessarily provide insulation against audience fractionalization because of the ability of systems to insert non-protected programs during those times when protected programs must be deleted.[8] In sum, we believe it may be inappropriate for the Commission to exempt, on the basis of subscriber count, a particular system or system conglomerate from the network program exclusivity obligations but still require these systems' adherence to our syndicated program exclusivity rules. It is our tentative belief, subject to further evaluation as the result of comments filed in this proceeding, that an exemption similar to that now found in § 76.95(b) of the rules, made applicable to syndicated program exclusivity protection, would not create any substantial adverse effect on broadcasters, local broadcast service, or on the value of syndicated program material.

5. In view of the above, and consistent with our decision in Docket 19995, we propose to amend our present rules in the manner set forth below.

6. Authority for the rule making proposed herein is contained in sections 2, (3), 4 (i), and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended. All interested parties are invited to file written comments on this rule making proposal on or before July 3, 1975, reply comments on or before July 23, 1975. In reaching a decision on this matter, the Commission may take into account any other relevant information before it, in addition to that invited by this Notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission Public Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 M St., NW).

Adopted: May 13, 1975.

Released: May 20, 1975.

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

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

A new § 76.161 is added, as follows:

[1] First Report and Order in Dockets 14895 and 15233, 38 FCC 2d 683 (1965).

[2] Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972).

[3] Ibid.

[4] Notice of Inquiry and Proposed Rule Making in Docket 19995, FCC 74-335, 46 FCC 2d 1164 (1974).

[5] By virtue of rules adopted in our Report and Order in Docket 18785, FCC 74-299, 46 FCC 2d 94 (1974), systems with under 500 subscribers had previously been exempted from these rules.

[6] FCC 75-413—FCC 2d—(1975).

[7] Section 76.95(b) of the rules now provides as follows: "The provisions of §§ 76.92 and 76.94 shall not apply to a cable television system serving fewer than 1,000 subscribers or to a conglomerate of commonly owned and technically integrated systems serving fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 subscribers, each such cable system and conglomerate shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast and translator stations carried by the cable system."

[8] Section 76.61(b)(2)(ii), for example, provides that:

(ii) Whenever, pursuant to [the syndicated exclusivity rules], a cable television system is required to delete a television program on a [distant signal] . . . , such system may, consistent with the program exclusivity rules of Subpart F of this part, substitute a program from any other television broadcast station. A program substituted may be carried to its completion, and the cable system need not return to its regularly carried signal until it can do so without interrupting a program already in progress.

§ 76.161 Exception.

The provisions of §§ 76.99 and 76.151 shall not apply to a cable television system (as described in § 76.5(a)) serving fewer than 1000 subscribers or to a conglomerate of commonly-owned and technically-integrated cable systems serving fewer than 1000 subscribers. Within sixty (60) days following the provision of service to 1000 subscribers each such cable system or system conglomerate shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast stations carried by the cable system.

NOTE: Technical integration, for the purpose of this section, is limited to that accomplished by a local cable or microwave (e.g., a CARS LDS facility) interconnection. Satellite or microwave networking to geographically separated systems of a multiple system owner does not constitute technical integration for the purposes of this section.

[FR Doc. 75-13926 Filed 5-28-75; 8:45 am]

[47 CFR Part 89]

[Docket No. 20484; FCC 75-544]

POLICE AND EMERGENCY RADIO SERVICE

UHF Band Frequencies

In the matter of amendment of Part 89 of the Commission's rules concerning certain UHF band frequencies in the Police Radio Service and the Special Emergency Radio Service.

1. Notice of Inquiry and Proposed Rule Making is hereby given with respect to utilization and possible exchange of the frequencies 462.950/467.950 MHz and 462.975/467.975 MHz in the Police Radio Service, and the frequencies 460.525/465.525 MHz and 460.550/465.550 MHz in the Special Emergency Radio Service.

2. On March 23, 1972, the Commission adopted a Report and Order in Docket No. 19261 (34 FCC 2nd 241) and allocated the above two 462/467 MHz band frequency pairs exclusively for digital radiocommunications or other non-voice uses, particularly with respect to mobile computer terminal installations, in the Police Radio Service. Assignment of these frequencies is limited to the Nation's thirty largest cities (1970 population census). In this regard, the Commission had noted that there appeared to be a requirement for dedicated channels for these police operations in the major cities where there may be serious limitations on availability of frequencies for non-voice purposes. However, in the more than three years since allocation of these frequencies, only five cities have been licensed to operate a total of approximately 150 mobile units on the 462/467 MHz channels for digital subsystems. Obviously, this is not the extent of non-voice police operations being conducted in the thirty largest cities and it appears that other police channels are being utilized for these purposes, presumably under the Commission's rules which permit secondary non-voice communications on voice channels.

3. In view of the apparently limited demand and need for these frequencies in the thirty cities where their assignment may be presently authorized the Commission believes that rule changes to expand the opportunity for use of the Police 462/467 MHz frequencies is warranted. In support of this approach, we are presently in receipt of requests for use of these frequencies from the New York State Police who propose a statewide non-voice sub-system employing hundreds of units on these frequencies, and from Atlantic City, New Jersey, which conducts combined voice/non-voice operations on other police channels but is experiencing inter-system interference problems that it hopes to eliminate by utilizing the dedicated 462/467 MHz channels. It is likely that other communities outside of the thirty largest cities would also make use of these frequencies if they were generally available.

4. For the foregoing reasons, the Commission proposes to amend its rules to delete the limitation to thirty cities that applies to assignment of the 462/467 MHz band non-voice frequencies.

5. At the same time, and while these frequencies are still relatively lightly assigned, the Commission also wishes to consider a recommendation from the State of Florida with respect to the possible exchange of the 462/467 MHz band channels for the frequency pairs 460.525/465.525 and 460.550/465.550 MHz. These latter frequency pairs were also re-allocated in the Docket 19261 proceeding, and they are made assignable in the Special Emergency Radio Service for dispatch and common calling in medical radio systems.

6. The basis for Florida's request is that the 462/467 MHz Police frequencies are contiguous to eight pairs of 463/468 MHz band frequencies that are also assignable for medical services operations and, therefore, the requested re-allocation would enable the combined use of the 462/467 MHz and 463/468 MHz channels on the same radio equipment.[1] The 460/465 MHz channels, on the other hand, must be utilized on separate equipment.

7. Florida's request for exchanging frequencies was reviewed in a rule making proceeding in Docket No. 19830,[2] where, in a Memorandum Opinion and Order adopted October 22, 1974 (39 FR 38902, November 4, 1974), the Commission stated in part:

> before re-allocating these pairs, we will need to consider, in context of a separate rule making proceeding, among other things, the impact of such change to existing users and to those who may have gone ahead in planning radio systems on these frequencies. This process takes time and would further delay implementation of planned medical communication systems which have been awaiting completion of this proceeding. For these reasons, we will deny Florida's request. However, its suggestion will be considered further in a proceeding we plan concerning the two 462/467 MHz Police Radio Service frequency pairs.

8. In the period following the adoption of rule changes for medical radio systems in Docket 19880, the Commission has had an opportunity to study and evaluate the development of numerous wide-area medical radio systems. In some situations, there may well be significant advantages to contiguous medical services channels. However, there are also some apparent difficulties involved with effecting an exchange of frequencies where there are presently numerous licensed systems involved. Accordingly, the Commission believes that there should be public inquiry to enable the submission of comments as to the merits and problems associated with Florida's proposal. One problem to be addressed is the issue of whether to apply any exchange of these frequencies to present licensees so as to require that they modify existing equipment; or whether to "grandfather" such systems, and, if so, for what period of time. It is assumed that if the comments support a finding that an exchange of frequencies as requested would serve the public interest, the Commission will adopt appropriate rule changes to meet the requirements for this amendment.

9. The proposed amendment and inquiry herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 24, 1975, and reply comments on or before August 11, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments noted by this Notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and fourteen copies of all briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: May 13, 1975.

Released: May 20, 1975.

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

[FR Doc.75-13928 Filed 5-28-75; 8:45 am]

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[1] Multi-channel equipment units could be employed to combine these frequency pairs over a transmit/receive range of 225 kHz.

[2] "In the Matter of Amendment of Parts 2 and 89 of the Commission's Rules and Regulations Relating to Communications for Emergency Medical Services."

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

RETROACTIVE APPLICATION OF SUBPART K—NATURAL GAS LIQUIDS

Proposed Class Exception and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to issue a class exception to permit, generally, the retroactive application of the price rules of Subpart K, which currently apply to the pricing of natural gas liquids and natural gas liquid products (propane, butane and natural gasoline). Written comments will be received and a public hearing held with respect to this proposal.

Background: On December 19, 1974, FEA issued a new Subpart K to 10 CFR, Part 212, the Mandatory Petroleum Price Regulations, effective January 1, 1975. Subpart K provides regulations designed specifically to cover the pricing of natural gas liquids and natural gas liquid products, including propane. In adopting the new Subpart K regulations, FEA expressly stated that four basic components are allowed in the lawful selling price: (1) The May 15, 1973 lawful selling price; (2) the passthrough of increased costs of natural gas shrinkage, in a manner analogous to that provided in Subpart E for the passthrough of increased costs of crude oil and petroleum products; (3) an adjustment to May 15, 1973 selling prices to correct a disequilibrium market condition at that time; and (4) a specific price increment to afford passthrough of increased non-product costs incurred by producers and processors of natural gas liquids, without a requirement for prenotification. Previously, the pricing of natural gas liquids and natural gas liquid products had been subject to Subpart E of the FEA price regulations, which applied generally to "refiners"—both of crude oil and of natural gas. It was, however, never made very clear how the price rules of Subpart E, which did not specifically address the activities of natural gas producers and processors, should be construed in their application to such activities.

A major ambiguity of the Subpart E price rules, as they related to natural gas processing, is that they did not explicitly provide for the recovery of increased natural gas "shrinkage" costs incurred by the extraction of natural gas liquids from the gas (i.e., the reduced value of natural gas after it has been reduced in volume and BTU content by the extraction of liquids). In order to clarify this aspect of the Subpart E Regulations, the FEA has issued a ruling to make explicit that the regulations of Subpart E which afford dollar-for-dollar passthrough of increased product costs also afford a passthrough of the increased costs of natural gas shrinkage, in the same manner as is now expressly provided for in Subpart K.

Subpart K authorizes the use of adjusted May 15, 1973 prices by those sellers of natural gas liquid products that were selling at unusually low prices on that date. However, the problem of unusually low May 15, 1973 prices resulting from market disequilibrium respecting natural gas liquid products on that date adversely affected sellers with such prices from the inception of the price control system based on May 15, 1973 prices, until Subpart K became effective on January 1, 1975. Therefore, FEA has tentatively concluded that the pricing inequities among processors of natural gas liquids that were sought to be resolved by the permissible price adjustments of Subpart K warrant relief on a retroactive as well as a prospective basis.

The class exception here proposed would permit sellers to use the adjusted May 15, 1973 prices now provided by Subpart K in computing lawful prices pursuant to the provisions of Subpart E, prior to the effective date of Subpart K.

With respect to increased non-product costs, attributable to gas processing, Subpart E permitted the passthrough of "allowable" increased non-product costs, subject to prenotification and profit margin limitations. Although some gas processors did prenotify price increases to reflect increased non-product costs, it is possible that many gas processors, particularly the smaller operators, were not fully aware of the availability of this procedure under the FEA price regulations.

Pursuant to Subpart K, an increment of not more than $.005 per gallon is permitted to be added to the selling price of natural gas liquid products to reflect actual increased non-product costs attributable to gas plant operations. In view of the fact that many gas plant operators may well have been unaware of the former prenotification procedures of Subpart E, this proposed class exception would also permit a non-product cost price increment to be used to justify prices charged prior to the effective date of Subpart K.

The provisions of Subpart K which place a $.005 per gallon limit on the non-product cost price increment were based on FEA's determination that computation of actual increases in non-product costs on a plant by plant or firm by firm basis in the manner of § 212.87 of FEA's regulations pertaining generally to the passthrough of non-product costs by crude oil refiners, would present an unreasonable administrative burden in light of the large number of gas plants and the even larger number of gas plant owners involved. This proposed class exception would place a similar limitation on the passthrough of non-product cost increases. However, since increases in such costs have occurred gradually over time, FEA has determined that in proposing an exception to implement retroactively the pricing mechanisms of Subpart K, a lower limit should be placed on the price increment reflecting non-product cost increases prior to January 1, 1975. The exception here proposed would therefore permit sellers to justify a price increment of up to $.0025 per gallon to afford passthrough of actual non-product cost increases incurred prior to January 1, 1975, without regard to whether or not a seller prenotified such an increment. Sellers would be required, however, to maintain evidence sufficient to justify any non-product cost increment permitted, just as they would be required to do with respect to price increments representing increased shrinkage costs, and the passthrough of increased non-product costs by refiners that process natural gas and refine crude oil would be subject to the profit margin limitations of Subpart E.

Currently FEA is in the process of auditing the prices charged for natural gas liquid products prior to the January 1, 1975 effective date of Subpart K, particularly prices charged by independent gas processors (those not affiliated with a crude oil refiner). Preliminary indications are that many such gas processors were either unaware that FEA's price regulations applied to their sales activities or unsure as to the effect of the regulations on the prices which could lawfully be charged for their products. This proposed class exception is issued in light of the need to state a uniform method of application of Subpart E to the activities of natural gas liquids processors, so that these matters can be resolved on a uniform basis and without undue hardship to gas processors or the purchasers of natural gas liquid products.

The FEA remains very concerned over the potential adverse impact of its price regulations on the supply of natural gas liquid products, especially propane. An important reason for the proposal of this class exception is to obviate the need for time-consuming individual exception proceedings, which could adversely affect individual gas processors and delay the conclusion of compliance efforts in this area. In addition, this proposed exceptional relief will permit all parties affected by the proposal to submit comments. Specifically, FEA requests comments respecting:

(a) the need for and extent of the proposed class exception in its current form;

(b) the criteria that FEA should apply in evaluating requests by individual firms for further exceptional relief; and

(c) the potential impact of the proposed exception on gas processors which may have mistakenly believed they were not covered by FEA regulations or were exempt from the regulations by virtue of the stripper well exemption or for some other reason.

Interested persons are invited to participate in this proceeding by submitting data, views or arguments with respect to the proposed class exception set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box DF, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Retroactive Application of Subpart K." Fifteen copies should be submitted. All comments received by Monday, June 16, 1975, before 4:30 p.m., d.s.t., and all other relevant information, will be considered by the Federal Energy Administration before

final action is taken on the proposed exception.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing regarding the proposed class exception will be held beginning at 9:30 a.m., d.s.t., on Wednesday, June 18, 1975, and will be continued if necessary on Thursday, June 19, 1975, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, and must be received before 4:30 p.m., d.s.t., on Wednesday, June 11, 1975. Such a request may be hand delivered to Executive Communications, Room 3309, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Tuesday, June 17, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m.,d.s.t., Friday, June 13, 1975, and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., d.s.t., on Tuesday, June 17, 1975.

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

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

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

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

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

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

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

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

[FR Doc.75-14042 Filed 5-27-75;9:51 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[75-445]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating to Service Corporations

MAY 19, 1975.

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

I. *Present situation.* A service corporation must apply for Board approval before acquiring any office building of an association.

II. *Proposed regulation.* A service corporation would be authorized to acquire, maintain and manage any office building of a parent association as a preapproved activity.

III. *Reason for proposed change.* To increase the business planning flexibility available to management of associations and service corporations.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.9-1(a)(4) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1(a)(4) for the purpose of permitting a service corporation in which Federal savings and loan associations may invest under § 545.9-1 to acquire, maintain and manage any office building of an association which holds stock in such service corporation. Appropriate stylistic revisions would be made in current §§ 545.9-1(a)(4)(xii) and 545.9-1(a)(4)(xiii).

At present, Federal association service corporations must apply for Board approval before acquiring any office building of an association. This proposed amendment, by making such activity preapproved, would increase the business planning flexibility available to the management of such associations and service corporations.

If this proposal is adopted, a service corporation subsidiary of a subsidiary insured institution of a savings and loan holding company would be authorized to perform this same activity, if it has legal power to do so, because of current § 584.2(c) of the Regulations for Savings and Loan Holding Companies (12 CFR 584.2(c)). That section incorporates any changes made in § 545.9-1(a)(4) into the holding company regulations for service corporation subsidiaries. No similar amendment is necessary for multiple holding companies and their subsidiaries, which are neither insured institutions nor service corporations of a subsidiary insured institution, since they are already authorized by section 408(c)(2) of the National Housing Act, as amended (12 USC 1730a(c)), to hold and manage an insured institution's office building.

Accordingly, the Board hereby proposes to amend § 545.9-1(a)(4) by redesignating as paragraphs (xiii) and (xiv), respectively, the present paragraphs (xii) and (xiii) thereof and adding thereto a new paragraph (xii) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by June 30, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

The proposed amendment to § 545.9-1(a)(4) would read as follows:

§ 545.9-1 Service corporations.

(a) *General service corporations.*

* * * * *

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the following:

* * * * *

(xii) Acquisition, maintenance and management of any office building of a savings and loan association which holds stock in such service corporation;

* * * * *

(Sec. 5, 48 Stat., 132, as amended (12 U.S.C. 1464); 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.75-14003 Filed 5-28-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 201, 204, 141 and 260]

[Docket No. RM75-27]

UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES FUNDS USED DURING CONSTRUCTION AND REVISIONS OF CERTAIN SCHEDULE PAGES OF FPC REPORTS

Proposed Rulemaking

MAY 20, 1975.

Pursuant to 5 U.S.C. 553, sections 3, 4, 301, 304, 308, 309, and 311 of the Federal Power Act (41 Stat. 1063, 1065; 49 Stat. 838, 839, 854, 855, 858, 859; 16 U.S.C. 796, 797, 825a, 825c, 825g, 825h, 825j) and sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it proposes to revise and amend:

A. Two instructions and certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. Two instructions and certain accounts in the Uniform System of Accounts for Class C and Class D Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. Two instructions and certain accounts in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

D. Two instructions and certain accounts in the Uniform System of Accounts for Class C and Class D Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

E. Certain schedules of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by Section 141.1, Chapter I, Title 18, CFR.

F. Certain schedules of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees, (Class C and Class D) prescribed by § 141.2, Chapter I, Title 18, CFR.

G. FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by § 141.25, Chapter I, Title 18, CFR.

H. Certain schedules of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18, CFR.

I. Certain schedules of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by § 260.2, Chapter I, Title 18, CFR.

J. FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by § 260.3, Chapter I, Title 18, CFR.

The allowance for funds used during construction (AFUDC) is essentially an outgrowth of historical ratemaking procedures. Regulatory Commissions have traditionally included in rate determinations amounts to cover interest costs, return on equity capital, depreciation, and other costs relating only to plant that is "used and useful" in utility operations, that is, completed plant. However, they also recognized a need to compensate a utility for funds invested in construction programs prior to the time facilities are placed in service. Recognition of such construction financing costs has usually been given by permitting a utility to add to construction work in progress a computed amount as compensation for the use of funds. The other part of the accounting entry is currently reported as "other income". When facilities are placed in service, they become part of rate base and the utility is then able to recover the capitalized AFUDC in the same manner as any other construction cost, i.e. through rates which include depreciation charges to recover the capitalized amounts over the service life of the facilities.

The amendments as proposed herein are to provide for a uniform method of determining the maximum rates to be used for AFUDC and to provide for accounting and reporting requirements for AFUDC which accord with the elements entering into the determination of AFUDC rates.

With respect to the rates to be used in computing AFUDC, plant instruction 3(17) of the Uniform System of Accounts currently reads in part:

> Allowance for funds used during construction includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used * * *

This plant instruction and similar earlier plant instructions have been interpreted and applied in a variety of ways. This historical lack of uniformity was not a source of serious general concern because the capitalized amounts involved were relatively small until the mid 1960's. Since that time the increases in financing costs, expansion of construction programs and lengthened construction periods have caused major increases in the amounts of AFUDC capitalized, particularly by electric utility companies.

The two basic problems in interpreting and applying existing instructions relating to AFUDC involve the reasonableness of methods of determining (1) the sources of funds used during construction and (2) the rates for such funds, particularly the "reasonable rate" for non-borrowed funds. It is generally impossible to specifically trace the source of funds used to finance construction of specific projects and widely different approaches could be taken on determining the appropriate "cost" of construction funds. However, a basic objective of AFUDC should be to enable a company to construct new facilities without causing a significant adverse effect on its earnings on plant in service. Stated another way, the AFUDC computation should interface with ratemaking practices in a manner which will permit a utility to earn on its total utility operations, including its construction program, at approximately the level which would be allowed in a rate case. The proposed method for determining AFUDC recognizes the interrelationship between capital utilized for rate case purposes and the capital components of AFUDC.

Generally, for rate case purposes, short-term debt has not been included in rate of return computations on the grounds that such debt is temporary and is used for construction purposes. The proposed method for determining sources of capital for AFUDC purposes would track this rate case concept by assuming that short-term debt is the first source of financing used for construction work in progress. Any remaining construction work in progress is assumed to be financed by funds provided according to the pro rata capitalization of the company.

The proposed method of determining the rates attributable to the sources of funds would also track the rate case methodology by using actual book cost rates for debt and preferred stock. The rate attributable to common equity would be the rate allowed by the Regulatory Commission having primary rate jurisdiction in the last rate proceeding or, if no such rate is available, the average rate actually earned during the latest 3-year period.

The accounting for and reporting of AFUDC is a subject which appears to be widely misunderstood and in need of revision and clarification. AFUDC has always consisted of two principal elements, namely the interest cost of borrowed funds used for construction purposes and a reasonable rate (or imputed cost) for non-borrowed funds used for construction. However, these two elements have never been accounted for or reported separately, but instead have been combined and reported as one amount in the income section of financial statements. This situation appears to have led to misunderstandings on the part of some readers of financial statements as to the nature of AFUDC.

While the issue is currently receiving attention of some accounting bodies, the propriety of capitalizing the interest cost element of AFUDC has never been seriously questioned. Interest costs are actually incurred and can be viewed in the same manner as labor, materials, equipment and other costs which are incurred and properly capitalized during construction. The capitalization of the non-borrowed funds element of AFUDC (imputed costs) is unique to regulated utilities and is fully justified by historical rate processes. While the income recorded resulting from this element of AFUDC is not immediately accompanied by cash flow it is evidenced by an increase in plant. The ratemaking process in effect guarantees that the capitalized amounts will be recovered in cash in future periods through depreciation charges allowed in setting rate levels.

To clearly disclose the source of capitalized AFUDC amounts, the proposed amendments would establish separate accounts for recording the credits resulting from the two elements of AFUDC. The proposed amendments

would also position these two elements of AFUDC in the appropriate sections of the income statements.

Good cause exists for proposing to make the amendments to the Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies proposed herein, to become effective upon the issuance of a final order in this proceeding, in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 553(d)(3).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, to be received no later than July 7, 1975, data, views, comments or suggestions in writing concerning all or part of the proposals herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conforming copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to the Commission's Uniform Systems of Accounts under the Federal Power Act and to FPC Forms No. 1, No. 1-F and No. 5 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3, 4, 301, 304, 308, 309, and 311 (41 Stat. 1063, 1065; 49 Stat. 838, 839, 854, 855, 858, 859; 16 U.S.C. 796, 797, 825a, 825c, 825g, 825h, 825j).

The proposed amendments to the Commission's Uniform Systems of Accounts under the Natural Gas Act and to the FPC Forms No. 2, No. 2-A and No. 11 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o).

A. The following are the proposed amendments to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B UTILITIES AND LICENSEES

1. The General Instructions are amended by revising paragraph "I" of Instruction "17. *Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.*" As amended this portion of General Instruction 17 will read:

General Instructions

* * * * *

17. *Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.*

* * * * *

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 432, Allowance for Borrowed Funds Used During Construction—Credit.

* * * * *

2. Amend subparagraph "(17) Allowance for Funds Used During Construction" of Electric Plant Instruction "3. *Components of Construction Cost.*" by revising the first sentence of the paragraph and immediately following the first paragraph adding three new paragraphs (a), (b) and (c). As amended, subparagraph (17) will read:

Electric Plant Instructions

* * * * *

3. *Components of Construction Cost.*

* * * * *

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used, not to exceed allowances computed in accordance with the formula prescribed in paragraph (a) below. No allowance for funds used during construction charges shall be included in these accounts upon expenditures for construction projects which have been abandoned.

(a) The formula and elements for the computation of the allowance for funds used during construction shall be:

$$A_i = s\left(\frac{S}{W}\right) + d\left(\frac{D}{D+P+C}\right)\left(1-\frac{S}{W}\right)$$

$$A_e = \left[1-\frac{S}{W}\right]\left[p\left(\frac{P}{D+P+C}\right) + c\left(\frac{C}{D+P+C}\right)\right]$$

A_i = Allowance for borrowed funds used during construction rate.
A_e = Allowance for other funds used during construction rate.
S = Average short-term debt.
s = Short-term debt interest rate.
D = Average long-term debt.
d = Long-term debt interest rate.
P = Average preferred stock.
p = Preferred stock cost rate.
C = Average common equity.
c = Common equity cost rate.
W = Average construction work in progress balance.

(b) The rates shall be determined annually and the various components in the formula for the current year rates shall be derived from actual book balances and book cost rates for the prior year, with the exception that the rate used for common equity shall be the rate granted common equity in the last rate proceeding before the ratemaking body having primary rate jurisdiction. If such rate is not available, the average rate actually earned during the preceding three years shall be used.

(c) For those companies which are required to flow-through the interest expense portion of AFUDC in computing income taxes for cost of service purposes, the utility would use the gross AFUDC rate. For companies where the interest portion of AFUDC is not utilized in computing income taxes for cost of service purposes, depending upon the requirements of the appropriate regulatory commission, a net-of-tax rate should be used or a gross rate with appropriate normalization entries for the tax effect of the interest.

NOTE: * * *

3. The Chart of Income Accounts is amended by revising the title of account "419.1, Allowance for Funds Used During Construction," to read 419.1, Allowance for Other Funds Used During Construction, and immediately following account "431, Other Interest Expense," adding a new account 432, Allowance for Borrowed Funds Used During Construction—Credit. As amended the Chart of Income Accounts will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

419.1 Allowance for other funds used during construction.

* * * * *

3. INTEREST CHARGES

* * * * *

432 Allowance for borrowed funds used during construction—Credit.

* * * * *

4. The text of the Income Accounts is amended by revising the title and text of account "419.1, Allowance for Funds Used During Construction," and immediately following account "431, Other Interest Expense," adding a new account 432, Allowance for Borrowed Funds Used During Construction—Credit. As amended, these portions of the text of the Income Accounts will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

419.1 Allowance for other funds used during construction.

This account shall include concurrent credits for allowance for other funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in Electric Plant Instruction 3(17).

* * * * *

3. INTEREST CHARGES

* * * * *

432 Allowance for borrowed funds used during construction—Credit.

This account shall include concurrent credits for allowance for borrowed funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in Electric Plant Instruction 3(17).

* * * * *

B. The following are the proposed amendments to the Uniform System of Accounts for Class C and Class D Public Utilities and Licensees in Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSES (CLASS C AND CLASS D)

1. The General Instructions are amended by revising paragraph "I" of Instruction "51. *Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.*" As amended this portion of General Instruction 15 will read:

General Instructions

* * * * *

15. *Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.*

* * * * *

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 432, Allowance for Borrowed Funds Used During Construction—Credit.

* * * * *

2. Amend Electric Plant Instruction "2. *Components of Construction Cost.*" by revising the first paragraph and lettering it "A." and immediately following the first paragraph adding three new paragraphs B., C., and D. As amended, Instruction 2 will read:

Electric Plant Instructions

* * * * *

2. *Components of Construction Cost.*

A. The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor; materials and supplies; transportation; work done by others for the utility; injuries and damages incurred in construction work; privileges and permits; special machine service; allowance for funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in paragraph B below; and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous items as may be properly includible in construction costs.

B. The formula and elements for the computation of the allowance for funds used during construction shall be:

$$A_c = s\left(\frac{S}{W}\right) + d\left(\frac{D}{D+P+C}\right)\left(1-\frac{S}{W}\right)$$

$$A_o = \left[1-\frac{S}{W}\right]\left[p\left(\frac{P}{D+P+C}\right) + e\left(\frac{C}{D+P+C}\right)\right]$$

A_c=Allowance for borrowed funds used during construction rate.
A_o=Allowance for other funds used during construction rate.
S=Average short-term debt.
s=Short-term debt interest rate.
D=Average long-term debt.
d=Long-term debt interest rate.
P=Average preferred stock.
p=Preferred stock cost rate.
C=Average common equity.
e=Common equity cost rate.
W=Average construction work in progress balance.

C. The rates shall be determined annually and the various components in the formula for the current year rates shall be derived from actual book balances and book cost rates for the prior year, with the exception that the rate used for common equity shall be the rate granted common equity in the last rate proceeding before the ratemaking body having primary rate jurisdiction. If such rate is not available, the average rate actually earned during the preceding three years shall be used.

D. For those companies which are required to flow-through the interest expense portion of AFUDC in computing income taxes for cost of service purposes, the utility would use the gross AFUDC rate. For companies where the interest portion of AFUDC is not utilized in computing income taxes for cost of service purposes, depending upon the requirements of the appropriate, regulatory commission, a net-of-tax rate should be used or a gross rate with appropriate normalization entries for the tax effect of the interest.

3. The Chart of Income Accounts is amended by revising the title of account "419.1, Allowance for Funds Used During Construction," to read 419.1, Allowance for Other Funds Used During Construction, and immediately following account "431, Other Interest Expense," adding a new account 432, Allowance for Borrowed Funds Used During Construction—Credit. As amended the Chart of Income Accounts will read:

INCOME ACCOUNTS

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

419.1 Allowance for other funds used during construction.

* * * * *

3. INTEREST CHARGES

* * * * *

432 Allowance for borrowed funds used during construction—Credit.

* * * * *

4. The text of the Income Accounts is amended by revising the title and text of account "419.1, Allowance for Funds Used During Construction," and immediately following account "431, Other Interest Expense," adding a new account 432, Allowance for Borrowed Funds Used During Construction—Credit. As amended these portions of the text of the Income Accounts will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

419.1 Allowance for other funds used during construction.

This account shall include concurrent credits for allowance for other funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in Electric Plant Instruction 2. No allowance for funds used during construction shall be capitalized on plant which is completed and ready for service.

* * * * *

3. INTEREST CHARGES

* * * * *

432 Allowance for borrowed funds used during construction—Credit.

This account shall include concurrent credits for allowance for borrowed funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in Electric Plant Instruction 2. No allowance for funds used during construction shall be capitalized on plant which is completed and ready for service.

* * * * *

C. The following are the proposed amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

1. The General Instructions are amended by revising paragraph "I" of Instruction "17. *Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.*" As amended this portion of General Instruction 17 will read:

General Instructions

* * * * *

17. *Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.*

* * * * *

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 432, Allowance for Borrowed Funds Used During Construction—Credit.

* * * * *

2. Amend paragraph "(17) Allowance for Funds Used During Construction" of Gas Plant Instruction "3. *Components of*

Construction Cost." by revising the present paragraph, and immediately following the present paragraph, adding three new paragraphs (a), (b) and (c). As amended subparagraph (17) will read:

Gas Plant Instructions

* * * * *

3. *Components of Construction Cost.*

* * * * *

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used, not to exceed allowances computed in accordance with the formula prescribed in paragraph (a) below, except when such other funds are used for exploration and development or leases acquired after October 7, 1969, no allowance on such other funds shall be included in these accounts.

(a) The formula and elements for the computation of the allowance for funds used during construction shall be:

$$A_i = s\left(\frac{S}{W}\right) + d\left(\frac{D}{D+P+C}\right)\left(1-\frac{S}{W}\right)$$

$$A_e = \left[1-\frac{S}{W}\right]\left[p\left(\frac{P}{D+P+C}\right) + c\left(\frac{D}{D+P+C}\right)\right]$$

A_i=Allowance for borrowed funds used during construction rate.
A_e=Allowance for other funds used during construction rate.
S=Average short-term debt.
s=Short-term debt interest rate.
D=Average long-term debt.
d=Long-term debt interest rate.
P=Average preferred stock.
p=Preferred stock cost rate.
C=Average common equity.
c=Common equity cost rate.
W=Average construction work in progress balance.

(b) The rates shall be determined annually and the various components in the formula for the current year rates shall be derived from actual book balances and book cost rates for the prior year, with the exception that the rate used for common equity shall be the rate granted common equity in the last rate proceeding before the ratemaking body having primary rate jurisdiction. If such rate is not available, the average rate actually earned during the preceding three years shall be used.

(c) For those companies which are required to flow-through the interest expense portion of AFUDC in computing income taxes for cost of service purposes, the utility would use the gross AFUDC rate. For companies where the interest portion of AFUDC is not utilized in computing income taxes for cost of service purposes, depending upon the requirements of the appropriate regulatory commission, a net-of-tax rate should be used or a gross rate with appropriate normalization entries for the tax effect of the interest.

NOTE: * * *

3. The Chart of Income Accounts is amended by revising the title of account "419.1, Allowance for Funds Used During Construction," to read 419.1, Allowance for Other Funds Used During Construction, and immediately following account "431, Other Interest Expense," adding a new account 432, Allowance for Borrowed Funds Used During Construction—Credit. As amended the Chart of Income Accounts will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

419.1 Allowance for other funds used during construction.

* * * * *

3. INTEREST CHARGES

* * * * *

432 Allowance for borrowed funds used during construction—Credit.

* * * * *

4. The text of the Income Accounts is amended by revising the title and text of account "419.1, Allowance for Funds Used During Construction," and immediately following account "431, Other Interest expense," adding a new account 432, Allowance for Borrowed Funds Used During Construction—Credit. As amended these portions of the text of the Income Accounts will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

419.1 Allowance for other funds used during construction.

This account shall include concurrent credits for allowance for other funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in Gas Plant Instruction 3(17).

* * * * *

3. INTEREST CHARGES

* * * * *

432 Allowance for borrowed funds used during construction—Credit.

This account shall include concurrent credits for allowance for borrowed funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in Gas Plant Instruction 3(17).

* * * * *

D. The following are the proposed amendments to the Uniform System of Accounts for Class C and Class D Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS C AND CLASS D) [1]

1. The General Instructions are amended by revising paragraph "I" of Instruction "15. *Long-Term Debt; Premium, Discount and Expense, and Gain or Loss on Reacquisition.*" As amended this portion of General Instruction 15 will read:

General Instructions

* * * * *

15. *Long-Term Debt: Premium, Discount and Expense, and Gain or Loss on Reacquisition.*

* * * * *

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 432, Allowance for Borrowed Funds Used During Construction—Credit.

* * * * *

2. Amend Gas Plant Instruction "2. *Components of Construction Cost.*" by revising the first paragraph and lettering it "A." and immediately following the first paragraph adding three new paragraphs B., C., and D. As amended, Instruction 2 will read:

Gas Plant Instructions

* * * * *

2. *Components of Construction Cost.*

A. The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction, privileges and permits, paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction, privileges and permits, special machine service, allowance for funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in paragraph B below, training costs and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous items as may be properly includible in construction costs. (See Operating Expense Instruction 3.) When the utility employs its own funds in exploration and development on leases acquired after October 7, 1969, no allowance for funds used during construction on such funds shall be included in these accounts.

B. The formula and elements for the computation of the allowance for funds used during construction shall be:

$$A_i = s\left(\frac{S}{W}\right) + d\left(\frac{D}{D+P+C}\right)\left(1-\frac{S}{W}\right)$$

$$A_e = \left[1-\frac{S}{W}\right]\left[p\left(\frac{P}{D+P+C}\right) + c\left(\frac{C}{D+P+C}\right)\right]$$

A_i=Allowance for borrowed funds used during construction rate.
A_e=Allowance for other funds used during construction rate.
S=Average short-term debt.
s=Short-term debt interest rate.
D=Average long-term debt.
d=Long-term debt interest rate.
P=Average preferred stock.
p=Preferred stock cost rate.
C=Average common equity.
c=Common equity cost rate.
W=Average construction work in progress balance.

C. The rates shall be determined annually and the various components in the formula for the current year rates

shall be derived from actual book balances and book cost rates for the prior year, with the exception that the rate used for common equity shall be the rate granted common equity in the last rate proceeding before the ratemaking body having primary rate jurisdiction. If such rate is not available, the average rate actually earned during the preceding three years shall be used.

D. For those companies which are required to flow-through the interest expense portion of AFUDC in computing income taxes for cost of service purposes, the utility would use the gross AFUDC rate. For companies where the interest portion of AFUDC is not utilized in computing income taxes for cost of service purposes, depending upon the requirements of the appropriate regulatory commission, a net-of-tax rate should be used or a gross rate with appropriate normalization entries for the tax effect of the interest.

3. The Chart of Income Accounts is amended by revising the title of account "419.1, Allowance for Funds Used During Construction," to read 419.1, Allowance for Other Funds Used During Construction, and immediately following account "431, Other Interest Expense," adding a new account 432, Allowance for Borrowed Funds Used During Construction—Credit. As amended, the Chart of Income Accounts will read:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

419.1 Allowance for other funds used during construction.

* * * * *

3. INTEREST CHARGES

* * * * *

432 Allowance for borrowed funds used during construction—Credit.

* * * * *

4. The text of the Income Accounts is amended by revising the title and text of account "419.1, Allowance for Funds Used During Construction," and immediately following account "431, Other Interest Expense," adding a new account 432, Allowance for Borrowed Funds Used During Construction—Credit. As amended these portions of the text of the Income Accounts will read:

Income Accounts

* * * * *

2. Other Income and Deductions

* * * * *

419.1 Allowance for other funds used during construction.

This account shall include concurrent credits for allowance for other funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in Gas Plant Instruction 2. No allowance for funds used during construction shall be capitalized on plant which is completed and ready for service.

* * * * *

3. Interest Charges

* * * * *

432 Allowance for borrowed funds used during construction—Credit. This account shall include concurrent credits for allowance for borrowed funds used during construction, not to exceed amounts computed in accordance with the formula prescribed in Gas Plant Instruction 2. No allowance for funds used during construction shall be capitalized on a plant which is completed and ready for service.

* * * * *

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

E. Effective f or the reporting year 1975, it is proposed to revise certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A and B hereto.

F. Effective for the reporting year 1975, it is proposed to revise certain schedule pages of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment E hereto.

G. It is proposed to revise FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by § 141.25, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment E hereto.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

H. Effective for the reporting year 1975, it is proposed to revise certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A and C hereto.

I. Effective for the reporting year 1975, it is proposed to revise certain schedule pages of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment D hereto.

J. It is proposed to revise FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by § 260.-3, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment F.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

Docket No. RM75-27
FPC Form No. 1 and No. 2

Annual Report of .....Year ended December 31, 19...

STATEMENT OF INCOME FOR THE YEAR (Continued)			STATEMENT C	
Line No.	Account (a)	Sch. page No. (b)	TOTAL Current year (c)	TOTAL Increase or (decrease) from preceding year (d)
22	Net Utility Operating Income (Forwarded from Page 114)	—	$	$
23	OTHER INCOME AND DEDUCTIONS			
24	Other Income:			
25	Nonutility Operating Income (415-418)	303		
26	Equity in Earnings of Subsidiary Companies (418.1)	—		
27	Interest and Dividend Income (419)	303		
28	Allowance for Funds Used During Construction (419.1)	—		
29	Miscellaneous Nonoperating Income (421)	303		
30	Gain on Disposition of Property (421.1)	300		
31	Total Other Income	—	$	$
32	Other Income Deductions:			
33	Loss on Disposition of Property (421.2)	300		
34	Miscellaneous Amortization (425)	304		
35	Miscellaneous Income Deductions (426.1 - 426.5)	304		
36	Total Other Income Deductions	—	$	$
37	Taxes Applic. to Other Income and Deductions:			
38	Taxes Other Than Income Taxes (408.2)	222		
39	Income Taxes - Federal (409.2)	222		
40	- Other (409.2)	222		
41	Provision for Deferred Inc. Taxes (410.2)	2140-227		
42	Provision for Deferred Income Taxes-Cr. (411.2)	2140-227	( )	
43	Investment Tax Credit Adj. - Net (411.5)	228-9		
44	Investment Tax Credits (420)	228-9		
45	Total Taxes on Other Income and Deductions	—	$	$
46	Net Other Income and Deductions	—	$	$
47	INTEREST CHARGES			
48	Interest on Long-Term Debt (427)	—		
49	Amort. of Debt Disc. and Expense (428)	211		
50	Amortization of Loss on Reacquired Debt (428.1)	214B		
51	Amort. of Premium on Debt - Credit (429)	211	( )	
52	Amortization of Gain on Reacquired Debt - Credit (429.1	214B	( )	
53	Interest on Debt to Assoc. Companies (430)	304		
54	Other Interest Expense (431)	304		
55	Total Interest Charges	—	$	$
56	Income Before Extraordinary Items	—	$	$
57	EXTRAORDINARY ITEMS			
58	Extraordinary Income (434)	306		
59	Extraordinary Deductions (435)	306	( )	
60	Net Extraordinary Items	—	$	$
61	Income Taxes - Federal and Other (409.3)	222	$	$
62	Extraordinary Items After Taxes	—	$	$
63	NET INCOME	—	$	$

Add: Other

Add: Allowance for Borrowed Funds Used During Construction - Credit (432)

116A

Docket No. RM75-27

FPC Form No. 1 and No. 2

Annual Report of ..... Year ended December 31, 19..

STATEMENT E — STATEMENT OF CHANGES IN FINANCIAL POSITION

Line No.	SOURCES OF FUNDS (a)	Amounts (b)
1	Funds from Operations:	$
2	Net Income	
3	Principal Non-Cash Charges (Credits) to Income:	
4	Depreciation and depletion	
5	Amortization of_____	
6	Provision for deferred or future income taxes (net)	
7	Investment tax credit adjustments	
8	Other (net):	
9		
10		
11		
12	Total Funds from Operations	$
13	Funds from Outside Sources (new money):	
14	Long-term debt (b) (c)	
15	Preferred stock (c)	
16	Common stock (c)	
17	Net increase in short-term debt (d)	
18	Other (net):	
19		
20		
21	Total Funds from Outside Sources	$
22	Sale of Non-Current Assets (e):	
23		
24	Contributions from Associated and Subsidiary Companies	
25	Other (net) (a):	
26		
27		
28	Total Sources of Funds	$
29	APPLICATION OF FUNDS	
30		
31	Construction and Plant Expenditures (incl. land):	$
32	Gross additions to utility plant (less nuclear fuel)	
33	Gross additions to nuclear fuel	
34	Gross additions to common utility plant	
35	Gross additions to nonutility plant	
36	Other	
37		
38	Total Applications to Construction and Plant Expenditures (incl. land)	$
39	Dividends on Preferred Stock	
40	Dividends on Common Stock	
41	Funds for Retirement of Securities and Short-Term Debt:	
42	Long-term debt (b) (c)	
43	Preferred stock (c)	
44	Redemption of capital stock	
45	Net decrease in short-term debt (d)	
46	Other (net):	
47		
48	Purchase of Other Non-Current Assets (e):	
49		
50		
51	Investments in and Advances to Associated and Subsidiary Companies	
52	Other (net) (a):	
53		
54		
55	Total Applications of Funds	$

Add:
Less: Allowance for other funds used during construction

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FPC Form No. 1 Docket No. RM75-27

Annual report of ..... Year ended December 31, 19.

GENERAL DESCRIPTION OF CONSTRUCTION OVERHEAD PROCEDURE

1. For each construction overhead explain: (a) the nature and extent of work, etc., the overhead charges are intended to cover, (b) the general procedure for determining the amount capitalized, (c) the method of distribution to construction jobs, (d) whether different rates are applied to different types of construction, (e) basis of differentiation in rates for different types of construction and (f) whether the overhead is directly or indirectly assigned.

2. State the general policy with respect to the capitalization of allowance for funds used during construction to include: (a) the general classes of property included in the allowance base, (b) the method used to compute the allowance, (c) the allowance computation period and (d) the specific factors to support the allowance rate for the year.

Revise:
2. Show below the computation of allowance for funds used during construction rates, in accordance with the provisions of Electric Plant Instruction 3 (17).

Add:
3. Where a net -of tax rate for borrowed funds is used, show the appropriate tax effect adjustment to the computations below in a manner that clearly indicates the amount of reduction in the gross rate for tax effects.

Components of formula (derived from actual book balances and book cost rates):

Title	Amount	Capitalization Ratio (percent)	Cost Rate Percentage
Average short-term debt	S_____		
Short-term interest rate			s_____
Average long-term debt	D_____	_____	d_____
Average preferred stock	P_____	_____	p_____
Average common equity	C_____	_____	o_____ 1/
Total capitalization	_____	100%	
Average construction work in progress balance	W_____		

Rate for borrowed funds = $s\left(\frac{S}{W}\right) + d\left(\frac{D}{D+P+C}\right)\left(1-\frac{S}{W}\right)$

Rate for other funds = $\left[1-\frac{S}{W}\right]\left[p\left(\frac{P}{D+P+C}\right) + o\left(\frac{C}{D+P+C}\right)\right]$

1/ Rate shall be the rate granted in the last rate proceeding. If such is not available, the average rate actually earned during the preceding three years shall be used.

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Docket No. RM75-27
FPC Form No. 2

Annual report of ..... Year ended December 31, 19 ....

GENERAL DESCRIPTION OF CONSTRUCTION OVERHEAD PROCEDURE

1. For each construction overhead explain: (a) the nature and extent of work, etc., the overhead charges are intended to cover, (b) the general procedure for determining the amount capitalized, (c) the method of distribution to construction jobs, (d) whether different rates are applied to different types of construction, (e) basis of differentiation in rates for different types of construction and (f) whether the overhead is directly or indirectly assigned.

~~2.~~ State the general policy with respect to the capitalization of allowance for funds used during construction to include: (a) the general classes of property included in the allowance base, (b) the method used to compute the allowance, (c) the allowance computation period and (d) the specific factors to support the allowance rate for the year.

Revise:
2. Show below the computation of allowance for funds used during construction rates, in accordance with the provisions of Gas Plant Instruction 3 (17).

Add:
3. Where a net of tax rate for borrowed funds is used, show the appropriate tax effect adjustment to the computations below in a manner that clearly indicates the amount of reduction in the gross rate for tax effects.

Components of formula (derived from actual book balances and book cost rates):

Title	Amount	Capitalization Ratio (percent)	Cost Rate Percentage
Average short-term debt	S_____		
Short-term interest rate			s_____
Average long-term debt	D_____	_____	d_____
Average preferred stock	P_____	_____	p_____
Average common equity	C_____	_____	c_____ 1/
Total capitalization	_____	100%	
Average construction work in progress balance	W_____		

Rate for borrowed funds = $s\left(\frac{S}{W}\right) + d\left(\frac{D}{D+P+C}\right)\left(1-\frac{S}{W}\right)$

Rate for other funds = $\left[1-\frac{S}{W}\right]\left[p\left(\frac{P}{D+P+C}\right) + o\left(\frac{C}{D+P+C}\right)\right]$

1/ Rate shall be the rate granted in the last rate proceeding. If such is not available, the average rate actually earned during the preceding three years shall be used.

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Docket No. RM75-27
FPC Form No. 1-F and 2-A

Annual Report of . . . . . .Year ended December 31, 19

STATEMENT OF INCOME FOR THE YEAR

LINE NO	ACCOUNT (a)	TOTAL CURRENT YEAR (b)	TOTAL CHANGE FROM PRIOR YEAR (c)	ELECTRIC CURRENT YEAR (d)
1	OPERATING REVENUES			
2	Operating revenues (400)	$	$	$
3	Operating expenses:			
4	Operating expense (401)			
5	Maintenance expense (402)			
6	Depreciation expense (403)			
7	Amortization expense (specify by account)			
8				
9				
10				
11	Taxes other than income taxes (408.1)			
12	Income taxes: Federal (409.1)			
13	: Other (409.1)			
14	Provision for deferred income taxes (410.1)			
15	Provision for deferred income taxes-cr-(411.1)	( )		( )
16	Investment tax credit adjustment-net (411.4)			
17	Gains from disposition of utility plant (411.6)	( )		( )
18	Losses from disposition of utility plant (411.7)			
19	Total utility operating expenses	$	$	$
20	Net utility operating income	$	$	$
21	OTHER INCOME AND DEDUCTIONS			
22	Other income:			
23	Nonutility operating income (415-418)			
24	Interest and dividend income (419)			
25	Allowance for funds during construction (419.1)			
26	Miscellaneous nonoperating income (421)			
27	Gain on disposition of property (421.1)			
28	Total other income	$	$	
29	Other income deductions:			
30	Loss on disposition of property (421.2)			
31	Miscellaneous amortization (425)			
32	Miscellaneous income deductions (426.1 - 426.5)			
33	Total other income deductions	$	$	
34	Taxes applicable to other income and deductions:			
35	Taxes other than income taxes (408.2)			
36	Income taxes: Federal (409.2)			
37	Other (409.2)			
38	Provision for deferred income taxes (410.2)			
39	Provision for deferred income taxes-cr. (411.2)			
40	Investment tax credit adjustment-net (411.5)			
41	Investment tax credits (420)			
42	Total taxes applicable to other income and deductions	$	$	
43	Net other income and deductions	$	$	
44	INTEREST CHARGES			
45	Interest on long-term debt (427)			
46	Amortization of debt discount and expense (428)			
47	Amortization of loss on reacquired debt (428.1)			
48	Amortization of premium on debt-credit (429)			
49	Amortization of gain on reacquired debt-cr. (429.1)			
50	Interest on debt to associated companies (430)			
51	Other interest expense (431)			
52	Total interest charges	$	$	
53	Income before extraordinary items	$	$	
54	EXTRAORDINARY ITEMS			
55	Extraordinary income (434)			
56	Extraordinary deductions (435)	( )		
57	Net extraordinary items	$	$	
58	Income taxes - Federal and other (409.3)			
59	Extraordinary items after taxes	$	$	
60	NET INCOME	$	$	

Add: other

Add: Allowance for borrowed funds used during construction - redit (432)

FPC Form No. 5 Docket No. RM75-27

FEDERAL POWER COMMISSION
FPC Form No. 5

Form Approved
OMB No. 54R080

MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME

NAME OF COMPANY:	CODE #	REPORT FOR THE MONTH OF:

ADDRESS: (number, street, city, state and zip code)

Line No.	ITEM	REVENUES AND INCOME (Omit Cents) Previous Year	REVENUES AND INCOME (Omit Cents) Current Year	Sales (Thousands Kwh) Previous Year	Sales (Thousands Kwh) Current Year	Customers Previous Year	Customers Current Year
	SALES OF ELECTRIC ENERGY:	$	$				
1	Residential Service						
2	Commercial Service						
3	Industrial Service						
4	Other Sales to Ultimate Consumers						
5	Total Sales to Ultimate Consumers						
6	Sales for Resale						
7	Total Sales of Electric Energy						
8	OTHER ELECTRIC REVENUES						
9	TOTAL ELECTRIC OPERATING REVENUES						
	ELECTRIC OPERATING EXPENSES:						
10	Operation & Maintenance Expenses(a)						
11	Depreciation and Amortization						
12	Taxes Other Than Income Taxes						
13	Income Taxes - Federal						
14	Income Taxes - Other						
15	Prov. for Deferred Income Taxes Net						
16	Investment Tax Credit Adjustments-Net						
17	Total Taxes						
18	Total Electric Operating Expenses						
19	NET ELECTRIC OPERATING REVENUES						
20	INCOME FROM ELECTRIC PLANT LEASED TO OTHERS						
21	ELECTRIC UTILITY OPERATING INCOME						
22	OTHER UTILITY OPERATING INCOME						
23	DISPOSITION OF UTILITY PLANT*						
24	TOTAL UTILITY OPERATING INCOME						
25	OTHER INCOME AND DEDUCTIONS-NET						
26	ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION						
27	TOTAL INCOME						
28	Interest on Long-Term Debt						
29	Amort. Debt Disc., Prem. & Expense						
30	Amort. of Gain and Loss on Reacquired Debt-Net						
31	Other Interest Charges						
32	Total Interest Charges						
33	INCOME BEFORE EXTRAORDINARY ITEMS						
34	EXTRAORDINARY ITEMS-NET						
35	NET INCOME						

Add: OTHER

Add: Allowance for Borrowed Funds Used During Construction - Credit . . .

(a) STATE SEPARATELY THE FOLLOWING DETAIL:

36	Salaries and Wages Charged to Electric Operations		
37	Fuel Expense for Production of Electric Energy		

DIVIDENDS DECLARED (Omit Cents)

	Previous Year	Current Year
	$	$
Preferred Stock		
Common Stock		

PLANT INVESTMENT (Omit Cents)

	Previous Year	Current Year
	$	$
Electric Utility Plant		
Accumulated Provision for Deprec. & Amortization		

CONSTRUCTION WORK IN PROGRESS (Omit cents)

	Previous Year	Current Year
Gross additions this reporting period (107)		

Please Complete and Return One Copy To:

COMMISSION
WASHINGTON, D.C. 20426

One Copy is for your File

* Accounts 411.6 and 411.7

FPC Form No. 11 ~~Docket No. RM75-27~~

FEDERAL POWER COMMISSION
FPC Form No. 11

NATURAL GAS PIPELINE COMPANY
MONTHLY STATEMENT

REFERENCE DATA	Form Approved
COMPANY CODE NO.	Budget Bureau No. 54R056
FOR MONTH OF 19___	Page 1 of 5

INSTRUCTIONS - Each "major" natural gas interstate pipeline company, listed on the reverse side of this page, shall complete and return two copies to the Federal Power Commission within 40 days after the end of the reported month. Retain one copy for your files. Include brief description of any adjustments significantly affecting the monthly statement. Estimates subject to later revision are permissible. Year ago estimates now revised should be identified by a double asterisk (**).

RETURN TO ➧ FEDERAL POWER COMMISSION
WASHINGTON, D. C. 20426

ATTN: OFFICE OF ACCOUNTING AND FINANCE

FROM *(Name of Company)*

ADDRESS *(Number, Street, City, State and Zip Code)*

SIGNATURE *(Chief Accounting Officer)* DATE PREPARED *(Enter numerically, month, day and year)* / /

TABLE 1 — CONDENSED STATEMENT OF INCOME

ITEM (a) *(Indicate contra items by a minus sign preceding the amount.)*	CURRENT YEAR *(Omit cents)* (b)	PREVIOUS YEAR *(Omit cents)* (c)
	24 — 33	34 — 43
Utility Operating Income:	$	$
1. Gas Operating Revenues (400)		
Gas Operating Expenses:		
2. Operation and maintenance (401, 402)		
3. Depreciation, depletion, and amortization (403 - 407)		
4. Taxes other than income taxes (408.1)		
5. Income taxes - Federal (409.1)		
6. Income taxes - Other (409.1)		
7. Provision for deferred income taxes-Net (410.1, 411.1)		
8. Investment tax credit adjustments (Net) (411.4)		
9. Total taxes		
10. Total operating expenses		
11. Net gas operating revenues		
12. Income from gas plant leased to others (412, 413, 408.1, 409.1)		
13. Gas utility operating income		
14. Other utility operating income (414, 408.1, 409.1)		
15. Disposition of utility plant (411.6, 411.7)		
16. Total utility operating income		
17. Other income and deductions - Net- (except Allowance for funds used during construction (419.1).) (415-419, 421-421.2, 425-426.5, 408.2-411.2, 411.5,420)		
18. Allowance for funds used during construction (419.1)		
19. Total income		
Interest Charges:		
20. Interest on long-term debt (427)		
21. Amort. of debt discount, premium & expense (428, 429)		
22. Amortization of gain or loss on reacquired debt - Net - (428.1, 429.1)		
23. Other interest charges (430, 431)		
24. Total interest charges		
25. Income before extraordinary items		
26. Extraordinary items -Net- (434, 435, 409.3)		
27. Net Income		

Add: other

Add: Allowance for borrowed funds used during construction - Credit (432).

3022-53-10 P-1

[FR Doc.75-13792 Filed 5-28-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 441]

MOBILE HOME SALES AND SERVICE

Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.7, et seq., and § 553 of Subchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure), has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning mobile home sales and service.

Accordingly, the Commission proposes the following Trade Regulation Rule and to amend Subchapter D, Trade Regulation Rules, Chapter 1 of 16 CFR by adding a new Part 441.

Sec.

441.1 Definitions.
441.2 Warranty performance systems.
441.3 Warrantor reliance on third parties.
441.4 Written warranties and other related documents.
441.5 Disclaimers, limitations, and exclusions.
441.6 Prohibited conditions precedent.
441.7 Dimensions of mobile homes.
441.8 Labels, seals, or certifications.

AUTHORITY: 38 Stat. 717, as amended (15 U.S.C. 41, et seq.).

§ 441.1 Definitions.

For the purpose of this part, the following terms and definitions shall apply:

(a) "Consumer" shall refer to a buyer (other than for purposes of resale) of a mobile home which is used or bought for use primarily as a place of residence, any person to whom such mobile home is transferred during the duration of an implied or written warranty applicable to the mobile home, and any other person who is entitled under the terms of such warranty or under applicable Federal or State law to enforce against the warrantor the obligations of the warranty.

(b) "Mobile home" refers to a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

(c) "Defect" refers to any non-conformity in the performance, construction, components, or material of a mobile home that renders the home or any part thereof not in accordance with the obligations under the contract of sale or not fit for the ordinary use for which it was intended.

(d) "Written warranty" refers to:

(1) Any written affirmation of fact or written promise made in connection with the retail sale of a mobile home by a warrantor to a consumer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet, a specified level of performance over a specified period of time, or

(2) Any undertaking in writing in connection with the sale by a warrantor of a mobile home to refund, repair, replace or take other remedial action with respect to such mobile home in the event that such mobile home fails to meet the specifications set forth in the undertaking, which written affirmation, promise or undertaking becomes part of the basis for the bargain between a warrantor and a consumer of such mobile home.

(e) "Implied warranty" refers to an implied warranty arising under State law as modified, if at all, under Federal law.

(f) "Warrantor" refers to a corporation, a partnership, or other person engaged in the manufacture, wholesale or retail sale, offering for wholesale or retail sale, distribution, financing, or servicing of mobile homes produced or sold primarily for use by consumers, who gives or offers a written warranty or who is or may be obligated under an implied warranty.

(g) "Manufacturer" refers to any corporation, partnership, or person engaged in the manufacture, assembly, and wholesale sale of mobile homes, including any corporation, partnership, or person engaged in importing mobile homes for resale.

(h) "Corporate headquarters" refers to the location where the offices of the most senior officers in the hierarchy of a manufacturer's enterprise are located and/or where responsibility for management of the enterprise on a company-wide basis is generally exercised.

(i) "Authorized dealer" refers to a business enterprise, including but not necessarily limited to a corporation, a partnership, and an individual proprietor, neither owned nor controlled by a manufacturer, formed for the purpose of selling and servicing products, including but not limited to new mobile homes, from one or more established and recognizable locations, and which is authorized and approved by one or more manufacturers to buy and sell to consumers new mobile homes produced by said manufacturers.

(j) "Tender of possession" refers to the time when the mobile home has been properly set up at the consumer's home site and all necessary documents and keys are transferred to the consumer or the consumer's representative to enable the consumer to exercise the right to take possession and to complete delivery. *Provided, however,* That in cases where the initial set up of the home was arranged by the consumer and not by or through the manufacturer or authorized dealer, "tender of possession" refers to the time when all necessary documents and keys are transferred to the consumer or the consumer's representative to enable the consumer to exercise the right to take possession and to complete delivery.

(k) "Home site" refers to a plot of land designated by the consumer as the location where the mobile home is to be set up or the location where the mobile home has in fact been set up.

(l) "Set up" refers to the operation whereby a mobile home is installed, leveled, and tied down on a permanent foundation of cinder blocks, cement piers, steel horses, or the like which properly distribute and support its weight. In the case of double-wide and triple-wide homes, "set up" includes the assembly of the two or more units of the mobile home and the sealing of the seams. "Set up" may also include the connection of certain utilities in accordance with local law.

(m) "Normal course of business" refers to the usual or regular manner of operation of the business enterprise in question under ordinary conditions. "Normal course of business" does not include:

(1) Conditions under which abnormal demands are made upon service capabilities as the result of natural disasters, or other acts of God or the government, or any other event beyond the control of the warrantor and, where applicable, its authorized dealers or other third parties which places an unusually large demand upon service facilities; and

(2) Events such as disasters, strikes, acts of the government, instances of force majeure or other occurrences which are beyond the control of the warrantor and, where applicable, its authorized dealers and other third parties which prevent the warrantor and, where applicable, its authorized dealers or other third parties from responding to service requests within the time periods stated herein; and

(3) Slight omissions or deviations from the provisions of this part which are inadvertent, unintentional, and are not due to bad faith.

§ 441.2 Warranty performance systems.

In connection with the manufacture, sale, offering for sale, distribution, and service of mobile homes produced or sold primarily for use by consumers in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of section 5 of that Act for a corporation, partnership, person, or other business entity to offer or otherwise provide, any written or implied warranty unless the warrantor establishes and maintains a regular and effective warranty performance system which is designed to assure that each consumer of mobile homes so warranted will receive full performance of all such warranty obligations either directly or by action through its authorized dealers or other third parties within the time period requirements set forth hereinbelow and unless the warrantor performs all of its obligations under such warranty within such time period requirements. An effective warranty performance system which is designed to assure that each consumer of a mobile home receives full performance of the warrantor's obligations under the warranty shall incorporate but not necessarily be limited to the following:

(a) The warrantor shall perform warranty service and repair obligations arising subsequent to the tender of possession of the home to the consumer by the warrantor, either directly or through an authorized dealer or other third parties at the site of the mobile home.

(b) The warrantor shall, directly or through an authorized dealer or other third parties, in the normal course of business, commence all warranty service or repair of defects giving rise to a condition which affects the safety of a mobile home or renders it substantially uninhabitable as soon as possible but in no event later than three business days following receipt of notice of such a defect by the warrantor from the retail purchaser or two business days following notice of the determination by the warrantor's authorized dealer or other third parties to rely upon the warrantor to perform or to complete service or repairs requested by consumers with respect to such defects. Such repairs are to be completed expeditiously.

(c) The warrantor shall, directly or through an authorized dealer or other third parties, in the normal course of business, respond to notice of the need for service and repairs of warranty defects other than those set forth in paragraph (b) of this section, within a reasonable time not to exceed seven business days of receipt of notice of such defects by the warrantor, its authorized dealer or other third parties, and complete such service or repairs within a reasonable time not to exceed thirty days following said receipt of notice.

(d) The warrantor shall assure that in the event of a bona fide dispute between the warrantor or its dealers and a consumer pursuant to § 441.3(f) of this part, as to whether the defect(s) complained of by the consumer are or are not covered by an applicable warranty, then: In the event it is determined that warranty service or repair is required, which determination shall be made promptly, the warrantor shall be allowed, notwithstanding the provisions of paragraphs (b) and (c) of this section with respect to the time allowances for repairs, in the normal course of business, from the date of notification of the dispute as set forth in this paragraph (d) of this section, no more than three business days in the case of defects referred to in paragraph (b) of this section to commence service or repair (such repairs to be completed expeditiously) and no more than thirty days in the case of defects referred to in paragraph (c) of this section to complete service or repair.

(e) The warrantor shall, either directly or through its authorized dealers or other third parties, in the normal course of business, inspect each mobile home at the home site prior to or at the time of tender of possession to the consumer, to assure that the home is being delivered to such consumer free of all defects which affect the safety of the mobile home or render it substantially uninhabitable and that it is properly set up.

(f) The warrantor shall, either directly or through its authorized dealers or other third parties, in the normal course of business, reinspect each mobile home within a reasonable time not to exceed 90 days after tender of possession of the home to the consumer to determine the existence of defects in the mobile home or problems relating to its setup, and to correct or arrange for the correction of defects within the scope of any applicable warranty, or improper setup and problems arising therefrom.

(g) Results of the inspections required pursuant to paragraphs (e) and (f) of this section shall be set forth in a report or reports which, if performed by an authorized dealer or other third party, shall be signed by said authorized dealer or other third party and shall be signed by the consumer or said consumer's representative indicating agreement with the information set forth therein. If no signature of the consumer or said consumer's representative appears on such a report, the authorized dealer or other third party shall certify that the necessary inspections and repairs were in fact accomplished and state in writing the reason for the absence of the signature of the consumer or said consumer's representative to the best of the authorized dealer's or other third party's knowledge and belief. Notwithstanding the provisions of paragraphs (e) and (f) of this section, in the event that the initial setup of the mobile home is not provided by or arranged through the warrantor or the warrantor's authorized dealer but is arranged independently by the consumer of such mobile home, there shall be no obligation to make those portions of the inspections described in paragraphs (e) and (f) of this section which cannot be accomplished prior to the initial setup.

(h) The warrantor shall, in the normal course of business, obtain information as to the date of purchase and the name and address of the consumer of each of its mobile homes and shall maintain adequate records of the information so ascertained.

(i) Where the warrantor chooses to delegate, assign, contract, or otherwise rely on a continuing basis upon any authorized dealers or any third parties not employees of the warrantor to satisfy the obligations assumed by the warrantor under any warranty, whether written or implied by law, then the warrantor shall assure that if a dispute or disagreement should arise between the warrantor and one or more of its authorized dealers or other third parties as to which of them is to incur any such obligation, burden, or responsibility or is to correct a malfunction related or alleged to relate to the set up of the warrantor's mobile homes, any and all necessary repairs or other corrective action will be expeditiously accomplished, regardless of whether the dispute or disagreement has been resolved. Nothing in this section shall be construed to preclude a warrantor from replacing a mobile home, refunding the purchase price or taking any other remedial action with respect to the mobile home which is within the scope of the terms of the written or implied warranty applicable to such mobile home; *Provided, however,* That such a refund, replacement or other remedial action with respect to a mobile home shall be delivered to the consumer within a reasonable time, taking into account the individual circumstances of each case, but in no event later than thirty days following the receipt of notice of the defect for which the remedy is provided.

§ 441.3 Warrantor reliance on third parties.

In connection with the manufacture, sale, offering for sale, distribution, and service of mobile homes produced or sold primarily for use by consumers in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of section 5 of that Act for a mobile home manufacturer who is a warrantor to delegate, assign, contract with, or otherwise rely on a continuing basis upon any authorized dealers or any other third parties who are not employees of said manufacturer to: First, determine whether any mobile home constructed by the manufacturer contains any defects which are within the scope of any written or implied warranty or whether any such mobile home otherwise requires remedial action pursuant to any such warranty; second, notify the manufacturer of the existence of any such defects or need for remedial action pursuant to the aforesaid warranties; or third, perform any repairs or otherwise provide services in satisfaction of any warranty obligations incurred by the manufacturer, if the manufacturer shall fail to:

(a) Enter into a written service agreement with each such person desiring to be authorized to assume the responsibility of satisfying the manufacturer's mobile home warranty obligations on a continuing basis which sets forth the respective warranty service obligations to be discharged by the manufacturer and by the authorized dealer or other third party. Mobile home manufacturers who extend a warranty, express or implied, and rely upon authorized dealers or other persons not employees of said manufacturers to perform their warranty obligations shall require all such dealers and other persons to execute such agreements described herein within 180 days of the effective date of this part as a condition precedent to the manufacturer continuing the aforesaid delegation, assignment, contractual relationship or reliance subsequent to the 180th day following the effective date of this part. Dealers or the other third parties upon whom the manufacturer commences to rely, delegate, assign, or contract with as aforesaid after the effective date of the part shall execute such agreements prior to or at the time of said delegation, assignment, contracting, or reliance. Such agreements shall include but not necessarily be limited to:

(1) A clear and accurate description of the scope of those duties, burdens and responsibilities to be borne by the manu-

facturer and those to be borne by authorized dealers or other third parties as aforesaid and a statement as to the allocation of responsibility for the proper set up of mobile homes constructed by the manufacturer;

(2) The requirement that the authorized dealer or other third party as aforesaid shall, in the normal course of business, commence all warranty service or repair of defects which become necessary as a result of a condition which affects the safety of the mobile home or renders it substantially uninhabitable, as soon as possible but not later than three business days following receipt of notice of such defects or condition by the authorized dealer or other third party, and shall complete such service or repairs expeditiously. In those cases in which the authorized dealer or other party determines to rely upon the manufacturer to perform or to complete service or repairs requested by consumers on such defects, such determination shall be made and communicated to the manufacturer immediately upon such determination but no later than two business days following receipt of notice of such defect from the consumer;

(3) The requirement that except as set forth in paragraph (a)(2) of this section the authorized dealer or other third party as aforesaid must respond to a request for warranty repairs or service within seven business days of the receipt of notice and must complete all such warranty service or repairs within a reasonable time, not to exceed thirty days in the normal course of business, following receipt of notice of such condition by such authorized dealer or other third party. In those cases in which the authorized dealer or other third party determines to rely upon the manufacturer to perform or to complete such service or repairs requested by the consumer, such determination shall be made and communicated to the manufacturer as soon as possible but no later than five business days following receipt of notice from the consumer;

(4) The requirement that the authorized dealer or other third party as aforesaid must, in the normal course of business, inspect each mobile home at the home site prior to or at the time of tender of possession to the consumer to assure that the home is being delivered to such consumer free of all defects which affect the safety of the home or render it substantially uninhabitable and that it is properly set up. Such an inspection shall be reported in written form to the manufacturer as described in paragraph (a)(6) of this section;

(5) The requirement that the authorized dealer or other third party as aforesaid must, in the normal course of business, reinspect each of the mobile homes constructed by the manufacturer at a reasonable time not to exceed 90 days following tender of possession of the home to the consumer to determine the existence of any defects in the mobile home or an improper set up or problems arising therefrom, and to correct or arrange for the correction of any such conditions. Such a reinspection shall be reported in written form to the manufacturer as described in paragraph (a)(6) of this section;

(6) The requirement that the authorized dealer or other third party as aforesaid in the normal course of business provide the manufacturer with written reports which document the results of the inspections set forth in paragraphs (a)(4) and (5) of this section. The signature of the consumer or the consumer's representative thereon shall be required as certification that the inspections and repairs alleged therein to have been completed were in fact accomplished to the best of his or her knowledge and belief. *Provided, however*, That if the signature of the consumer or the consumer's representative cannot be obtained, the authorized dealer or other third party shall so state in writing in the report and shall also state the reasons for the absence of the required signature to the best of his or her knowledge and belief. Notwithstanding the provisions of paragraphs (a)(4) and (5) of this section, in cases where the initial set up of the mobile home was not provided by or arranged through the warrantor or the warrantor's authorized dealer but was arranged independently by the consumer of such mobile home, there shall be no obligation to make those portions of the inspections described in paragraphs (a)(4) and (5) of this section which cannot be accomplished prior to the initial set up of the mobile home;

(7) The requirement that the authorized dealer or other third party as aforesaid establish and maintain, or contract for the services of personnel and facilities which are capable of providing all necessary warranty repairs and service within the time period requirements set forth in paragraphs (a)(2) and (3) of this section in the normal course of business.

(8) A statement that the manufacturer shall have the right to withdraw authorization from authorized dealers and other third parties as aforesaid who fail to meet their responsibilities under the written service agreement as set forth herein;

(9) A provision providing for the disposition of the manufacturer's continuing obligation, subsequent to the time that authorization has been withdrawn, to perform warranty service on mobile homes sold by the dealer until such time as the terms of all warranties outstanding on such homes have expired.

(b) Fully scrutinize and evaluate the number of personnel, level of expertise, and adequacy of facilities and equipment of such parties desiring to be authorized to perform warranty obligations incurred by the manufacturer on a continuing basis with respect to their ability to capably perform all necessary warranty service, repairs, and set up of said manufacturer's mobile homes within the standards to be set forth in the agreement prior to the authorization of a dealer or reliance upon any other third party as aforesaid. A check of credit references and other evidence of the financial standing of the dealer is not by itself sufficient to comply with the requirements of this paragraph. If a prospective authorized dealer chooses to rely on an outside service agency with respect to set ups, warranty repairs and service, the manufacturer shall satisfy itself as to the capability of said agency to perform adequate set ups and service through a regular procedure capable of providing a true and objective assessment of such agency's set up, repair, and service capability.

(c) Establish a regular procedure for the effective ongoing evaluation of the manner in which authorized dealers or other third parties as aforesaid maintain their service and set up capability and the manner in which they perform such warranty and set up responsibilities. Such a procedure shall include but not necessarily be limited to the dissemination of a questionnaire to all consumers who purchase the manufacturer's mobile homes at retail within 60 to 120 days subsequent to the date of tender of possession of the home to the consumer but in no event prior to ten days following reinspection of the home which inquiries as to the following:

(1) The existence of any defects in said mobile homes within the scope of the manufacturer's written warranty and any warranties implied by law or of an improper set up or any problems arising therefrom;

(2) The name of the person, if any, whom the mobile home consumer notified as to the existence of said defects or set up problems;

(3) The identity of any person who sought to service or repair any such defects or set up problems;

(4) Whether such defects or set up problems were fully repaired, the period of time required to effect such repairs, and the identity of the parties who accomplished such repairs;

(5) Whether the consumer is satisfied with the promptness and quality of the repairs made on his or her home to date. Such questionnaire shall be sent in the form of a pre-paid self-addressed postcard or a letter containing a pre-paid self-addressed envelope. Such a procedure shall also include regular periodic visits by one or more employees of the manufacturer to review the service facilities and personnel maintained by the authorized dealer or other third party. Such a visit and review shall be immediately initiated by the manufacturer upon the receipt of an unreasonable number of meritorious complaints or unsatisfactory reports, questionnaires or other similar communications from consumers. The manufacturer shall forthwith terminate its authorization of and reliance on authorized dealers or other third parties who fail to meet the responsibilities and standards set by the manufacturer pursuant to the written service agreement and this part.

(d) Assure that the person or persons to whom responsibility for supervising and assuring the implementation of the manufacturer's warranty service program is delegated shall make periodic reports at least on a monthly basis to the

manufacturer's responsible officers. Such reports shall include but not necessarily be limited to current information concerning:

(1) The current cost to the manufacturer of warranty service;

(2) The incidence and nature of frequently recurring defects and of defects which have been determined to deleteriously affect the health and safety of the occupants of mobile homes containing such defects;

(3) Those measures undertaken in response to reports of defects described in paragraph (d)(2) of this section including but not necessarily limited to modification in production and design of the manufacturer's mobile homes;

(4) Analysis of the manner in which the manufacturer's employees, authorized dealers and other third parties are performing their warranty and set up reseponsibilities.

(e) With respect to manufacturers who produce in excess of 5,000 mobile homes annually, vest the direct administration of such manufacturer's warranty service program at the corporate headquarters level and the responsibility for supervising and assuring the implementation of the warranty service program in only those corporate officials who have no direct responsibilities on a day-to-day basis for the sale of the manufacturer's mobile homes.

(f) Establish a uniform procedure for the systematic receipt and analysis and fair disposition of all complaints or disputes which may arise between the aforesaid consumers of mobile homes constructed by the manufacturer and the manufacturer, its agents, assigns, successors, or other third parties including but not necessarily limited to the manufacturer's authorized dealers, with respect to any alleged warranty obligations of the manufacturer. Such a procedure shall incorporate but not necessarily be limited to:

(1) The prompt evaluation of and response by the manufacturer, directly or by action through a third party, in the normal course of business, to all complaints within a reasonable time not to exceed five business days after receipt of such complaints;

(2) With respect to manufacturers which produce in excess of 5,000 mobile homes annually, the designation of a single focal point within the corporation for the receipt of consumer complaints regarding warranty repairs or set up programs;

(3) An effective mechanism for the fair and impartial resolution of disputes with respect to alleged warranty obligations. With respect to manufacturers which produce in excess of 5,000 mobile homes annually, the responsibility for resolving disputes through the above-described mechanism shall be vested in only those personnel who are not responsible for sales on a day-to-day basis;

(4) An accurate and complete record keeping system regarding the nature and disposition of all such disputes and complaints received by the manufacturer;

(5) Periodic review and evaluation by the manufacturer as to the effectiveness of such procedures and correction of such procedures where necessary;

(g) Maintain full and accurate records and to periodically review such records which shall disclose:

(1) The date of receipt, the disposition, and the date of disposition of each request for warranty service (including any refusal of a request for service or repairs and the reasons for such refusal) received by the manufacturer; and

(2) The results of the evaluations of service capacity provided for in paragraph (c) of this section and the results of any action taken with respect thereto.

§ 441.4 Written warranties and other related documents.

In connection with the manufacture, sale, offering for sale, distribution, and service of mobile homes produced or sold primarily for use by consumers in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of section 5 of that Act for a warrantor who chooses to disseminate a written warranty not to provide consumers with a written warranty and other related documents which clearly and fully describe and effectively communicate to the consumer, in simple and readily understood language the manner in which the warrantor intends to provide for the performance of warranty obligations, including disclosure of any delegation of warranty responsibility to third parties; *Provided, however,* That disclosure of said delegation must be accompanied by additional disclosure that such delegation in no way relieves the warrantor of the ultimate responsibility to fulfill all warranty obligations.

§ 441.5 Disclaimers, limitations, and exclusions.

In connection with the manufacture, sale, offering for sale, distribution, and service of mobile homes produced or sold primarily for use by consumers in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of section 5 of that Act to suffer or permit mobile homes to be sold either directly or by action through a third party, without any written or implied warranties or limitations or exclusions of liability under any warranty or to disseminate or cause the dissemination of any statement or representation which represents directly or by implication that any written or implied warranty has been limited or excluded unless the person or persons so representing have a reasonable basis, in the form of an opinion by legal counsel, that said disclaimer, limitations and exclusions are enforceable under governing Federal and State law, and clear and conspicuous notice of such "as is" sale or other disclaimer, limitation or exclusion is given to prospective consumers of their mobile homes prior to the execution of the contract of retail purchase. *Provided, however,* That with respect to the "as is" sale of damaged, salvaged, demonstrator or repossessed mobile homes, the aforesaid opinion by legal counsel shall not be required. A clear and conspicuous notice of an "as is" sale shall contain the following language:

NOTICE

The manufacturer of this mobile home sells it "as is" and refuses to assume any responsibility for defects. The purchaser of this mobile home must accept it with all defects and take the entire risk, under contract law, as to its condition.

§ 441.6 Prohibited conditions precedent.

In connection with the manufacture, sale, offering for sale, distribution, and service of mobile homes produced or sold primarily for use by consumers in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of section 5 of that Act, notwithstanding the provisions of § 441.4(g) for any warrantor of a mobile home to:

(a) Disseminate a written warranty or any documents associated therewith which require or purport to require the return of the home or any defective part thereof to the location of its manufacture as a condition precedent to obtaining warranty repairs or service;

(b) Disseminate a written warranty or any documents associated therewith which require or purport to require the return of a warranty card, owner's registration card, or any similar document bearing certain information about the consumer or the retail purchase transaction as a condition precedent to the validation of the warranty or as a condition precedent to the manufacturer's obligation to perform warranty repairs and service on said consumer's mobile home.

§ 441.7 Dimensions of mobile homes.

In connection with the manufacture, sale, offering for sale, distribution, and service of mobile homes produced or sold primarily for use by consumers in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of section 5 of the Act for any manufacturer of mobile homes to disseminate or cause the dissemination of any representation or statement which represents, directly or by implication, the dimensions of mobile homes unless the actual dimensions of the mobile homes, from exterior wall to exterior wall, and the dimensions of any tow hitch or other appendage, not part of said living space are clearly and conspicuously disclosed.

§ 441.8 Labels, seals, or certifications.

In connection with the manufacture, sale, offering for sale, distribution, and service of mobile homes produced or sold primarily for use by consumers in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of section 5 of that Act to use or disseminate any label, seal or certification which makes any representation, directly or by implication, as to the compliance of the mobile homes with any standard, code or the like re-

garding construction or performance characteristics without disclosing clearly, conspicuously and in close conjunction therewith exactly what said label, seal or certification means and what remedy, if any, is available to a consumer in the event that his or her mobile home is not in compliance with said code or standard. For example, a clear and conspicuous disclosure in close conjunction with a label, seal or certification attached to a mobile home which represents directly or by implication that the particular home is in full compliance with ANSI Standard A119.1 shall consist of the following:

There is no assurance by the manufacturer that this mobile home complies with every requirement of ANSI Standard A119.1. If you believe that this mobile home is not in compliance with ANSI Standard A119.1, the manufacturer suggests that you consult your warranty for instructions on obtaining necessary corrective action.

STATEMENT OF REASON FOR THE PROPOSED RULE

It is the Commission's purpose, in issuing this statement, to set forth its reason for proposing this Trade Regulation Rule with sufficient particularity to allow informed comment. In this proceeding, it has been determined that meaningful comment by the public will be best facilitated by presenting (1) a statement describing the basic factual and legal premises upon which the Commission has determined to propose the rule, and (2) a series of questions designed to draw to the public's attention matters which the Commission presently deems particularly pertinent and on which comment is especially solicited.

The Commission emphasizes that neither the statement of factual and legal premises nor the questions should be interpreted as designating disputed issues of specific fact. Such designations shall be made by the Commission or its duly authorized presiding official pursuant to the Commission's Rules of Practice.

STATEMENT

Based upon the information gathered to date, the Commission has reason to believe that:

1. Mobile home warranty performance often does not conform to the representations of warrantors of mobile homes.

2. Substantial numbers of mobile home purchasers in need of warranty service are subjected to unreasonable delay or have never received adequate redress of their warranty problems due to the failure of mobile home warrantors to maintain adequate warranty performance systems reasonably designed to assure that each mobile home consumer receives full performance of warranty repairs within a reasonable time.

3. The practices which contribute to the inadequate performance of mobile home warranty repairs and service include:

a. The delegation by warrantors of substantial warranty responsibilities to mobile home dealers and other third parties without sufficient safeguards to assure that both the warrantor and the party to which warranty responsibilities have been delegated understand and live up to their agreed upon obligations.

b. The failure of warrantors to systematically scrutinize the ability of a dealer or other third party to perform warranty service and set up prior to the time that the dealer or other third party is delegated the responsibility of servicing the warrantor's mobile homes.

c. The absence of a written service contract between warrantors and their authorized dealers or other third parties to define the scope of their respective responsibilities with respect to service and to make those duties legally enforceable.

d. The lack of regular monitoring of the actual performance of warranty service and set up by authorized dealers or other third parties after a warrantor has delegated the responsibility of servicing its mobile homes to such parties.

e. The failure of warrantors to maintain adequate staff or procedures for the systematic and fair resolution of warranty-related complaints or disputes.

f. The failure of warrantors or their authorized dealers or other third parties to respond to warranty requests within a reasonable time.

g. The delay of needed repairs until after the settlement of disputes between warrantors and their authorized dealers or other third parties as to which party is responsible for the repair in question.

4. Warrantors have disseminated mobile home warranties which contain disclaimers, limitations, and exclusions of express and implied warranties in States where such disclaimers, limitations, and exclusions are unenforceable under governing State law.

5. Warrantors have disseminated mobile home warranties which contain certain conditions precedent to warranty service which have the capacity or tendency to mislead consumers as to the extent of their warranty coverage.

6. Manufacturers and others have utilized representations in promotional materials of the length of mobile homes as a certain distance which includes three to four feet for the length of the tow hitch; such representations have the capacity or tendency to mislead consumers by inducing them to believe that the represented length dimension is the total distance between the outer front and rear walls of the mobile home, rather than the overall length of the mobile home including the tow hitch.

7. Manufacturers have utilized and displayed certification seals which represent either directly or by implication that a particular mobile home is in total compliance with certain construction codes or standards; such use of certification seals has the capacity or tendency to mislead prospective purchasers as to the quality of the particular mobile home they are considering for purchase and has the capacity or tendency to mislead actual purchasers by inducing them to believe that their particular home is in compliance with the codes or standards. In addition, the Commission has reason to believe that mobile home consumers are inadequately informed as to what steps should be taken in order to obtain remedial action for defects in their homes which may in fact be code violations.

The Commission's authority to prescribe rules which define with specificity acts or practices which are unfair or deceptive acts or practices in or affecting commerce is set forth in section 18(a)(1)(B) of the Federal Trade Commission Act, as amended (15 U.S.C. 57(a)(1)(B)). Such rules may include requirements prescribed for the purpose of preventing such acts or practices. Accordingly, it appears to the Commission that the relief which is now set forth in the various sections of the proposed rule is mandated by section 5 of the Federal Trade Commission Act because:

1. Those mobile home warrantors who fail to establish and maintain regular and effective warranty performance systems designed to assure that each consumer of a mobile home that is warranted will receive full performance of warranty service and repairs within a reasonable period of time (as delineated in the proposed rule) are engaging in unfair or deceptive acts or practices within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

2. Certain acts and practices used in connection with mobile home warranty provisions and other associated documents should be prohibited or restricted in order to prevent deception as to the extent of warranty coverage in violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

3. The use of descriptions of mobile home dimensions and the use of certification seals which have the capacity or tendency to mislead consumers should be prohibited and, instead, such descriptions of mobile home dimensions and such certification seals should be worded so that they are presented to consumers in a manner which will not be deceptive in violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

The Commission has determined that it has reason to believe the above statements on the basis of information compiled during an extensive investigation of the manufacturing, advertising, sales and service practices engaged in by the mobile home industry. In the course of this investigation, the staff has received documentary evidence of these practices and has conducted interviews with consumers; representatives of mobile home manufacturers, dealers, and trade associations; Federal, State, and local officials; and other interested parties. The Commission has not adopted any of the findings or conclusions of the staff. All findings in this proceeding shall be based solely on materials in the rulemaking record.

The terms of the proposed rule differ in some respects from the terms which were made public in December 1974. The previous version of the proposed rule was not published in the FEDERAL REGISTER at that time due to the need to assess the impact of the Magnuson-Moss War-

ranty—Federal Trade Commission Improvements Act (Pub. L. 93-637) on Commission rulemaking procedures. The most significant difference between the two versions of the proposed rule is the deletion of most of the provisions which appeared in the December 1974 version which related to disclosures to be contained in written mobile home warranties and other related documents. The Commission has reason to believe that the disclosure of the nature and extent of mobile home warranty coverage will, for the most part, be adequately treated by the warranty rules to be promulgated under section 102 of Title I of the Magnuson-Moss Warranty—Federal Trade Commission Improvements Act (15 U.S.C. 2302). In addition, several insubstantial language changes in § 441.1 (Definitions) of the proposed rule were made in order to assure that the language in that section conforms, where applicable and appropriate, to the language of 15 U.S.C. 2301 (Definitions) and of section 5402 (Definitions) of the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.).

Finally, a provision has been added to § 441.2 (Warranty performance systems) in order to reflect the fact that under the Magnuson-Moss Act, a warranty may also provide for the replacement of the warranted mobile home, a refund of the purchase price or other remedial action with respect to the mobile home. Under this new provision of the proposed rule, a warrantor would be able to perform a promise under the warranty issued by that company to give a refund or to replace the home, but the proposed rule requires that the warrantor provide the chosen remedy within a reasonable time under the circumstances of the individual case but in no event later than thirty days after receipt of the notice of the defect for which the remedy is to be provided.

At the same time the December 1974 version of the proposed rule was made public, the Commission accepted four consent orders agreed to by mobile home manufacturers which provided for certain relief to past purchasers of those manufacturers' mobile homes and for the elimination of certain alleged unfair and deceptive acts and practices. The Commission, having reason to believe that such proceedings alone are inadequate to establish well defined standards of enforcement for the guidance of consumers, mobile home manufacturers, and other interested parties, undertakes herewith to define with specificity some acts or practices which may be unfair or deceptive and to prescribe requirements for the purpose of preventing such acts or practices.

QUESTIONS

1. In the accompanying Statement of Reason for the proposed rule the Commission has outlined its tentative appraisal of deception and unfairness in the context of mobile home sales and service. How prevalent are the challenged practices set forth in the Statement, and in what manner and context are such acts and practices unfair or deceptive?

2. Section 441.2 (b), (c), and (d) sets forth certain time standards for the commencement and completion of the repair of defects which affect the safety of a mobile home or render it substantially uninhabitable, for the completion of other warranty repairs, for the response to a notification by a consumer of a defect and for the resolution of disputes with respect to warranty coverage. Are the respective time limits set forth in that section fair and workable? Would different time standards be more appropriate after potential consumer injury, feasibility, and cost to the warrantors are taken into account? Should these time standards be waived or modified in situations governed by 42 U.S.C. 5414 (g) and (h), and if so how should this waiver or modification be accomplished?

3. Section 441.2(e) and 441.2(f) presently require warrantors to assure that mobile homes manufactured by them are inspected at the home site prior to or at the time of tender of possession to the consumer and to reinspect the home within 90 days to assure that the home is being delivered free of defects which affects the safety of the home or render it substantially uninhabitable and to see that the home is properly set up. Would this requirement adequately protect consumers from moving into seriously defective homes? Would such a pre-delivery inspection result in expeditious repair (within the framework of the applicable requirements of the rule) of all defects discovered during the inspection? Would a reinspection of the home within 90 days assure that any settling of the home after the initial set up would be detected and corrected? Is the time standard contemplated by the 90 day limit sufficiently flexible to allow for both the discovery of most warranty problems and defects resulting from a faulty set up while still allowing for an expeditious follow up as to the satisfaction of the consumer by the mobile home warrantor?

4. Section 441.3(c) presently requires warrantors who delegate warranty responsibilities to authorized dealers or other third parties to establish a procedure for evaluating the effectiveness of the performance of warranty repairs by the authorized dealer or other third party, including the use of a consumer questionnaire to be sent to all retail purchasers after the reinspection of their mobile homes (between 60 and 120 days after the date of purchase). Will this requirement result in a reliable, inexpensive, and useful audit of the performance of warranty repairs by authorized dealers and other third parties, and will it reveal whether the mobile home consumers have received all necessary repairs? If not, what alternative or supplemental procedure would achieve these desired results?

5. Section 441.3(f) of the proposed rule requires the establishment by the warrantor of a procedure for resolving consumer complaints and disputes (which may involve manufacturers, dealers, and other third parties) with respect to warranty problems. This procedure would not come within the purview of section 110 of Title I of the Magnuson-Moss Warranty—Federal Trade Commission Improvements Act (15 U.S.C. 2310) because the rule presently contains no provision for a dispute settlement procedure operated independently of the parties involved in the dispute. In light of section 110 of the Magnuson-Moss Act, is there an additional need in the case of mobile home warranty disputes for the proposed rule to set forth an effective mechanism, to be used in appropriate situations, for the independent, fair, and impartial arbitration of disputes with respect to warranty obligations? How might this arbitration best be accomplished?

6. Section 441.3 (e) and (f) contains requirements which are specifically not imposed upon mobile home manufacturers which produce fewer than 5,000 mobile homes annually. What is the economic effect of the rule on small business? Should special allowances for smaller manufacturers be made with respect to other requirements and why? Is a production figure of 5,000 mobile homes on an annual basis a reasonable cut-off point or would another figure be more appropriate? If so, why?

7. The proposed rule does not at present contain a requirement that the set up of a mobile home be subject to a warranty. Should § 441.2 of the proposed rule include a provision which would address itself to the problems relating to set up that mobile home purchasers appear to experience? If so, should additional measures, including a requirement that all set ups be subject to a separate warranty, be included in the proposed rule?

8. The proposed rule does not at present place any requirements directly upon retail dealers of mobile homes or other third parties except to the extent that such parties are warrantors within the meaning of the rule. In light of the expansion of the Commission's jurisdiction to acts and practices "in or affecting commerce" as "commerce" is defined in the Federal Trade Commission Act, would it be useful and appropriate to include provisions directly relating to the performance of warranty repairs, service, and set ups by mobile home dealers and other third parties in the proposed rule? If so, what provisions would serve to best assure the regular, expeditious and capable performance of warranty repairs and mobile home set ups by dealers and other third parties?

In addition to the above questions, the Commission desires, for each of the individual requirements contained in the proposed rule, comments on:

1. Any benefits which flow from any acts or practices which would be proscribed by the proposed rule;

2. Any detrimental effects which will result from the imposition of any requirement of the proposed rule; and

3. The economic effect of the proposed rule on consumers.

The Commission wishes to know whether consumer injury associated with practices restricted by the rule or with the

failure to utilize practices required by the rule, may be eliminated without eliminating the practices entirely, or without utilizing the practices required by the rule. That is, are there alternative and more desirable ways of attaining the results that the proposed rule seeks to achieve?

INVITATION TO PROPOSE ISSUES OF SPECIFIC FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of specific fact, in contrast to legislative facts, which are material and necessary to resolve. The Commission, or its duly authorized presiding official, shall, after reviewing submissions hereunder, identify any such issues in a notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with section 18(c) of the Federal Trade Commission Act as amended by Public Law 93-637, and rules promulgated thereunder. Proposals shall be accepted until July 29, 1975, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Specific Fact—Mobile Home Sales and Service," and furnished, when feasible and not burdensome, in five copies. The times and places of public hearings will be set forth in a notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed rule. Written comments, other than proposals identifying issues of specific fact, will be accepted until ten days before commencement of public hearings, but at least until July 29, 1975. To assure prompt consideration of a comment, it should be identified as a "Mobile Home Comment" and furnished, when feasible and not burdensome, in five copies.

Issued: May 29, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-13681 Filed 5-28-75;8:45 am]

notices

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

DEPARTMENT OF STATE

[CM-5/56]

SHIPPING COORDINATING COMMITTEE—SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on subdivision, stability and load lines of the Subcommittee on Safety of Life at Sea (SOLAS) will hold an open meeting on Tuesday, June 24, 1975, at 9:30 a.m., in Room 7234 of the Department of Transportation, 400 7th Street, SW., Washington, D.C.

The meeting will consider:

Evaluation of Equivalent Regulations for Subdivision and Stability of Passenger Ships;

Intact Stability of Offshore Supply Vessels;

Subdivision and Stability of Mobile Offshore Units;

Improvement of Regulation 27 of the 1966 Load Line Convention.

Requests for further information on the meeting should be directed to Mr. E. H. Middleton, Chairman of the working group on subdivision, stability and load lines, United States Coast Guard, 400 7th Street, SW., Washington, D.C. 20590. He may be reached by telephone on (area code 202) 426-2170.

Members of the public may submit written comments to the Chairman prior to June 16. The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

RICHARD K. BANK,
Director,
Shipping Coordinating Committee.

MAY 19, 1975.

[FR Doc.75-13874 Filed 5-28-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

PROFESSIONAL EDUCATION ADVISORY COMMITTEE, U.S. MARINE CORPS

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I), that the Professional Education Advisory Committee, U.S. Marine Corps, will hold an open meeting on June 19 and 20, 1975, in room 120, Breckinridge Hall, Marine Corps Development and Education Command, Quantico, Virginia. The meeting will convene at 8 a.m., Thursday, June 19 and adjourn at 4:30 p.m., June 20. Limited seating is available. The agenda will include recommendations concerning ways that the schools within the Education Center can ensure that their programs of instruction best prepare students to meet the professional requirements of their assignments subsequent to graduation, recommendations concerning the optional lengths of schools within the Education Center, and discussion of the proposed Education Center Adjunct Facility.

Any person desiring information about the Professional Education Advisory Committee, U.S. Marine Corps, may write to the Director, Education Center, Marine Corps Development and Education Command, Quantico, Virginia 22134.

Dated: May 22, 1975.

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

[FR Doc.75-13872 Filed 5-28-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON SURFACE NAVAL WARFARE

Advisory Committee Meeting

The Defense Science Board Task Force on Surface Naval Warfare will meet in closed session on 26-27 June 1975 at the Pentagon, Washington, D.C. The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the adequacy and directions of U.S. Navy programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations. The Task Force will concentrate first on U.S. programs in tactical surface surveillance, targeting, command and control, and weaponry for surface engagement to help assure that our R&D investments yield the greatest improvement in our total force capabilities, when deployed in quantities we can afford. Classified details of U.S. and Soviet systems will be reviewed.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

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

MAY 22, 1975.

[FR Doc.75-13904 Filed 5-28-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 25670]

NEW MEXICO

Application

MAY 20, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.
Sec. 3, lot 3.
T. 20 S., R. 27 E.
Sec. 28, SW¼SE¼;
Sec. 33, W½E½.

These pipelines will convey natural gas across 1.34 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-13873 Filed 5-28-75;8:45 am]

Fish and Wildlife Service

MAETON C. FREEL, JR.

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Maeton C. Freel, Jr.,
938 4th Street, Apartment 104
Santa Monica, California 90403

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Capture, tagging and release of various marine mammals, migratory birds and possible endangered species for tracking and population study purposes. Collection of dead carcasses of above for analysis of cause of death and checking for presence of hydrocarbons in the body.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
MARTON C. FREEL, JR.
933 4th St. Apt. 104
Santa Monica, Calif. 90403

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'8" WEIGHT: 185
DATE OF BIRTH: 10/23/46 COLOR HAIR: Brn. COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 213-659-7234 SOCIAL SECURITY NUMBER: 455-66-6347
OCCUPATION: Wildlife Biologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
U.S. Bureau of Land Management
Pacific OCS Office
300 N. Los Angeles St. Rm 7607
Los Angeles, Calif. 90012

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Along the coast of California and its offshore islands.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 3/25/75

11. DURATION NEEDED: 1 year

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: 50CFR 18 18.26, 18.31, 21.22, 21.23

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Marton C. Freel Jr.
DATE: 2/21/75

3-309
10/74

Introduction. The Southern California Continental Borderland area contains a large and diverse fauna of marine mammals and the only major breeding sites for marine birds between San Francisco and the Mexican border. The possibility of future oil exploration and extraction in such a biologically important and sensitive area demands that baseline studies be made to assess the present location, size and health of populations of marine birds and mammals. Such information will permit wise planning for the area's resources so that damage to these attractive and important mammals and birds may be minimized and the effects of any oil-related accidents may be adequately documented.

Presence of marine mammals and birds in the continental borderland. In southern California, the Channel Islands provide the only major breeding areas for seabirds such as Western Gulls, Double-crested and Brandt's Cormorants, Xantus Murrelets and Brown Pelicans between San Francisco and the Mexican border. Since many of the seabirds breeding on the Channel Islands are already suffering from reduced reproductive success (in some cases due to chlorinated hydrocarbon pollution; see Risebrough et al., 1971; Gress et al., 1973), all efforts should be made to protect these birds from further harm.

Vulnerability of organisms to oil. Vulnerability to spilled oil or oil extraction procedures will vary from one organisms to the next, depending upon behavior, mode of insulation and the seasonal timing of an oil spill. During the life cycle of many marine mammals there will be periods when exposure to floating oil or oiled beaches will be of particularly great potential danger.

One can only guess at the effects of deep-water offshore drilling and oil handling with its attendant ship activity upon most marine mammal populations. Certainly forms which reproduce on shore in highly restricted breeding grounds such as seals, sea elephants and sea lions are highly vulnerable. The sea otter, which relies upon fluffed clean fur for survival, is supremely vulnerable.

Seabirds are more vulnerable to oil at sea than almost any other group of organisms other than possibly those in the littoral zone. In reports of the biological effects of oil spilled in the Hamilton Trader, Torrey Canyon, and Santa Barbara accidents, seabirds have been shown to suffer significant losses (Spooner 1967, Beer 1968, Straughan 1971, Connell 1971, Clark 1973, Nelson-Smith 1973). This mortality results both from the direct effect of heavy oiling which may cause death from reduced insulation and buoyancy (Nelson-Smith 1973), and from the killing of eggs by transfer of oil from the feathers of lightly oiled incubating adults to the egg surface (references cited in Nelson-Smith 1973).

Oil spills may also prevent seabirds from foraging or may reduce the amount of food available. Reduction in food supplies may also cause the birds to mobilize fat reserves rapidly, possibly releasing lethal quantities of chlorinate hydrocarbon pollutants stored in the fat (Nelson-Smith 1973).

The Baseline Study Problems

Many of the problems or questions that present themselves are common to the three groups of animals being considered; namely, the seabirds, the cetaceans and the pinnipeds. In the broadest terms we must ask what animals occupy this study area, how many are there, what species are they and, in general, construct a demographic description for the Southern California Bight. In addition, we must concern ourselves with their migratory habits, feeding habits and locales in addition to the reproductive cycles and success of each species.

Questions that also need answering but which will not be approached during this phase concern long-term effects of chronic exposure to modest amounts of oil. Such studies must include reproductive biology, alterations within the food web, breeding success, changes in breeding sites and gross modification of behavior due to avoidance of man's activities or the by-products of such activities.

Study Area. The area to be surveyed includes the region between Point Conception in the north and the United States-Mexico International border to the south. The western edge of the study area will extend to approximately 120°40' west longitude in the northern sectors of the study area and will veer southeastward at approximately 33°45' north latitude along a line falling westward of the Tanner and Corte's banks to approximately 120° west longitude and 32°10' north latitude. Within this area all islands and major rocks or islets will be surveyed for nesting or roosting seabirds and breeding or hauling grounds for pinnipeds.

In order to assess the numbers, distribution and activities of marine mammals and birds within the study area, a coordinated program of aerial and shipboard censusing is required. Initially, several coincident aerial and surface censuses over designated routes will permit cross-calibration (ground truth) of the two primary sampling methods.

Studies of local movements and seasonal migration routes. In order to determine local movements, population mixing, or seasonal migration routes in many cases it is necessary to study marked individuals. In this way movements of individuals can be traced and it can be determined with certainty whether members of a population are moving about within the study area. Without such individual marking, it cannot be determined that an individual has moved or that two separate individuals have been sighted.

Marine mammal tracking. Cetacea and Pinnipeds will be marked by three methods from shipboard:

(1) Radio tagging and release of selected species.

(2) Spaghetti tagging on a target of opportunity basis.

(3) Cryobranding of captured animals as a possible means of resighting from low flying aircraft.

Seabird tracking. We propose to approach seabird tracking in two ways. First a number of adult and immature birds will be color marked at selected breeding colonies using commercially available dyes (Hunt, 1972). Marks will be highly visible and relatively

permanent. Observations of marked birds, which will be conducted in the course of regular ship and aerial censusing schemes described in the preceding section, will yield gross information on large numbers of birds and will show where they concentrate and what their interactions are with other species. Land-based observers will also endeavor to locate marked individuals as they forage close to the breeding islands.

Second, in an effort to provide detailed information about movements of individual breeding birds, we will radio tag and track small numbers of adults of various species in and around the breeding colonies. This is a relatively low-cost technique that will provide detail of the sort that is not usually accessible through the use of visual tags and stationary or shipboard observers due to rapid, long-distance movements of marked subjects. Radio-tagged individuals can be followed over relatively large distances with a minimal investment of ship and observer time. The location of telemetry subjects will be evaluated by triangulation using one stationary and one shipboard receiver. All necessary telemetry gear is available commercially at present.

Beached animal surveys. Selected mainland beaches in Ventura, Los Angeles and Orange Counties in addition to beaches on Santa Cruz and other Channel Islands will be walked on a monthly basis to check for carcasses of marine birds or mammals which have washed ashore. All carcasses will be photographed, and when possible identified to species and cause of death. When marine mammals are found beached, appropriate experts will be notified so that samples of parasites present may be collected.

Parasites and food samples. Whenever marine mammals or birds are handled, the collection of food samples and parasites from their stomachs will be attempted. These samples will be identified in the field or preserved for later study.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 30, 1975, will be considered.

Dated: May 21, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-13868 Filed 5-28-75;8:45 am]

NATIONAL PARK SERVICE

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
National Park Service
Death Valley National Monument
Death Valley, California 92328
James B. Thompson, Superintendent

OMB NO. 42-R1475

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
Habitat management and research, including censusing, maintenance and operation of recording instruments and prophylactic devices, and other actions deemed necessary to insure perpetuation of Devils Hole Pupfish, Cyprinodon diabolis.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Park Service
Death Valley National Monument
Death Valley, California 92328
Tel.: 714-786-2331

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Federal managing agency and custodian of natural resources of Death Valley National Monument, California and Nevada
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Tel: 714-786-2331
James B. Thompson, Superintendent
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Devils Hole, Nevada, a 40-acre detached section of Death Valley National Monument located in SW¼ SE¼, Section 36, T. 17 S., R. 50 E., Mount Diablo Meridian.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
1 July 1975

11. DURATION NEEDED
Five years

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attached.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) James B. Thompson
DATE April 3, 1975

3-2002
10/74

PERMIT APPLICATION

The following information is provided in compliance with 50 CFR 13.12 (b):

(1-3) Applicant: Name: National Park Service, Death Valley National Monument. Address: National Park Service, Death Valley National Monument, Death Valley, California 92328. Telephone: 714-786-2331.

Applicant is a field office of the National Park Service, U.S. Department of the Interior, charged with the management and protection of federally owned lands and resources within Death Valley National Monument, California and Nevada.

(4) Location: Devil's Hole, Nevada. (SW¼, SE¼, Section 36, T. 17 S., R. 50 E., Mount Diablo Meridian.) Within a 40 acre detached section of Death Valley National Monument lies a spring-fed pool with surface area of approximately 10 x 40 feet. Herein exists the sole endemic naturally existing population of Devil's Hole pupfish.

(5) Type of permit: Application is being made for an Endangered Species Permit for habitat management and research purposes. The requirement for such a permit is stated in section 9(a) and is required to implement actions necessary for the conservation of endangered species as stated in section 7 of Pub. L. 93-205, the Endangered Species Act of 1973. The law prohibits the "taking" of any endangered species within the United States, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. (Pub. L. 93-205, section 3(14)).

Application is made to lawfully permit habitat management and research activities by members of State and Federal agencies and institutional research personnel for projects as follows:

a. Research of fish population at least monthly and gathering of environmental data such as food production rates, water temperatures, water chemistry, and dissolved oxygen content. This work is to be performed by or under direct supervision of Dr. James E. Deacon, University of Nevada, Las Vegas. Work performed under contract with the National Park Service. Research on fish population and gathering of environmental data by Nevada Department of Fish and Game.

b. Hydrologic monitoring of water levels at Devil's Hole, including operation and maintenance of water level recording instruments and water sampling. Work performed by personnel of the U.S. Geological Survey.

c. Continuing litigation between the Federal Government and an owner of adjacent private lands over utilization of ground waters may require additional surveillance and management activities by the U.S. District Court appointed special master.

d. Entry or disturbance of Devil's Hole water by scuba divers and surface tenders, and observers participating in monthly population censuses as described in (a.) above. Personnel involved are employees of the National Park Service, U.S. Fish and Wildlife Service, and Nevada Department of Fish and Game.

e. Unavoidable harassment of fish population for the purposes of habitat restoration, monitoring of population, inspections, and maintenance by personnel of the National Park Service, U.S. Fish and Wildlife Service, Nevada Department of Fish and Game, University of Nevada (Dr. James E. Deacon), and University of Michigan (Dr. Robert R. Miller, NPS Collaborator).

f. Installation, adjustments or removal, maintenance, repair, and operation of temporary prophylactic devices (such as floating feeding/spawning shelf, and electrical lighting fixtures) deemed necessary for species preservation.

g. Habitat disturbance of a corrective nature (such as removal of flash flood debris from natural rock feeding/spawning shelf) as required to provide optimum space for survival of the species.

h. Entry to habitat area and unavoidable harassment by any experts or consultants invited or contracted by State and Federal agencies named above.

i. Projects outlined above do not include collecting of fish and the population will be subjected to as little disturbance as possible.

(6) Not applicable.

(7) Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit: July 1, 1975.

(9) Date: April 3, 1975.

(10) James B. Thompson, Superintendent, Death Valley National Monument.

(11) Additional information as requested in Form 50 CFR 17, § 17.23, "zoological, educational, scientific, or propagation permits." (1) Description of wildlife to be covered in the permit. Scientific name: *Cyprinodon diabolis* (Wales.). Common names: Devil's Hole pupfish, Devil pupfish.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036, All relevant comments received on or before June 30, 1975 will be considered.

Dated: May 21, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-13869 Filed 5-28-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Economic Research Service

NATIONAL COTTON MARKETING STUDY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the National Cotton Marketing Study Committee established by Secretary's Memo 1852. The Committee will meet at 9 a.m. on Tuesday, July 8, 1975, and at 9 a.m. on Wednesday, July 9, 1975, in Room 218-A of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee meeting includes a review of final reports from the eight Study Groups, and development of recommendations for the Committee report to the Secretary of Agriculture.

The names of the appointees comprising the Committee, agenda and other information pertaining to the meeting may be obtained from Mr. Irving Starbird, Executive Secretary, Room 212, 500 12th Street, SW., Washington, D.C. 20250 (202-447-8400).

AMOS D. JONES,
Chairman, Economic Research Service.

[FR Doc.75-13931 Filed 5-28-75;8:45 am]

Forest Service

BIG PINEY PLANNING UNIT

Environmental Statement; Availability of Draft

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 the Big Piney Planning Unit, Bridger-Teton National Forest, Wyoming. The Forest Service report number is USDA-FS-DES (Adm) R4-75-21.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Big Piney Planning Unit on the Bridger-Teton National Forest, Wyoming. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Significant areas will remain undeveloped with options for future management remaining open.

This draft environmental statement was transmitted to CEQ on May 21, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., SW
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Bridger-Teton National Forest
Forest Service Building
Jackson, Wyoming 83001

District Forest Ranger
Big Piney Ranger District
P.O. Box 218
Big Piney, Wyoming 83113

A limited number of single copies are available upon request from Acting Forest Supervisor Ernest C. Hirsch, Bridger-Teton National Forest, Forest Service Building, Jackson, Wyoming 83001.

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 Acting Forest Supervisor Ernest C. Hirsch, Bridger-Teton National Forest, Forest Service Building, Jackson, Wyoming 83001. Comments must be received by July 20, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: May 21, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-13871 Filed 5-28-75;8:45 am]

Soil Conservation Service

BRYANT SWAMP WATERSHED PROJECT, N.C.

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 Envi-

ronmental 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 Bryant Swamp Watershed Project, Bladen County, North Carolina, USDA–SCS–EIS–WS–(ADM)–73–19–(F) NC.

The EIS concerns a plan for watershed protection, flood prevention and drainage. The planned works of improvement provide for conservation land treatment, six grade control structures, and 22.9 miles of channel work. The channel work will involve a floodway on 1.5 miles of existing channel, enlargement of 16.2 miles of existing channel, and construction of 5.2 miles of new channel to provide improved water management in a flatland watershed that is 91% agricultural cropland, grassland and forestland. Of the 22.9 miles of work proposed, 15.3 miles will involve channels with ephemeral flow, 1.5 miles of intermittent flow, and 6.1 miles of perennial flow.

The final EIS has been filed with the Council on Environmental Quality.

Bryant Swamp Watershed Project, North Carolina
Notice of Availability of
Final Environmental Impact Statement

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA,
P.O. Box 27307
Raleigh, North Carolina 27611

Dated: May 21, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-13964 Filed 5-28-75;8:45 am]

WALKER CREEK WATER-BASED RECREATION RESOURCE CONSERVATION & DEVELOPMENT (RC&D) MEASURE

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Walker Creek Measure, Wood County, West Virginia.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. James S. Bennett, State Conservationist, Soil Conservation Service, USDA, Federal Building, High Street, West Virginia 26505, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for watershed protection and water-based recreation as a facet of Mountwood Park, a 2,478 acre facility sponsored by the Wood County Park and Recreation Commission. The planned works of improvement include conservation land treatment, a single-purpose dam which will create a 48 surface-acre lake, and water-based recreation facilities.

The negative declaration is available for single copy requests and the environmental assessment file is available for inspection during regular working hours at the following location: Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

Dated: May 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

ROBERT E. WILLIAMS,
Acting Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.75-13963 Filed 5-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

TEACHER CORPS PROJECTS

Notice of Final Criteria for Selection of Applications

On December 16, 1974, there was published in the FEDERAL REGISTER at 39 FR 43566, a notice of proposed rule making which set forth criteria for selection of applicants for Tenth Cycle Teacher Corps projects under Part B–1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255–1258 as amended, 20 U.S.C. 1101–1107a). The General Provisions Regulations (45 CFR Part 100a), published in the FEDERAL REGISTER on November 6, 1973, at 38 FR 30654 and effective December 6, 1973, are also applicable to these grants.

Interested persons were given thirty days after December 16, 1974 to submit comments, suggestions or objections to the proposed criteria. Four comments were received relating to the number of teacher interns allowable to each project. Three comments strongly suggested that four to ten interns per project were too few and that emphasis should remain on preservice training. The fourth comment suggested that there was still too much emphasis on interns even though new legislation shifted emphasis to retraining of experienced teachers. No action was taken regarding the suggestions submitted. The basic purpose of the new amendments to the Teacher Corps program contained in Pub. L. 93–380 is to shift the focus from the recruitment and training of large numbers of new teachers for poverty areas to helping local schools reform and improve the education offered poor children by retraining present staff. The shift in focus, however, does not mean the elimination of interns. The Teacher Corps will continue to attract and train a limited number of interns. By so doing, the very format that has made Teacher Corps a success, the Teacher Corps team, can now be put to the wider use of helping local schools improve the quality of education throughout entire schools by including in the program not only new teacher interns but also experienced teachers within the school.

The criteria are set forth below.

Effective date. The Notice of Proposed Funding Criteria was transmitted to Congress on December 10, 1974 pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such action having been taken. Therefore, these criteria shall become effective May 29, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.489; Teacher Corps)

Dated: May 8, 1975.

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

Approved: May 22, 1975.

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

I. CRITERIA FOR THE SELECTION OF TEACHER CORPS PROJECT APPLICATIONS

In addition to the criteria set forth in 45 CFR 100a.26(b), the following criteria will also be used as a basis for approving applications for Teacher Corps projects and in determining the amount of the award under approved applications:

(A) *Instructional program.* The extent to which it is shown that the proposed instructional program (i) provides training options including training designed to enable Teacher Corps interns, teacher aides, and experienced teachers to provide individualized instruction for pupils in classrooms at the local school level, (ii) provides adequate means for identifying and evaluating teacher interns', teacher aides' and experienced teachers' competencies and (iii) makes provision for the training necessary to prepare them to serve in schools in areas having concentrations of low income families (as determined in accordance with section 103 of Title I of the Elementary and Secondary Education Act of 1965 as amended), including training necessary to identify children with learning and behavioral problems, diagnose their special needs, and prescribe learning activities to meet such needs of these children in the regular classrooms of such schools. (See paragraph F.)

(20 U.S.C. 1101, 1103)

(B) *Community based education.* The extent to which the application (i) delineates specific opportunities for consultation with and involvement of parents of children to be served by the proposed project for mutual, deliberate, collaborative decision making in the planning, development, implementation, and evaluation of such project; (ii) includes evidence that such participation has been encouraged and has in fact occurred in the development of the application; (iii) provides for developing the capabilities of such parents, residents in the community, and secondary education and college students to serve as part-time tutors or full-time instructional assistants in the project (including, where appropriate, provision for university courses) and (iv) sets forth policies and procedures for adequate dissemination of program plans and evaluation to such parents and the public.

(20 U.S.C. 1101, 1103, 1231d)

(C) *Institutional adoption.* The extent to which the proposed project is designed in such a manner as to facilitate adaptation or adoption of successful elements of the project by the applicant institution or agency into its overall instructional program.

(20 U.S.C. 1101, 1103)

(D) *Needs analysis.* Whether the application specifies that the retraining of experienced teachers and teacher aides, along with the training of teacher interns, will be based on an analysis of the critical nature of the need for special skills and/or personnel to meet the special learning needs of children from low income families, including improving opportunities for children with learning and behavioral problems.

(20 U.S.C. 1101, 1103)

(E) *Multi-cultural consideration.* The extent to which the application indicates special provisions for meeting the diverse cultures represented by the proposed project's target populations, both in terms of the training program for experienced teachers, teacher interns, teacher aides, and community volunteers, and of the specific needs of the communities and students to be served by the Teacher Corps project. In proposals for programs in areas where the target population has limited cultural diversity, there must be an indication of the extent to which teacher interns, experienced teachers and teacher aides are prepared to understand and to use multicultural concepts in their work with children.

(F) *Diagnostic-prescriptive teaching.* The extent to which the application indicates special provisions for training in the techniques of diagnostic-prescriptive teaching, including skills in the identification of special learning problems, skills in diagnosing particular learning needs, and skills in prescribing programs to meet such needs. The application must show how these skills can be applied by participants to improve educational opportunities for all children to be served by the project, but especially for improving the educational opportunities in the regular classroom for children with learning and behavioral problems. Development of diagnostic-prescriptive teaching skills must be an ongoing, sequentially organized part of the program design, regardless of the major teaching area, subject, or grade levels with which the Teacher Corps application is concerned.

(20 U.S.C. 1101, 1103)

(G) *School-staff focus.* The extent to which the proposed retraining of experienced teachers and teacher aides will be available to the entire educational staff of each individual school involved in the project.

(20 U.S.C. 1101)

(H) *Field based instruction.* The extent to which instruction for experienced teachers, teacher aides, teacher interns, or community volunteers will be delivered at or near their teaching stations, in those instances when instruction will be enhanced by the close proximity to such teaching stations, rather than on the campus of the participating college or university.

(20 U.S.C. 1101, 1103)

(I) *Collaborative decision-making.* The extent to which the application indicates wide participation in collaborative decision-making by a school-community council for each participating school. Activities of the council must be planned so as to assure active and continuing involvement by, and responsiveness to the needs and desires of, as many as possible of the following groups or institutions: (i) The respective Teacher Corps role groups (including teacher interns, team leaders, project management staff, and coordinators); (ii) communit(ies), institution(s) of higher education, and local education agenc(ies) involved in the project; (iii) professional associations of teachers and/or other educators; (iv) the state education department (teacher education certification offices); (v) officials of other federally supported education projects; (vi) representatives of social service (public and private) agencies assigned responsibilities within the communities served by the Teacher Corps project; (vii) parent, community, social, welfare, or educational organizations; and (viii) other organizations which may impinge upon the success of the project or the Teacher Corps role groups described in (i) above.

(20 U.S.C. 1101, 1103)

(J) *Teaching teams.* The extent to which the application sets forth a teaching team organization which will be able to operate effectively in carrying out the purposes of the project. (A teaching team is defined as not less than 4 nor more than 10 teacher interns led by an experienced teacher. Each project must contain 1 or 2 teams, but shall not exceed a maximum of 10 teacher interns for that project.)

(20 U.S.C. 1103)

(K) *Special characteristics.* Within the context of the proposed strategy, the extent to which the application indicates special characteristics of the project which will make it adaptable to the specific conditions of the sites and communities served by the project (such as population density, housing patterns, etc.).

(20 U.S.C. 1101, 1103)

(L) *Equitable geographical distribution.* The extent to which approval of the project will further the equitable geographical distribution of projects, including proportional representation among urban and rural areas.

(20 U.S.C. 1101, 1103)

(M) *Management and evaluation plans.* The extent to which the application sets forth specific plans for program organization, management, and evaluation of both process and outcome. Specific data collection procedures must be described, based on the careful specification of program goals, performance criteria, and regular program review, so as to assure a record of the project's demonstration aspects and its achievements in terms of Teacher Corps purposes.

(20 U.S.C. 1101, 1103)

II. DEMONSTRATION REQUIREMENTS

Each application for a Teacher Corps project must combine (1) the meeting of local educational needs and concerns with (2) a demonstration project for the training of teacher interns and the retraining of experienced teachers and teacher aides. The demonstration project must adopt one of the following broadly defined strategies:

(A) *The Training complex.* A training complex is an organization designed to provide preservice and inservice education for potential and practicing educational personnel at a site located within or near the schools where Teacher Corps interns are serving and where retraining of experienced teachers and teacher aides is being initiated. Applications may show wide diversity in the features of a training complex, but it is essential that the application describe plans for (i) the direct involvement of training personnel from the institution of higher education involved in the Teacher Corps project, Teacher Corps interns, experienced teachers, teacher aides, and community volunteers in decision-making; (ii) the assuring that instructional experience for teacher interns, experienced teachers and teacher aides will be administered through the training complex, and (iii) a wide use of community and local educational agency resources for the development and delivery of both training and retraining.

(20 U.S.C. 1101, 1103)

(B) *Competency-based teacher education.* Competency-based teacher education is marked by the specification of objectives for learning based on observation of teacher skills and behaviors which positively influence children's learning.

instructional programs for experienced teachers, teacher interns, teacher aides, and community volunteers are delivered through sequential programs based on various levels of professional activities and competencies. Applications must describe how the proposed project will (i) demonstrate objective-based programs of training and retraining for educational staff which are designed to improve learning opportunities for low-income children through careful analyses of training and retraining needs; (ii) develop systematic management processes so that persons in training or retraining can evaluate their own learning needs and achievements; (iii) provide alternative modes of instruction based on the achievement of pre-determined competencies for teachers or other educational personnel in relation to the improvement of pupil learning; and (iv) direct the use of university and other program resources towards meeting the needs of teacher interns, experienced teachers, teacher aides, and community volunteers within the school districts served by the project.

(20 U.S.C. 1101, 1103)

(C) *Training for implementing alternative school designs.* School districts which have planned a major organizational or structural educational innovation may choose to demonstrate, through a Teacher Corps project, a program of training teacher interns and retraining experienced teachers and teacher aides which helps meet the special needs for implementing such an innovation. Applications must (i) contain assurances that the school district is already committed to this innovation and that the institution of higher education involved in the Teacher Corps project will be able to demonstrate appropriate training and retraining activities; (ii) contain evidence that other aspects of the innovation have been planned and provided for separately from those supported under the Teacher Corps program and described in the application (which is limited to training and retraining activites); (iii) indicate directions for the improvement of training of Teachers Corps interns and retraining of experienced teachers and teacher aides through relating these activities to institutional change; and (iv) demonstrate a viable strategy for improving the education of low income children by improving both the skills of educational personnel and the conditions under which education takes place.

(20 U.S.C. 1101, 1103)

(D) *Interdisciplinary training approaches.* This strategy provides for training of teacher interns and the retraining of experienced teachers and teacher aides through the demonstration of programs which emerge from the participation in teacher education by representatives from various academic disciplines (such as the liberal and fine arts, physical and natural sciences, social sciences, and humanities), and which are aimed at increasing the educational opportunities of low income children by reorganizing the base of knowledge and experience which the educational staff can use as a basis for planning and managing learning activities. Applications must emphasize: (i) The collaborative planning by representatives of diverse disciplines for developing programs of training and retraining geared specifically to populations of learners from low income families; (ii) the relationship of multidisciplinary training and retraining programs to the specific cultural and life styles of the pupils to be served so as to reinforce extant community values; (iii) the development of professional educational staffs which are flexible in their organization and use of knowledge in relation to growth and development of Children as members of specific cultural and social groups; and (iv) the improvement of interrelationships among educational agencies and institutions (such as universities and local school districts) and other community institutions.

(20 U.S.C. 1101, 1103)

(E) *Training for the systematic adaption of research findings.* There is presently available, in immediately usable form, a substantial body of results from research concerning learning and educational processes. Such research results can be incorporated into the design of programs for the training of teacher interns and the retraining of experienced teachers and teacher aides. This research can be drawn upon to identify training objectives, select approaches to training and evaluation, create instructional materials and activities or adapt existing materials to new situations, and organize training or retraining programs. This research evidence represents a vast potential resource which, as yet, has not been organized into systemic or overall program demonstrations. Applications selecting this strategy must emphasize (i) the systemic organization of validated research findings into demonstration programs of teacher intern training and the retraining of experienced teachers and teacher aides; (ii) the utilization of data based solutions to persistent educational problems addressed by the application; (iii) the relating of research activities and findings to the everyday life and activities of practicing educational personnel; and (iv) the broad-scale, public demonstration of programs based on research findings and involving collaboration among school districts and educational groups.

(20 U.S.C. 1101, 1103)

[FR Doc.75-14010 Filed 5-28-75;8:45 am]

Food and Drug Administration

[FDA-225-75-4050]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Connecticut Department of Consumer Protection

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 Connecticut Department of Consumer Protection on March 25, 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 CONNECTICUT DEPARTMENT OF CONSUMER PROTECTION 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 office of the Food, Meat and Poultry Division, Room 173, Department of Consumer Protection, State Office Building, Hartford, Connecticut.

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.* Connecticut Department of Consumer Protection, State Office Building, Hartford, Connecticut 06115.

V. *Liaison Officers.* For Connecticut Dept. of Consumer Protection: R. E. Ledogar, Director, Food/Meat and Poultry Division. Address: State Office Bldg., Hartford, Ct. 06115. Telephone No.: (203) 566-2891.

For FDA: Richard J. Davis, Address: Boston. Telephone No.: (617) 223-5067.

IV. *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 upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Connecticut Department of Consumer Protection.

Dated: March 25, 1975.

Mary M. Heslin
Commissioner.

Approved and accepted for the Food and Drug Administration.

Dated: March 13, 1975.

A. J. Beebe, Jr.
Reg. Food and Drug Director.

Effective date. This memorandum of understanding became effective March 25, 1975.

Dated: May 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-13912 Filed 5-28-75;8:45 am]

[FDA-225-75-4035]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Missouri Department of Social Services

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Missouri Department of Social Services, Division of Health, on February 21, 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 MISSOURI DEPARTMENT OF SOCIAL SERVICES DIVISION 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 office complex of the Division of Health, Broadway State Office Building, P.O. Box 570, Jefferson City, MO 65101.

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 addresses other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal during 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.* Missouri Department of Social Services, Division of Health, Broadway State Office Building, P.O. Box 570, Jefferson City, MO 65101.

V. *Liaison Officers.* For Missouri Dept. of Social Services: Erwin P. Gadd, Director, Bureau of Community Sanitation. Address: Broadway State Office Bldg., P.O. Box 570, Jefferson City, MO 65101. Telephone No.: (314) 751-3791.

For FDA: Dwight F. Ringhausen, Asst. to Dir. for Federal, State, and Industrial Affairs. Address: 1009 Cherry Street, Kansas City, Missouri 64106. Telephone No. (816) 374-3817.

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 Missouri Department of Social Services.

Dated: February 21, 1975.

JOSEPH B. REICHART,
Deputy Director, Division of Health.

Approved and accepted for the Food and Drug Administration.

Dated: February 3, 1975.

LLOYD R. CLAIBORNE,
Regional Food and Drug Director, Region VII.

Effective date. This memorandum of understanding became effective February 21, 1975.

Dated: May 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-13911 Filed 5-28-75;8:45 am]

[FDA-225-75-4060]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Nebraska 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 Nebraska Department of Agri-

culture on April 8, 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 NEBRASKA 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 offices of the Deputy Director, Nebraska Department of Agriculture, 1420 P Street, 3rd Floor, State House Station, Lincoln, Nebraska.

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. *Names and Address of Terminal Agency.* Nebraska Department of Agriculture, P.O. Box 94844, Lincoln, Nebraska 68509.

V. *Liaison Officers.* For Nebraska Department of Agriculture: Roger Sandman, Deputy Director. Address: 1420 P. Street, 3rd Floor, Lincoln, Nebraska 68509. Telephone No. (402) 471-2341.

For FDA: Dwight F. Ringhausen, Asst. to the Director for FSIA. Address: 1009 Cherry Street, Kansas City, Missouri 64106. Telephone No. (816) 374-3817.

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 State of Nebraska.

Dated: April 8, 1975.

Glenn W. Kreuscher,
Director,
Department of Agriculture.

Approved and accepted for the Food and Drug Administration.

Dated: April 3, 1975.

Lloyd R. Claiborne,
Regional Food & Drug Director,
Region VII.

Effective date. This memorandum of understanding became effective April 8, 1975.

Dated: May 22, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.75-13910 Filed 5-28-75;8:45 am]

[FDA-225-75-4051]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the North Carolina Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of Otcober 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 Carolina Department of Agriculture on April 7, 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 CAROLINA 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 Food and Drug Protection Division, N.C. State Dept. of Agriculture, Agriculture Bldg., Edenton Street, Raleigh, North Carolina.

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 during 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.* N.C. State Department of Agriculture, Agriculture Building, Edenton Street, Box 27647, Raleigh, North Carolina 27611.

V. *Liaison Officers.* For N.C. State Dept. of Agriculture: Dr. W. Y. Cobb, Director, Food and Drug Protection Division. Address: Agriculture Bldg., Edenton St., Box 27647, Raleigh, NC 27611. Telephone No.: (919) 829-7366.

For FDA: Mr. George R. White, Director, Atlanta District, Food and Drug Administration. Address: 880 W. Peachtree St., NW., Atlanta, GA 30309. Telephone No.: (404) 526-3218.

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 Carolina Department of Agriculture.

Dated: April 1, 1975.

James A. Graham,
Commissioner of Agriculture.

Approved and accepted for the Food and Drug Administration.

Dated: April 7, 1975.

M. D. Kinslow,
Regional Food and Drug Director, Region IV.

Effective date. This memorandum of understanding became effective April 7, 1975.

Dated: May 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-13914 Filed 5-28-75;8:45 am]

[FDA-225-75-4055]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Ohio 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 Ohio Department of Agriculture on March 26, 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 OHIO 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 offices of the Division of Foods, Dairies & Drugs, Ohio Department of Agriculture, Route 40, Reynoldsburg, Ohio.

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.* Ohio Department of Agriculture, Division of Foods, Dairies & Drugs, Route 40, Reynoldsburg, Ohio 43068.

V. *Liaison Officers.* For Ohio Dept. of Agriculture: Roland E. Jenkins, Chief, Division of Foods, Dairies & Drugs. Address: Route 40, Reynoldsburg, OH 43068. Telephone No.: (614) 866-6361.

For FDA: Kermit N. Peterson, Super. Consumer Safety Officer, DHEW/PHS/U.S. Food and Drug Administration. Address: Rm. 550 B, New Federal Bldg., 85 Marconi Blvd., Columbus, OH 43215. Telephone No.: (614) 469-7353.

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 Ohio Department of Agriculture.

Dated: March 26, 1975.

Roland E. Jenkins,
Chief, Division of Foods, Dairies & Drugs.

Approved and accepted for the Food and Drug Administration.

Dated: March 24, 1975.

Donald C. Healton,
Regional Director, Food and Drug Administration.

Effective date. This memorandum of understanding became effective March 26, 1975.

Dated: May 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-13915 Filed 5-28-75;8:45 am]

[FDA-225-75-4059]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Tennessee 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 Tennessee Department of Agriculture on April 7, 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 TENNESSEE DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in Room 106-A, Office and Laboratory Building, Ellington Agricultural Center, Melrose Station, Nashville, TN 37204.

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 during 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.* Tennessee State Department of Agriculture, Ellington Agricultural Center, Box 40627, Melrose Station, Nashville, Tennessee 37204.

V. *Liaison Officers.* For Tennessee State Department of Agriculture: Eugene H. Holeman, Director, Division of Food and Drugs. Address: Ellington Agricultural Center, Box 40627, Melrose Station, Nashville, Tennessee 37204. Telephone No. (615) 741-1411.

For FDA: Mr. Hayward E. Mayfield, Director, Nashville District, Food and Drug Administration. Address: 297 Plus Park Blvd., Nashville, TN 37217. Telephone No. (615) 749-5851.

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 Tennessee Department of Agriculture.

Dated: April 3, 1975.

Edward S. Porter,
Commissioner, Tennessee Department of Agriculture.

Approved and accepted for the Food and Drug Administration.

Dated: April 7, 1975.

M. D. Kinslow,
Regional Food and Drug Director, Region IV.

Effective date. This memorandum of understanding became effective April 7, 1975.

Dated: May 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-13913 Filed 5-28-75;8:45 am]

[NADA No. 15-168]

PFIZER, INC.

Curatin Tablets; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

New animal drug application (NADA) No. 15-168, held by Pfizer, Inc., 235 East 42d St., New York, NY 10017, provides for Curatin Tablets, a prescription drug indicated for the treatment of pruritus and dermatitis in dogs.

The applicant requested that approval of the application be withdrawn on the basis that the drug is no longer being marketed.

Therefore, in accordance with 21 CFR 514.115(d), notice is given that approval of NADA No. 15-168 and all supplements and amendments thereto is hereby withdrawn effective May 29, 1975.

Dated: May 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-13907 Filed 5-28-75;8:45 am]

[DESI 4687; Docket No. FDC-D-670; NDA No. 12-216]

SCHERING CORP.

Preparation Containing Polycarbophil and Thihexinol Methylbromide; Withdrawal of Approval of New Drug Application

In a notice of opportunity for hearing (DESI 4687) which was published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19799), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the drug product described below. The basis of the proposed action was the lack of substantial evidence that the product is effective for its labeled indication. The product has been used for symptomatic treatment of acute and chronic diarrhea. No person contested the proposed action and approval of the new drug application is now being withdrawn.

NDA 12-216; Sorboquel Tablets, polycarbophil 0.5 gram and thihexinol methylbromide 15 milligrams; Schering Corporation, Galloping Hill Road, Kenilworth, NJ 07033.

All identical, related, and similar drug products, not the subject of an approved new drug application, are covered by the application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing findings, approval of new drug application No. 12-216, and all amendments and supplements applying thereto is withdrawn effective June 9, 1975.

Shipment in interstate commerce of the above-listed produ .t or of any identical, related, or similar product, ot the subject of an approved new drug application, will then be unlawful.

Dated: May 19, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-13906 Filed 5-28-75;8:45 am]

SURGICAL DRUGS ADVISORY COMMITTEE

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21745), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the Surgical Drugs Advisory Committee meeting scheduled for June 9, 1975, is canceled.

Dated: May 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-13909 Filed 5-28-75;8:45 am]

Office of the Secretary

SOCIAL SECURITY BENEFIT INCREASES

Cost-of-Living Increase in Benefits and in Income Limitations

Correction

In FR Doc. 75-13220, appearing in the FEDERAL REGISTER, Thursday, May 22, 1975 on page 22289, two corrections should be made as follows: The amount "$946" on page 22289, the second column, the 16th line and on page 22290, the second column, the last line of the second full paragraph should be corrected to read "$946.80".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-339]

BEAR CREEK LAKES

Notice of Hearing

In the matter of Bear Creek Lakes, OILSR No. 0-2170-44-131, Docket No. Y-1051.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Bear Creek Lakes, Inc., Josiah W. H. Behrens, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Bear Creek Lakes, located in Carbon County, Pennsylvania, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statement therein not misleading.

2. The Respondent filed an Answer received March 10, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 4, 1975, at 2 p.m.

5. The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 28, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 2, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13951 Filed 5-28-75;8:45 am]

[Docket No. N-75-354]

BRIARBROOK FIRST SUBDIVISION

Notice of Hearing

In the matter of Briarbrook First Subdivision, OILSR No. 0-1433-29-53, Docket No. Y-876.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Briarbrook Development Corporation, Jack L. Perry, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Briarbrook First Subdivision, located in Jasper County, Missouri, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 17, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 6, 1975, at 2 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 30, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 22, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13947 Filed 5-28-75;8:45 am]

[Docket No. N-75-335]

CAROVA BEACH, SWAN BEACH, WHALEHEAD CLUB

Notice of Hearing

In the matter of Carova Beach, OILSR No. 0-0974-38-9 (A-C), Swan Beach, OILSR No. 0-1417-38-22 (A-C), Whalehead Club OILSR No. 0-2262-38-95; Docket No. 75-26.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Carova Corporation, Ocean Sands Corporation, and Construction Associates, Inc., James H. Kabler President; Ocean Associates, Gerald J. Friedman President its officers and agents, hereinafter referred to as "Respondents," being subject to the provisions of the Inter-

state Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued April 16, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 1720.-125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Carova Corporation, Ocean Sands Corporation, Construction Associates, and Ocean Associates, located in Currituck County, North Carolina, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 1, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on July 25, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before July 18, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 7, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13955 Filed 5-28-75;8:45 am]

[Docket No. N-75-363]

EL PINAR

Hearing

In the matter of El Pinar, OILSR No. 0-3065-09-872, Docket No. Y-1096.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Central Florida Action, Inc., Hector Marrero, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for El Pinar, located in Polk County, Florida, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 25, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on June 9, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 2, 1975.

6. The Respondent is *hereby notified* that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 22, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13940 Filed 5-28-75;8:45 am]

[Docket No. N-75-336]

FAWN LAKE

Notice of Hearing

In the matter of Fawn Lake, OILSR No. 0-1273-23-43, Docket No. Y-204.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Lakeland Development Ltd., James E. Carr, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 31, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 1720.-125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Lakeland Development Ltd., located in Franklin County, Missouri, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 22, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on July 14, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 7, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 8, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13954 Filed 5-28-75;8:45 am]

[Docket No. N-75-356]

FREEPORT RIDGE ESTATES

Notice of Hearing

In the matter of Freeport Ridge Estates Limited, OILSR No. 0-0468-60-14 Docket No. Y-856, Y-864, Y-865, Y-1042, Y-1043, Y-1044, Y-1045.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Freeport Ridge Estates Limited, Daniel S. Dubbin, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of

Proceedings and Opportunity for Hearing issued March 19, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Freeport Ridge Estates Limited, located in Grand Bahama Island, Bahamas, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 25, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 23, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 16, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 2, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13945 Filed 5-28-75;8:45 am]

[Docket No. N-75-350]

GRANNY SQUIRREL GAP DEVELOPER

Notice of Hearing

In the matter of Granny Squirrel Gap Developer, Leisure Properties, Inc. OILSR No. 0-1870-38-58, Docket No. Y-729.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Leisure Properties, Inc., Michael J. O'Grady, President, its officers and agents hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received an Order of Suspension issued February 14, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b) informing the developer of his failure to comply with the request of the Secretary for documents concerning Granny Squirrel Gap, located in Andrews, North Carolina, was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an Answer received March 13, 1975, in response to the Suspension Order dated February 14, 1975.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Administrative Law Judge, in room 7146, Department of HUD Building, 451 7th Street SW., Washington, D.C. on June 10, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 3, 1975.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.165.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.165.

By the Secretary.

Dated: April 29, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13956 Filed 5-28-75;8:45 am]

[Docket No. N-75-364]

INDIGO PLANTATION

Notice of Hearing

In the matter of Indigo Plantation, OILSR No. 0-0993-60-28, Docket No. Y-843.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Indigo Development Corporation, Joseph A. Waldschmitt, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Indigo Plantation, located in British Virgin Islands, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 27, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before ~~Judge~~ James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on July 16, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before July 9, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 21, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13941 Filed 5-28-75;8:45 am]

[Docket No. N-75-353]

JAY PEAK SUBDIVISION II

Notice of Hearing

In the matter of Jay Peak Subdivision II, OILSR No. 0-2949-53-36, Docket No. Y-991.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Jay Peak, Inc., Harold J. Haynes, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Jay Peak Subdivision II, located in Orleans County, Vermont, contain untrue statement of material

fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 24, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 11, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 4, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 22, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13949 Filed 5-28-75;8:45 am]

[Docket No. N-75-338]

LAKE ARROWHEAD

Notice of Hearing

In the matter of Lake Arrowhead, OILSR No. 0-2547-29-112 (A), Doc. No. 75-25.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. National Development Co., Inc., Robert J. Sabinske, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued April 10, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for National Development Co., Inc., located in Clinton County, Missouri, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 6, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 10, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 9, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13952 Filed 5-28-75;8:45 am]

[Docket No. N-75-337]

LAKE FOREST

Notice of Hearing

In the matter of Lake Forest, OILSR No. 0-2519-34-53, Docket No. Y-996.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Gilford Industries, Inc., Robert W. Valpey, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Gilford Industries, Inc., located in Grafton County, New Hampshire, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 13, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 3, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 27, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 9, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13953 Filed 5-28-75;8:45 am]

[Docket No. N-75-361]

LAKE IN THE WOODS

Notice of Hearing

In the matter of Lake in the Woods, OILSR No. 0-3278-29-158, Docket No. Y-1073.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. American Central Corporation, Howard J. Bohnet, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Lake in the Woods, located in Callaway and Montgomery Counties, Michigan, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 31, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 24, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 17, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 21, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13938 Filed 5-28-75;8:45 am]

[Docket No. N-75-360]

LAKE THUNDERBIRD

Notice of Hearing

In the matter of Lake Thunderbird, OILSR No. 0-0654-13-9, Docket No. Y-819.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. American Central Corporation, Don L. Foote, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Lake Thunderbird, located in Putnam and Bureau Counties, Illinois, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 31, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 24, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 17, 1975.

6. The Respondent is *hereby notified* that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 21, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13937 Filed 5-28-75;8:45 am]

[Docket No. N-75-358]

MISSAUKEE HILLS

Notice of Hearing

In the matter of Missaukee Hills, OILSR No. 0-2868-26-58, Docket No. Y-985.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. American Central Corporation, Howard J. Bohnet, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Missaukee Hills, located in Missaukee County, Michigan, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 31, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 24, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 17, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 21, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13943 Filed 5-28-75;8:45 am]

[Docket No. N-75-351]

PALM RIVER ESTATES AND COUNTRY CLUB

Notice of Hearing

In the matter of Palm River Estates and Country Club OILSR No. 0-1924-09-580, Docket No. Y-239.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Palm River Estates, Inc., Robert E. Forsythe, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 28, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Palm River Estates and Country Club, located in Collier County, Florida, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 15, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 25, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 18, 1975.

The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13950 Filed 5-28-75;8:45 am]

[Docket No. N-75-359]

RIVIERA GOLF ESTATES

Notice of Hearing

In the matter of Riviera Golf Estates, OILSR No. 0-3272-09-894, Docket No. Y-637.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Riviera Estates Corporation, William T. McCluskey, Vice President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 28, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Riviera Golf Estates, located in Collier County, Florida, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 17, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on July 1, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 24, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 2, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13942 Filed 5-28-75;8:45 am]

[Docket No. N-75-357]

STRATFORD HARBOR

Notice of Hearing

In the matter of Stratford Harbor, OILSR No. 0-129-54-8, Docket No. Y-1101.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. American Central Corporation of Virginia, Jim Miller, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 3, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Stratford Harbor, located in Westmoreland County, Virginia, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 17, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 21, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 16, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13944 Filed 5-28-75;8:45 am]

[Docket No. N-75-362]

TROPICAL RIVER GROVES

Notice of Hearing

In the matter of Tropical River Groves, OILSR No. 0-0001-09-1, Docket No. Y-861.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. American Agronomics Corporation, Jack A. Freeman, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Tropical River Groves, located in De Soto County, Florida, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 2, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on July 14, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before July 7, 1975.

6. The Respondent is *hereby notified* that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 21, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13939 Filed 5-28-75;8:45 am]

[Docket No. N-75-352]

TUCSON ESTATES

Notice of Hearing

In the matter of Tucson Estates, OILSR No. 0-0353-02-58, Docket No. Y-821.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Tucson Estates, Inc., Melvin J. Hutchinson, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Tucson Estates, located in Pima County, Arizona, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 10, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 19, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 13, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13948 Filed 5-28-75;8:45 am]

[Docket No. N-75-355]

WEST MIAMI ACREAGE

Notice of Hearing

In the matter of West Miami Acreage, OILSR No. 0-1252-09-341, Docket No. Y-881.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Florida Leisure Time, Inc., Gerald Robbins, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for West Miami Acreage, located in Dade County, Florida, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 10, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on July 22, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before July 15, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-13946 Filed 5-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 14626]

ELIMINATION OF VFR FLIGHT PLAN SERVICE

Proposed Change in Policy

The Federal Aviation Administration is considering elimination of VFR flight plan service except where specifically required by the Federal Aviation Regulations or in certain areas prescribed by the Administrator.

No rule-making action is proposed herein. However, because the FAA believes that the aviation community may have an unusually great interest in the policy matters under consideration, this notice is published so that interested persons may participate by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before August 28, 1975, will be considered by the Administrator before taking action on the proposed change in policy. The proposal contained herein may be changed in the light of comments received. All comments submitted will be available, both before and after the closing dates for

comments, in the Docket for examination by interested persons.

Elimination of the VFR flight plan is neither a new idea nor is it revolutionary. A 1973 DOT–FAA study of modernizing the Flight Service Station system proposed the service be eliminated once a suitable alternative was available.

On November 15, 1974, the Aircraft Owners and Pilots Association (AOPA) submitted a proposal for Flight Service Station modernization. One of AOPA's recommendations was the immediate elimination of the VFR flight plan. It was also recommended that the Flight Service Station workforce currently used to provide VFR flight plan service could in turn be used to implement En Route Flight Advisory Service nationwide. This proposal was jointly developed with the General Aviation Manufacturers Association, coordinated with other user groups, and formally presented to the General Aviation Associations Council December 3, 1974.

Coincident to the AOPA proposal was an ongoing agency effort to provide better definition and direction to Flight Service Station modernization. In a reassessment of Flight Service Station functional requirements, the review team working group reaffirmed that VFR flight plans should be eliminated.

VFR flight plan service requires some 368,000 manhours annually, yet only 10–15 percent of all VFR itinerant flights file a flight plan. It is felt this workforce, if used to provide an en route flight advisory service, would be more responsive to the needs of the aviation community.

The main value of the VFR flight plan lies in the initiation of search. With the perfection of the Emergency Locator Transmitter (ELT) search may be initiated earlier than is possible with flight plan action. In areas where the ELT value is reduced the Flight Service Station system would continue its flight following service for prescribed areas, i.e., lake, island, mountain, swamp reporting, which are described and depicted in the Airman's Information Manual Part 1.

The provisions of this notice are not intended to delete or alter any requirement for a VFR flight plan where such a requirement is so stated in the Federal Aviation Regulations. Flight Service Stations will continue to service VFR flight plans where specifically required by the Federal Aviation Regulations.

Accordingly, the Federal Aviation Administration proposes elimination of VFR flight plan services except:

1. When such VFR flight plans are required by the Federal Aviation Regulations.

2. When such VFR flight plans involve flight over certain areas (lake, island, swamp, and mountain reporting service) which are described and depicted within the Airman's Information Manual Part 1.

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

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.75-13901 Filed 5-28-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL

Advisory Council Meeting

In FR Doc. 75–12099 appearing on page 20124 in the issue for Thursday, May 8, 1975, notice was given pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463), of the June meeting of the American Revolution Bicentennial Council. Notice is hereby given that the June 2 meeting will be held at the New Executive Office Building in Room 10103, 17th and Pennsylvania Avenue NW., Washington, D.C. from 9:30 a.m. to 5 p.m.

Agenda items will include a report from the Subcommittee on July 4, 1976, presentations on BINET, the American Issues Forum and the American Folklife Festival.

The meeting will be open to the public on a space available basis. Further information can be obtained from Ms. Jane Shay, Executive Assistant to the Administrator, ARBA, 2401 "E" Street NW., Washington, D.C. 20276, telephone (202) 634–1881.

JOHN W. WARNER,
Administrator, ARBA

[FR Doc.75-13976 Filed 5-28-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27158]

AEROPERU

Notification and Order Disapproving Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of March, 1975.

AeroPeru (Empresa de Transportes Aero del Peru) is the holder of a foreign air carrier permit, issued pursuant to Order 74–7–121,[1] which authorizes it to perform foreign air transportation with respect to persons, property, and mail, over a route between: (1) a point or points in Peru; the intermediate points Guayaquil and Quito, Ecuador; Bogota and Cali, Columbia; Panama City, Panama; Caracas, Venezuela; and Miami, Florida; and the terminal point Montreal, Canada; and (2) a point or points in Peru; the intermediate points Guayaquil, Ecuador; and Mexico City, Mexico; and the terminal point Los Angeles, California; and to engage in charter trips subject to Part 212 of the Board's Economic Regulations. This permit, issued pursuant to the Air Transport Services Agreement between the Government of the United States and the Government of Peru, enables AeroPeru to operate to the United States with whatever number of frequencies and combination of authorized points it desires, utilizing whatever type aircraft it alone chooses.

In May 1974 the U.S.-designated carrier (Braniff Airways) applied to the aeronautical authorities of Peru for authority to operate two additional frequencies to that country. When the Government of Peru indicted that it would not approve Braniff's application, the United States Government noted its objections and requested the Peruvian authorities to reconsider their decision pending consultations. The Peruvian authorities declined to do so.[2]

On October 22, 1974 the Government of Peru issued Braniff a new operating permit with an expiration date of February 28, 1975. The permit reduced the number of flights permitted the U.S. carrier between the United States and Peru and beyond and required the carrier to adhere to a prescribed itinerary on those flights which would continue to operate. Further restrictions were placed on the number of flights that the carrier might operate to individual points along the route. Braniff's services between Lima, La Paz and Asuncion; Lima, La Paz and Buenos Aires; Lima, La Paz and Santiago and between Lima, Sao Paulo and Rio de Janeiro were authorized to continue only provisionally (for a period of 45 days), it being alleged that they were not contemplated in the Route Annex of the U.S.-Peru Air Transport Services Agreement. The U.S. carrier was given 45 days, or until January 7, 1975, to comply with the terms of the new permit. Subsequently, this period was extended to January 31, 1975. The net effect of the restrictions and termination of beyond authority was to reduce Braniff's flights between Miami and Lima from 14 round-trip frequencies per week to 7, and its operations beyond Peru from 14 weekly round-trip flights to 1 weekly round trip.

Faced with these restrictions on the operations of the U.S. carrier to Peru, on November 8, 1974 the Civil Aeronautics Board issued Order 74–11–43 under Part 213 of its Regulations, requiring AeroPeru to file its existing and proposed schedules so that the Board could determine whether the operation of such services, or any part thereof, were contrary to applicable law or adverse to the public interest.

Subsequent to the issuance of this order, representatives of the Government of Peru and the Government of the United States met for consultations in Lima November 11–15, 1974, and January 8–24, 1975. During the talks the U.S. representatives made clear the United States Government's view that the restrictions the Government of Peru had unilaterally imposed on the U.S. carrier constituted a violation of the Agreement. They urged that the two delegations explore bilateral solutions to the civil aviation problems between the two countries. These talks were unsuccessful. Inter-carrier discussions were similarly unproductive. Beginning February 1, 1975 Braniff was forced to reduce schedules to those authorized pursuant to the terms of the new permit.

[1] Approved by the President on July 25, 1974.

[2] The Air Transport Services Agreement between the United States and Peru provides that "neither Government will delay nor deny the entry into effect of proposed schedules."

In view of the rights denied by the Government of Peru to the U.S.-designated carrier, on February 24, 1975 the Board issued Order 75–2–88 in Docket 27539, in which it found that the foundation for the grant of a permit to AeroPeru no longer existed, and directed interested persons to show cause why the Board should not cancel the foreign air carrier permit held by AeroPeru.

As the Board heretofore found in Order 75–2–88, the unilateral action of the Government of Peru, over the objections of the United States Government, in restricting and terminating rights of the U.S.-designated carrier between the United States and Peru, and beyond, granted pursuant to the U.S.-Peruvian bilateral, has significantly impaired, limited and denied operating rights in a manner inconsistent with and in violation of the United States-Peru Air Transport Service Agreement. Despite strong representations by the United States Government, the Peruvian Government has failed to restore the rights withdrawn from Braniff Airways. Under these circumstances, it is clear that effective and immediate action is required to insure that the rights of the U.S.-designated carrier to maintain a fair and equitable opportunity to conduct the operations provided for under the U.S.-Peru Air Transport Services Agreement will be restored. While the question of cancellation of the AeroPeru permit, by reason of the extinguishment of the foundation for the grant of that permit, will be considered in Docket 27539, pending ultimate determination in that proceeding, AeroPeru remains entitled under its permit to conduct unrestricted operations to the United States while Braniff's rights have been sharply curtailed. The Board finds that to permit AeroPeru to maintain authority to conduct unrestricted operations under its permit, while Braniff is subject to the restrictions imposed by the Government of Peru in violation of the Agreement, would not be consistent with the public interest. Part 213 of the Board's regulations was specifically promulgated, inter alia, to provide a means by which the Board could take remedial action in the event of such foreign government restrictions.

In Order 75–2–88 the Board found that the foundation for a grant of a permit to AeroPeru had been terminated by Peru's restrictive actions against Braniff. The Board pointed out that the underlying foundation for the grant of a foreign air carrier permit to AeroPeru rests upon the faithful adherence to the terms of the United States-Peru Air Transport Services Agreement, i.e., the grant to U.S. carriers of the rights exchanged and provided for in that Agreement, and that the Peruvian Government had denied these rights with respect to the operations of the U.S.-designated carrier to Peru. The Peruvian restrictions have seriously drawn into question the economic viability of Braniff's entire operations to Peru. Nevertheless, the Peruvian Government is presently permitting some Braniff operations, and under these circumstances, pending ultimate decision in Docket 27539, we will, although the justification for such operations does not appear to exist under the current circumstances, permit AeroPeru to continue to operate one round-trip flight per week solely between Lima and Miami, without intermediate stops, or extra sections. The Board therefore finds, pursuant to § 213.3 (d) of its regulations, that the operation by AeroPeru of any existing or proposed schedules in excess of the one weekly round-trip schedule between Lima and Miami, as set forth below, would be adverse to the public interest; and, except to that extent, the schedules of AeroPeru should be disapproved.

Should the two Governments reach an understanding subsequent to this order, reconsideration of this action would, of course, be appropriate.[3]

Accordingly, it is ordered, That:

1. The schedules filed by AeroPeru on November 15, 1974, with the exception of flight 602 which departs Lima on Tuesdays and arrives in Miami on Wednesdays and flight 603 which departs Miami on Thursdays and arrives in Lima on the same day, be, and they hereby are, disapproved, and effective 30 days from the date of service of this order, AeroPeru shall cease operating such schedules. Flights 602 and 603 must originate or terminate in Lima or Miami and must be operated without intermediate stops. Extra sections for such flights shall not be operated;

2. This order shall be submitted to the President[4] and shall become effective on June 26, 1975;

3. This order shall remain in effect until further order of the Board; and

4. This order shall be served on AeroPeru (Empresa de Transportes Aero del Peru) and the Ambassador of Peru in Washington, D.C.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–14014 Filed 5–28–75;8:45 am]

[Docket No. 26993; Order 75–5–63]

ALASKA AIRLINES, INC.

Fuel Surcharge Applicable to the Carriage of Intra-Alaska Mail; Order To Show Cause

Correction

In FR Doc. 75–13478 appearing in the issue of Thursday, May 22, 1975 on page 22297, the first sentence of paragraph 2 should read: "By order 74–12–80, the Board pro-".

[3] In this connection, the carrier and the Government of Peru should be advised of the provisions of § 213.3(e) of the regulations, which permit the carrier to apply for reinstatement of any or all of its schedules, as may be appropriate under the circumstances.

[4] This order was submitted to the President on March 21, 1975.

[Docket Nos. 27810 and 22859]

AMERICAN AIRLINES, INC.

Domestic Air Freight Rate Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of May, 1975.

By tariff revisions[1] issued April 24 and marked to become effective May 24, 1975, American Airlines, Inc. (American) proposes to revise the expiry date on its "Daylight" general commodity container rates so as to extend their effectiveness to May 24, 1976. This action amounts to a one year extension of the rates, which pertain to LD–N, LD–3 and LD–5 containers in selected markets only.

The tariff provides that the rates are applicable only to shipments in containers, loaded by the shipper and tendered to the carrier between the hours of 4 a.m. and 4 p.m. any day of the week. The date and exact time of tender of the shipment to the carrier by the shipper will be entered upon the airbill by the carrier.

In support of the proposal and in answer to the complaint, American asserts that since their effectiveness in June 1972, these daylight tender charges have generated approximately 80,000,000 pounds of freight, representing approximately $6,500,000 in revenue. The carrier seeks to extend these charges for another 12-month period in order to permit further evaluation of the effectiveness of the rates. The carrier expects an annual contribution on LD–3 containers of approximately $766.961 to its capacity costs from the proposal.

A complaint requesting rejection, or, in the alternative, suspension and investigation was filed by The Flying Tiger Line Inc. (Tiger) asserting, inter alia, that (1) American has not submitted adequate economic justification to support continuation of these discounted general commodity container rates, (2) the traffic generation figures supplied are inconsistent with American's publicly available, reported data, especially that published in C.A.B. Form T–103 reports, and (3) the rates undercut bulk and container general commodity rates in major markets at all densities causing a highly dilutionary effect on industry revenues.

The proposed rates come within the scope of the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to permit them to become effective or to suspend them pending final decision in DAFRI.

Upon consideration of all relevant factors, the Board concludes that the proposal should be suspended pending the final decision of DAFRI. The requirements in § 221.165(b) and (c) of the Board's regulations to supply specific data in support of a tariff filing do not

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 227.

apply to an extension of an existing rate (as distinguished from new or changed matter) and accordingly we find no basis for rejection of the filing as urged by Tiger.

In the past the Board has regarded reduced daylight rates as a rational experiment in which the attraction of new high-density traffic would counterbalance the yield dilution (See Reduced "Daylight" LD-3 container charges proposed by Trans World Airlines, Inc., Order 71-8-92 dated August 19, 1971). However, American has provided no meaningful information as to whether this test has been met, although the rates have been in effect since June 1972. More specifically, while American has submitted data as to the total daylight freight carried and the revenues therefrom[1] (gross revenues and contribution to capacity costs), the carrier has made no attempt to assess revenues or the volume of freight moving at daylight discount which would not otherwise move by air transportation under the applicable regular bulk or container general commodity rates. It has not attempted to show the net revenue impact these rates have had in the past nor forecast results for the next annual period. On the other hand, Tiger asserts that it has filed at least 23 new specific commodity rates and daylight container rates to permit effective competition with daylight container rates. In these circumstances, we are concerned that the net impact of the rates will dilute industry revenues by diversion of traffic which would otherwise move under the general commodity rates. Clearly a more affirmative case for the rates must be made for us to conclude that they make a net contribution to American's cargo service.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That:

1. Pending hearing and decision by the Board, the provisions in the explanation of reference mark "e" which would extend the expiration date of general commodity container rates subject to time of tender restrictions beyond May 24, 1975, on 8th Revised Page 63 of the Tariff C.A.B. No. 227, issued by Airline Tariff Publishing Company, Agent, are suspended, and their use deferred to and including August 21, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of The Flying Tiger Line Inc., in Docket 27810 is dismissed; and

3. Copies of this order shall be filed with the tariff.

[1] Tiger notes that the data supplied by American in its justification conflicts with other data which it has submitted to the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-14015 Filed 5-28-75;8:45 am]

[Docket No. 27061]

EASTERN AIR LINES, INC.

Suspension/Deletion of Service, Mayaguez, Puerto Rico; Postponement of Hearing

Notice is hereby given that the hearing in this proceeding, previously scheduled to be held on June 3, 1975, (40 FR 19674, May 6, 1975), has been postponed indefinitely.

Dated at Washington, D.C., May 23, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-14013 Filed 5-28-5;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA 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 and briefing session of the California State Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 11:00 p.m. on June 25, 1975, in the Cosmopolitan Motor Hotel, 13th and N Streets, Terrace Room, Sacramento, California 95814.

Persons wishing to attend this planning and briefing session should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting is a review of agenda witnesses and hearing book for the two-day open meeting on State and Federal responsibilities regarding bilingual/bicultural education and placement of minorities in educable mentally retarded education.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-14004 Filed 5-28-75;8:45 am]

CALIFORNIA 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 fact finding meeting of the California State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 6:00 p.m. on June 26, and 27, 1975, at the State Capitol Building, Room 3191, Sacramento, California 95814.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting is to collect public statements on State and Federal responsibilities regarding bilingual/bicultural education and placement of minorities in educable mentally retarded classes.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-14005 Filed 5-28-75;8:45 am]

COLORADO STATE ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission, originally scheduled for June 14, 1975, has been cancelled.

Dated at Washington, D.C., May 23, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-14006 Filed 5-28-75;8:45 am]

COLORADO 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 Colorado State Advisory Committee (SAC) to this Commission will convene at 8:00 a.m. on June 21, 1975, at the Quality Inn Motel, Summitt Room, 1840 Sherman Street, Denver, Colorado.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to finalize plans for the report on the Committee's project, access to the medical and legal professions by minorities and women.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-14007 Filed 5-28-75;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on June 17, 1975, at the Holiday Inn, 430 Broad Street, Newark, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to review draft report of prison project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-14008 Filed 5-28-75;8:45 am]

OKLAHOMA 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 conference of the Oklahoma State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m., June 14, and 2:00 p.m. June 15, 1975, at the Hilton Inn West, 401 S. Meridian Avenue (Gold Room), Oklahoma City, Oklahoma 73108.

Persons wishing to attend this conference should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this conference is orientation and training for SAC members from Arkansas and Oklahoma on the USCCR, SACs, Regional Office structure, purpose and functions. Also each SAC will initiate its program planning and establish goals and objectives.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-14009 Filed 5-28-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate Administrator, Office of the Administrator, Soil Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13884 Filed 5-28-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator, Rural Electrification Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13885 Filed 5-28-75;8:45 am]

DEPARTMENT OF THE ARMY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary of the Army (Civilian Aide Program), Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13886 Filed 5-28-75;8:45 am]

DEPARTMENT OF COMMERCE

Title Change in Noncareer Executive Assignment

By notice of June 5, 1970, FR Doc. 70-6990 the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Director, Office of Public Affairs, Office of the Secretary. This is notice that the title of this position is now being changed to Special Assistant for Public Affairs, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13878 Filed 5-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Student Assistance), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13881 Filed 5-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Health), Office of the Deputy Assistant Secretary for Legislation (Health), Office of the Assistant Secretary for Legislation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13880 Filed 5-28-75;8:45 am]

DEPARTMENT OF LABOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Public Affairs Director, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13882 Filed 5-28-75;8:45 am]

DEPARTMENT OF LABOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Legislative Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13883 Filed 5-28-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator (Executive Secretary), Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13887 Filed 5-28-75;8:45 am]

EXPORT-IMPORT BANK

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Export-Import Bank to fill by noncareer executive assignment in the excepted service the position of Senior Vice President, Research and Communications.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13880 Filed 5-28-75;8:45 am]

EXPORT-IMPORT BANK

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Export-Import Bank to fill by noncareer executive assignment in the excepted service the position of Senior Vice President for Public Affairs and Export Expansion, Executive Vice President.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13888 Filed 5-28-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

Title Change in Noncareer Executive Assignment

By notice of November 23, 1973, FR Doc. 73-24917 the Civil Service Commission authorized the General Services Administration to fill by noncareer executive assignment the position of Assistant Director for Government Preparedness, Office of Preparedness, Office of the Administrator. This is notice that the title of this position is now being changed to Assistant Director for Conflict Preparedness, Office of Preparedness, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-13879 Filed 5-28-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

MAY 23, 1975.

On July 7, 1972, there was published in the FEDERAL REGISTER (37 FR 13365) a letter dated June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Pakistan and exported from Pakistan for which the Government of Pakistan had not issued a visa. One of the requirements is that each visa include the signature of an official authorized by the Government of Pakistan to issue visas.

On May 30, 1973 and January 18, 1974, there were published in the FEDERAL REGISTER (38 FR 14184 and 39 FR 2293) letters dated May 16, 1973 and January 15, 1974, respectively, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, announcing an administrative mechanism to certify for exemption from the levels of restraint established under the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, certain handloomed and folklore products of the cotton industry of Pakistan. To qualify for exemption each shipment of exempt cotton textile items must be accompanied by a signed certification, in addition to the visa described in the letter of June 28, 1972.

The purpose of this notice is to announce that at the request of the Government of Pakistan the list of officials published below as an enclosure to the letter to the Commissioner of Customs are authorized to issue export visas and certifications for exempt items exported to the United States from Pakistan.

Accordingly, there is published below a letter of May 23, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the indicated officials be authorized to issue visas and certifications for exempt textile items exported to the United States from Pakistan.

Effective date: May 23, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

MAY 23, 1975.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of June 28, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Pakistan for which the Government of Pakistan had not issued a visa. It also amends, but does not cancel, the directives of May 16, 1973 and January 15, 1974 which established a certification requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of designated handloomed and folklore products of the cottage industry of Pakistan, which are exempt from the levels of restraint of the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan.

One of the requirements is that the visa and the certification for exempt items must each include the signature of an official authorized by the Government of Pakistan.

Under the terms of the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directives of June 28, 1972, May 16, 1973 and January 15, 1974 are hereby amended to authorize the officials indicated on the enclosed list to issue visas and certifications for exempt items exported to the United States from Pakistan.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan 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 rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE VISAS AND CERTIFICATES FOR EXEMPT COTTON TEXTILE ITEMS EXPORTED TO THE UNITED STATES

Mohammad Yaqoob Khan
Riaz K. Haq
Muzaffar Ali Khan
M. Q. Hashmi
M. S. Haider
Humayun Shafiq
M. Aslam
Abdul Qayyum
Riaz Ahmad
Mohammad Said
Taj Mohammad Khan
Mohammad Aslam Khan
Ch-Israr-Ul-Haque
Shamsuddin Ansari
M. Adil Siddiqui
Abdul Sattar
M. R. Khokhar
Allah Rakha
Mohammad Aslam
Ch. Allah Rakhs
A. F. Hamirani
Sajjad Hussain Naqvi
Mojib-ur-Rahman
Mohammad Mohsin

[FR Doc.75-13962 Filed 5-28-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ASSOCIATED PERSONS; COMMODITY TRADING ADVISORS; COMMODITY POOL OPERATORS

Intention to Consider Requests for Interpretations and Exclusions; Solicitation of Comments

Correction

In FR Doc. 75-12438 appearing at page 20663 in the issue for Monday, May 12, 1975 make the following changes:

1. On page 20663 in paragraph (1) of *1. Associated Persons* in line three, after the word merchant insert the following: "or with any agent of a futures commission merchant".

2. On page 20664 in the fifth paragraph of *3. Commodity Pool Operators.* change the date in the third line to "July 18".

DEFENSE MANPOWER COMMISSION

PUBLIC HEARING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Defense Manpower Commission will hold a public hearing on August 18, 1975, in Conference Room 2705, The Federal Building, 26 Federal Plaza, New York, New York 10007, from 9 a.m. to 4 p.m., so that representatives of public and private organizations and interested citizens can express their views on the issues which the Commission is required to address by its enabling legislation.

Pub. L. 93-155 directs the Commission to conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short- and long-term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

The Commission is required to submit its Final Report to the Congress and to the President not more than 24 months after the appointment of the Commission, and shall cease to exist 60 days after the submission of its Final Report.

In carrying out its study and investigation, the Commission has been directed to give special consideration to:

(1) The effectiveness with which civilian and active duty personnel are utilized, particularly in headquarters staffing and in the number of support forces in relation to combat forces;

(2) Whether the pay structure, including fringe benefits, is adequate and equitable at all levels;

(3) The distribution of grades within each Armed Force and the requirements for advancement in grade;

(4) The cost-effectiveness and manpower utilization of the United States Armed Forces as compared with the armed forces of other countries;

(5) Whether the military retirement system is consistent with overall Department of Defense requirements and is comparable to civilian retirement plans;

(6) The methods and techniques used to attract and recruit personnel for the Armed Forces, and whether such methods and techniques might be improved or new and more effective ones utilized;

(7) The implications for the ability of the Armed Forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Pub. L. 92-129 and the implications for national policies of this change in the composition of the Armed Forces; and

(8) Such other matters related to manpower as the Commission deems pertinent to the study and investigation.

Interested persons may make an oral presentation and/or submit a written statement for consideration by the Commission during the meeting.

The length and number of oral presentations to be made will depend on the number of requests received.

Each person desiring to make an oral presentation or submit a written statement must notify the Commission and provide at least 10 copies of the presentation statement by August 4, 1975. The order of the presentations on the agenda will be determined by the order in which requests are received by the staff.

Statements should be limited to the mission of the Commission as outlined in Pub. L. 93-155, or other current issues regarding Department of Defense manpower.

Written material in furtherance of presentations will be accepted by the Commission at the time of the meeting and for four days thereafter.

Persons wishing to make presentations, or interested persons wishing to attend the public hearing as observers, must notify Mr. Rippa of the Commission staff (202-254-7803) by August 4, 1975. Copies of the statements and other correspondence must be sent to: Defense Manpower Commission, 1111 18th Street, NW., Room 301, Washington, D.C. 20036, ATTN: Hearing Management.

Dated: May 23, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret.)
Executive Director.

[FR Doc.75-13969 Filed 5-28-75;8:45 am]

PUBLIC HEARING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Defense Manpower Commission will hold a public hearing on July 17, 1975, in the New Executive Office Building, Room 2010, 726 Jackson Place NW., Washington, D.C. 20036, from 9 a.m. to approximately 4 p.m., so that representatives of public and private organizations and interested citizens can express their views on issues which the Commission is required to address by its enabling legislation.

Pub. L. 93-155 directs the Commission to conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short and long term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

The Commission is required to submit its final report to the Congress and the President by April 19, 1976.

In carrying out its study and investigation, the Commission has been directed to give special consideration to (among other points):

(1) The methods and techniques used to attract and recruit personnel for the Armed Forces, and whether such methods and techniques might be improved or new and more effective ones utilized;

(2) The implications for the ability of the Armed Forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Pub. L. 92-129 and the implication for national policies of this change in the composition of the Armed Forces; and

(3) Such other matters related to manpower as the Commission deems pertinent to the study and investigation.

The public hearing on July 17, 1975, will be exclusively on the subject of the All-Volunteer Force. Specific issues to be addressed are:

(1) Can the All-Volunteer Force be sustained over the next 10 years?

(2) Is it in the National Interest to avoid a Total Force which is composed of a disproportionate number of majorities, minorities or personnel from a given geographical area?

(3) How best can the Nation provide adequate personnel for the Total Force over the next 10 years?

Other hearings of the Commission as announced in the Federal Register have provided, or will provide, opportunity for consideration of other Defense manpower matters within the Commission's preview, as specified in Pub. L. 93-155.

The Defense Manpower Commission is inviting several individuals to make presentations at the hearing on July 17, 1975, to ensure that various aspects of the subject are addressed and that representative viewpoints are heard. In addition, any interested person may submit a written statement on the subject for consideration by the Commission. Each person desiring to submit a written statement should provide it to the Commission by July 17, 1975.

Interested persons wishing to attend the public hearing as observers, subject to capacity limits, should notify the Commission staff (Mr. Rippa—Telephone Number: 202-254-7803) by July 11, 1975. Copies of statements and other correspondence should be sent to: Defense Manpower Commission, 1111 18th Street NW., Room 301-F, Washington, D.C. 20036, ATTN: All-Volunteer Force Hearing.

Dated: May 23, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret.)
Executive Director.

[FR Doc.75-13970 Filed 5-28-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

DEVELOPMENT OF VERY HIGH TEMPERATURE REACTOR (VHTR) FOR PROCESS HEAT APPLICATIONS

ERDA/NASA Information Meeting

The Division of Reactor Research and Development of the Energy Research and Development Administration and the National Aeronautics and Space Administration will hold an information meeting on June 6, 1975 in the Auditorium of the Energy Research and Development Building, Germantown, Maryland. The meeting will begin at 9 a.m. on June 6 and will adjourn at 4:45 p.m. The purpose of the meeting is to present a review of the progress of ERDA and NASA sponsored activities in the development of the Very High Temperature Reactor (VHTR) for process heat applications. No conclusions or recommendations will be made.

While this information meeting is not considered to be a meeting of an "advisory committee" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92-463), the meeting is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance.

The agenda is as follows:

9:00 a.m.—ERDA program on VHTR.
9:30 a.m.—Holifield National Laboratory (HNL) presentation on VHTR design studies and study on the "Application of VHTR's to Coal Conversion."
10:00 a.m.—HNL program for assessing the incentives of the VHTR for process heat applications.
10:30 a.m.—LASL process heat studies and program plans.
11:00 a.m.—American Iron and Steel Institute (AISI) presentation on nuclear steelmaking task force studies.
11:30 a.m.—Institute of Gas Technology (IGT) presentation on long range requirements for hydrogen and the application of the VHTR to hydrogen production.
12:00 noon—Break for lunch (Cafeteria available).
1:00 p.m.—NASA activities related to VHTR.
1:15 p.m.—Presentation of Westinghouse study on hydrogen production processes for use with VHTR.
3:00 p.m.—Presentation of General Atomic study on hydrogen production processes for use with VHTR.
4:45 p.m.—End of meeting.

Practical considerations may require changes in the agenda or schedule.

The meeting will be chaired by Mr. E. A. Womack, Jr., Assistant Director for the Office of Gas Cooled Reactor Projects, Division of Reactor Research and Development, U.S. Energy Research and Development Administration. The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, deposited, if possible, no later than June 4, 1975, to Mr. E. A. Womack, Jr., Mail Stop F-309, Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the meeting. To the extent that the time available for the meeting permits, oral statements may be received at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to Mr. J. C. Montgomery at 301-973-3692.

(e) Seating for the public will be made available on a first-come, first-served basis, subject to space limitations.

(f) Copies of minutes of the sessions will be made available for copying, at the Energy Research and Development Administration's Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

Individuals who wish to attend the Seminar should inform Mr. J. C. Montgomery, ERDA/RRD by phone (301-973-3692) or by mail (Mail Stop F-309, Energy Research and Development Administration, Washington, D.C. 20545).

G. W. CUNNINGHAM,
Acting Director, Division of Reactor Research and Development.

[FR Doc.75-14216 Filed 5-28-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 380-5]

AMCHEM PRODUCTS INC.

Renewal of Temporary Tolerance

Amchem Products, Inc., Brookside Avenue, Ambler, PA 19002, was granted a temporary tolerance for residues of the herbicide Ethephon ((2-chloroethyl) phosphonic acid) in or on grapes at 10 parts per million on August 30, 1973, in connection with Pesticide Petition No. 3G1341 (notice was published in the FEDERAL REGISTER of September 10, 1973 (38 FR 24682)). The firm requested and received a two month extension of these tolerances (notice was published in the FEDERAL REGISTER of March 15, 1974 (39 FR 10014)). This temporary tolerance expired October 31, 1974.

The firm has requested a 1-year renewal of the temporary tolerance to obtain additional experimental data. It is concluded that such a renewal of the temporary tolerance will protect the public health. A condition under which this temporary tolerance is renewed is that the herbicide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Amchem Products, Inc., name.

This temporary tolerance expires May 23, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18806).

Dated: May 23, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-14019 Filed 5-28-75;8:45 am]

[FRL 380-4]

CIBA-GEIGY CORP.

Extension of Temporary Tolerances

CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409, was granted temporary tolerances for combined residues of the insecticide chlordimeform (*N'*-(4-chloro - *o* - tolyl)-*N,N*-dimethylformamidine) and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as chlordimeform) in or on the raw agricultural commodities citrus fruits and hybrids of these at 5 parts per million on May 28, 1974, in connection with Pesticide Petition No. 4G1456 (notice was published in the FEDERAL REGISTER of June 3, 1974 (39 FR 19535)). These temporary tolerances expire May 28, 1975.

The petitioner has requested a one-year extension of these temporary tolerances to obtain additional experimental data. It has been determined that such extension of the temporary tolerances will protect the public health. They are therefore extended on the condition that the insecticide be used in accordance with the temporary permits being issued concurrently and which provide for distribution under the CIBA-GEIGY Corp. name.

These temporary tolerances expire May 28, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permits/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: May 23, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-14020 Filed 5-28-75;8:45 am]

[FRL 380-3]

PENNWALT CORP.

Establishment of Temporary Tolerances

The Pennwalt Corp. P.O. Box 1297, Tacoma, WA 98401, submitted a petition (4G1449) requesting establishment of temporary tolerances for negligible residues of the pesticide endothall (7-oxabicyclo[2.2.1]heptane - 2,3-dicarboxylic acid) in or on the raw agricultural commodities rice straw at 0.1 part per million and rice at 0.05 part per million from use of its mono-*N,N*-dimethylalkylamine salt as an aquatic herbicide.

It has been determined that the temporary tolerances for negligible residues of the herbicide in or on the above raw agricultural commodities will protect the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Pennwalt Corp. name.

These temporary tolerances expire May 23, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: May 23, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-14021 Filed 5-28-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[No. 340]

CANADIAN BROADCAST ASSIGNMENTS

Notification List

MAY 6, 1975.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kilowatt	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		670 kHz							
CJNW (now in operation)	Musgravetown, Newfoundland, N. 48° 24'10", W. 53°55'00".	10	DA-2	U	II				
		810 kHz							
CHQR (PO 810 kHz, 10 kW, DA-2—changes in proposed daytime operation.	Calgary, Alberta, N. 50°53'50", W. 114°05'38".	50	DA-2	U	II				E.I.O. 5/6/76.
		980 kHz							
(New)	Lac Etchemin, Quebec, N. 46°22'48", W. 70°26'00".	1	DA-N	U	III				E.I.O. 5/6/76.
		1240 kHz							
CJNH (now in operation)	Bancroft, Ontario, N. 45°03'37", W. 77°50'20".	1D/0.25N	ND-175	U	IV	140	120	200	
						Top loaded to 75°			
		1400 kHz							
CKSJ (now in operation with corrected coordinates).	St. Jovite, Quebec, N. 46°07'48", W. 74°33'55".	0.25	ND-192	U	IV	180	120	280	
		1490 kHz							
CKLR (now in operation)	L'Annonciation, Quebec, N. 46°25'35", W. 74°52'40".	1D/0.25N	ND-195	U	IV	180	120	264	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-13930 Filed 5-28-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics, Special Committee 130—"Reliability Specifications for Airborne Electronics Systems." The meeting is to be held on June 17-18, 1975, in RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C. The meeting will commence each day at 9:30 a.m.

The Agenda is as follows:

1. Opening comments from the Chairman.
2. Review Terms of Reference and definition of Systems Reliability.
3. Review events leading up to Determination of MTBF for Ground Proximity Warning System.
4. Review international consideration of Reliability Specifications.
5. Reliability Specifications for Airborne Electronic Systems as related to reliability of the National Airspace System (to be presented by the FAA).
6. NTSB views on Reliability Specifications for Airborne Electronic Systems.
7. Military views on Systems Reliability.

Identify Special Committee Work Program:

a. Collection of information and establishment of required studies.
b. Consideration of task assignments.

8. Other Business.
9. Date and place of next meeting.

Meetings of Special Committee 130 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

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

[FR Doc.75-13929 Filed 5-28-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

RETAIL DEALERS ADVISORY COMMITTEE

Meeting

This order is issued pursuant to section 6(c)(4) of the Emergency Petroleum Allocation Act of 1973. The meeting described below is necessary in order to comply with the provisions of the Act and the regulations issued thereunder.

The meeting is scheduled to take place at 9:30 a.m. on Monday, June 16, 1975 in Room 305, Regional Conference Room B, J. W. McCormack Post Office Building, Post Office and Courthouse, Boston Massachusetts. The participants at the meeting will be the members of the Retail Dealers Advisory Committee.

The objectives of the meeting are to provide the Administrator, FEA, with expert technical advice on a wide range of activities associated with the retail sale of gasoline/diesel fuel. The subject matter to be discussed at the meeting shall be limited, in light of the foregoing objectives, to the following items:

1. Discussion of Extension of the emergency Petroleum Allocation Act of 1973
2. Discussion of Market Shares
3. Discussion of Branded Dealer Problems (Margins)
4. Discussion of Priority Projects
   a. Market Force vs. Allocation and Conservation
   b. Entitlements—Their Effects in the Market Place and an Updated Review
   c. Tank Wagon Prices vs. Rack Prices

The meeting shall take place in the presence of a representative of the Antitrust Division of the Department of Justice. A verbatim transcript of the meeting shall be taken and, together with any written agreement resulting from the meetings, shall be deposited with the Attorney General of the United States and the Federal Trade Commisssion where it will be available for public inspection.

Dated: May 22, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-13876 Filed 5-23-75;10:43 am]

FEDERAL MARITIME COMMISSION

[Docket No. 73-80]

CARGO DIVERSION PRACTICES AT U.S. GULF PORTS BY MEMBERS OF THE GULF-EUROPEAN FREIGHT ASSOCIATION

Intent To Make an Environmental Assessment

The above referenced proceeding is an investigation to determine whether particular actions by certain carriers serving Gulf and Atlantic port areas constitute illegal diversion of cargo, and if so, whether such actions are:

(1) Contrary to the tariffs on file and, therefore, in violation of sections 18(b)(1), 18(b)(2), and 18(b)(3) of the Shipping Act, 1916; or whether said tariff provisions establish unjust or unreasonable regulations and practices within the meaning of section 17, Shipping Act, 1916;

(2) In violation section 16 of the Shipping Act, 1916;

(3) Authorized by Agreement No. 9360 and, if so, whether the agreement, to the extent that it authorizes such practices, should be disapproved, cancelled, or modified pursuant to section 15, Shipping Act, 1916, or are in implementation of any other agreement which has not been filed with or approved by the Federal Maritime Commission as required by section 15 of the Shipping Act, 1916;

(4) Contrary to the policy of section 8, Merchant Marine Act, 1920.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Consequently, the scope of environmental factors involved warrants consideration and evaluation before decision making is undertaken.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an Environmental Assessment to determine whether its final decision in this proceeding will constitute a major federal action significantly affecting the quality of the human environment within the meaning of NEPA. Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this order to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

It is further ordered, That a copy of this notice be issued to the presiding Administrative Law Judge, and that this proceeding continue its course in accordance with a procedural schedule not inconsistent with our own rules of practice and procedure or NEPA.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-14035 Filed 5-28-75;8:45 am]

FLOTA MERCANTE GRAN CENTRO AMERICANA, S.A. AND PAN AMERICAN MAIL LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 9, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edwin Longcope, Esquire
Hill, Betts & Nash
26 Broadway
New York, New York 10004

Agreement No. 10040-2, between Flota Mercante Gran Centroamericana, S.A. and Pan American Mail Line, Inc., extends the effective period of the cooperative working arrangement for two years from May 31, 1975.

By order of the Federal Maritime Commission.

Dated: May 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-14036 Filed 5-28-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-15425, et al.]

SUN OIL CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 20, 1975.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Filing Code:

A - Initial Service
B - Abandonment
C - Amendment to add acreage
D - Amendment to delete acreage
E - Total Succession
F - Partial Succession

	Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
E	G-15425 5-1-75	Sun Oil Company (succ. to Forest Oil Corporation) P. O. Box 2880 Dallas, Texas 75221	West Lake Natural Gasoline Co. and Atlantic Richfield Company Nena Lucia Field, Nolan County, Texas	16.35 1/	14.65
C	CI75-356 5-2-75	Mesa Petroleum Co. P. O. Box 2009 Amarillo, Texas 79105	Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation Patrick Draw Area Field, Sweetwater County, Wyoming	51.0 2/	14.65
B	CI75-654 (G-9144) 5-1-75	Northern Pump Company (Operator), et al. 1915 - 57th Avenue North Minneapolis, Minnesota 55430	Texas Eastern Transmission Corporation Laura L. Boothe Lease (Deep Rights), West Cosden Field, Bee County, Texas	depleted	
A	CI75-657 5-2-75 3/	CRA International, Ltd. P. O. Box 2329 Tulsa, Oklahoma 74101	Natural Gas Pipeline Company of America Spearman East-Atoka Field, Hansford County, Texas	12.045 4/	14.65
F	CI75-658 5-2-75	Mesa Petroleum Co. (succ. to Amoco Production Company)	Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation Playa Area, Sweetwater County, Wyoming	50.723 2/	14.65
F	CI75-659 (CS66-90) 5-5-75	Exxon Corporation (succ. to John L. May) P. O. Box 2180 Houston, Texas 77001	Northern Natural Gas Company Coyanosa Field, Pecos County, Texas	26.124 5/	14.65
B	CI75-660 5-5-75	Hadson Ohio Oil Company, et al. 1125 Fidelity Plaza Oklahoma City, Oklahoma 73102	Michigan Wisconsin Pipe Line Company Foster No. 1 Well and Morris No. 1 Well, Woodward County, Oklahoma	depleted	

1/ Includes 1.35¢ per Mcf upward Btu adjustment.
2/ Subject to upward and downward Btu adjustment.
3/ Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Nafco Oil & Gas, Inc., now holder of a small producer certificate.
4/ Includes 0.045¢ per Mcf tax reimbursement and is subject to Btu adjustment.
5/ Includes 0.624¢ per Mcf upward Btu adjustment and 1.5¢ gathering.

Filing Code:

A - Initial Service
B - Abandonment
C - Amendment to add acreage
D - Amendment to delete acreage
E - Total Succession
F - Partial Succession

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
C175-661 A 5-5-75	Tenneco Oil Company P.O. Box 2511 Houston, Texas 77001	El Paso Natural Gas Company Basin Dakota Field, San Juan County, New Mexico	56.3856 6/	15.025
C175-662 A 5-5-75	Tenneco Oil Company	El Paso Natural Gas Company Blanco (Mesa Verde) Field, San Juan County, New Mexico	56.3856 6/	15.025
C175-663 A 5-7-75	Mobil Oil Corporation Three Greenway Plaza East Suite 800 Houston, Texas 77046	Mid Louisiana Gas Company Main Pass Block 140 Area, offshore Louisiana	$1.00 7/	15.025
C175-664 A 5-8-75	Atlantic Richfield Company P. O. Box 2819 Dallas, Texas 75221	El Paso Natural Gas Company West Winchester Area, Eddy County, New Mexico	55.22 7/	14.73

2/ Supra.
6/ Includes 4.3642¢ per Mcf tax reimbursement and is subject to upward and downward Btu adjustment.
7/ Applicant is willing to accept a certificate in accordance with Section 2.56a of the Commission's General Policy and Interpretations.

FPC Form 973 Rev (6-70)

[FR Doc.75-13791 Filed 5-28-75;8:45 am]

[Docket No. CP75-333]

NORTHERN NATURAL GAS CO.

Application

MAY 20, 1975.

Take notice that on May 9, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-333, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain sales measuring station facilities and to sell and deliver natural gas in the states of Kansas, Oklahoma and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to construct and operate 53 delivery stations in the states of Kansas, Oklahoma and Texas and to sell certain volumes of natural gas to Southern Union Gas Company (Southern Union) and West Texas Natural Gas Company (West Texas) for resale to certain of Applicant's pipeline right-of-way grantors or to make direct sales of natural gas to right-of-way grantors. The proposed natural gas service would provide for domestic and small volume agricultural needs. Details of the proposed service are in the appendix hereto.

Estimated total cost of all facilities proposed is $54,977. Total annual estimated sales are 177,134 Mcf.

According to the application, Applicant will install and operate 35 delivery stations in Kansas and one in Texas which will be required to make direct sales of natural gas volumes to customers through Applicant's Peoples Natural Gas Division. Applicant states that the firm volumes to be delivered will be provided from Peoples' presently authorized contract demand or from capacity of existing pipeline facilities in the producing areas where contract demand rate schedules are not applicable.

Applicant proposes to sell gas for resale to Southern Union to serve 14 right-of-way grantors in Oklahoma. To deliver said gas Applicant proposes to construct minor sales measuring stations as it acquires new reserves and extends gathering lines to new wells. Applicant also proposes to sell gas for resale to West Texas so as to serve three right-of-way grantors located in Texas. The application indicates that Applicant will file revised rate schedules for the sale of the additional volumes to Southern Union and West Texas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Proposed Sales Measuring Facilities of Northern Natural Gas Company

Peoples Natural Gas Division

Consumer Name	Location of Delivery Station Facilities County	State	Estimated Sales (Mcf) Peak Day	Annual	Primary End-Use
Aeschliman, Ezra J.	Gray	Kansas	24.0	4,000	Irrigation
Benedict, Claude	Morton	Kansas	2.4	252	Res. Heat
Chmelka, G. C.	Finney	Kansas	132.0	26,400	Feed Lot
Claar, Ralph	Kearney	Kansas	19.2	1,000	Irrigation
Clawson, Mary	Meade	Kansas	72.0	13,200	Irrigation
Cook, Maye L.	Finney	Kansas	24.0	2,900	Irrigation
Cow Country Equip.	Stevens	Kansas	2.4	252	Com. Heat
Dick, Frank L.	Finney	Kansas	60.0	5,500	Irrigation
Enlow, Elmer A. #1	Edwards	Kansas	21.6	1,439	Irrigation
Enlow, Elmer A. #2	Edwards	Kansas	21.6	1,439	Irrigation
Hammer, Jay C.	Haskell	Kansas	33.6	3,507	Irrigation
Hammer, Robert D.	Haskell	Kansas	33.6	3,507	Irrigation
Hawes, Ed	Haskell	Kansas	33.6	3,507	Irrigation
Heitschmidt, Bobby C.	Ellsworth	Kansas	1.0	165	Res. Heat
Hendricks, William J.	Finney	Kansas	4.8	300	Res. Heat
Henkle, Richard L.	Finney	Kansas	33.6	4,000	Irrigation
Huelskamp, Leroy	Meade	Kansas	24.0	5,400	Irrigation
Jackson, Doyle	Hutchinson	Texas	28.2	3,000	Irrigation
Jeneman, Paul E.	Washington	Kansas	9.6	384	Crop Dryer
Keefer Farms #1	Stevens	Kansas	33.6	3,507	Irrigation
Keefer Farms #2	Stevens	Kansas	33.6	3,507	Irrigation
Keesecker, Willis	Washington	Kansas	24.0	600	Crop Dryer
Knoll, Clarence	Finney	Kansas	57.6	5,800	Irrigation
Koehn, Andy	Haskell	Kansas	42.0	252	Crop Dryer
McCaustland, Inc.	Clark	Kansas	21.6	1,439	Irrigation
McClure, Frank	Finney	Kansas	28.8	3,300	Irrigation
Parrish, Robert E.	Ellsworth	Kansas	36.0	750	Crop Dryer

APPENDIX cont.

Proposed Sales Measuring Facilities of Northern Natural Gas Company

Peoples Natural Gas Division

Consumer Name	Location of Delivery Station Facilities County	State	Estimated Sales (Mcf) Peak Day	Annual	Primary End-Use
Phelps, Jerald	Grant	Kansas	120.0	3,340	Crop Dryer
Rich, Thomas W.	Kiowa	Kansas	21.6	1,439	Irrigation
S Bar Ranch	Haskell	Kansas	38.4	3,300	Feed Lot
Sessler, Charles W.	Barton	Kansas	21.6	1,439	Irrigation
Shaw Ranch & Feedlot	Clark	Kansas	30.0	5,940	Irrigation
Wedel, Delton	Haskell	Kansas	33.6	3,507	Irrigation
Wells, Howard	Finney	Kansas	4.8	300	Res. Heat
Widows, Gilbert	Finney	Kansas	7.2	500	Res. Heat
W-W Feeders	Finney	Kansas	48.0	12,000	Feed Lot
Total Peoples Natural Gas Division				131,072	

Southern Union Gas Company

Consumer Name	Location of Delivery Station Facilities County	State	Estimated Sales (Mcf) Peak Day	Annual	Primary End-Use
Barby, Lloyd R.	Beaver	Okla.	1.5	185	Res. Heat
Bunch, Robert	Woodward	Okla.	1.5	185	Res. Heat
Bateman, William	Woodward	Okla.	1.5	250	Res. Heat
Harrell, B. W.	Ellis	Okla.	16.5	2,320	Irrigation
Hiner, Jack	Ellis	Okla.	20.0	3,800	Irrigation
Hiner, H. J.	Ellis	Okla.	20.0	3,800	Irrigation
Jeffus, Worth	Texas	Okla.	180.0	9,200	Crop Dryer
Kile, Terry	Beaver	Okla.	7.0	1,100	Irrigation
Little, Fred R.	Harper	Okla.	36.0	8,516	Irrigation
Lotspeich, Troy	Beaver	Okla.	10.0	2,700	Irrigation
Priest, Olen	Beaver	Okla.	1.5	205	Res. Heat
Rowley, Edgar	Woodward	Okla.	24.0	1,850	Irrigation
Tucker, Lloyd E.	Texas	Okla.	1.5	133	Res. Heat
White, Edgar W.	Texas	Okla.	10.0	1,019	Irrigation
Total Southern Union				34,843	

West Texas Natural Gas Company

Osborne, Lansin	Carson	Texas	25.0	2,435	Irrigation
Smith, B.G. #1	Pecos	Texas	12.0	2,928	Irrigation
Smith, B.G. #2	Pecos	Texas	24.0	5,856	Irrigation
Total West Texas				11,219	

[FR Doc.75-13790 Filed 5-28-75;8:45 am]

[Docket No. RI75-126]

AMERICAN PETROFINA COMPANY OF TEXAS

Petition for Special Relief; Correction

APRIL 22, 1975.

In the Notice of Petition for Special Relief issued April 17, 1975, and Published in the FEDERAL REGISTER on April 24, 1975, 40 FR 18038, Paragraph 1, line 16, change section "33" to section "23".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13890 Filed 5-28-75;8:45 am]

[Docket No. RP72-136 PGA75-2]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

MAY 21, 1975.

Take notice that on May 15, 1975, Florida Gas Transmission Company (Florida Gas) tendered for filing Substitute Seventh Revised Sheet 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates in its Rate Schedules G and I for effectiveness on July 1, 1975. The changes in rates result from the application of the purchased gas cost adjustment provision in section 15, General Terms and Conditions of the tariff, which was approved by the Commission in Docket No. RP72-136.

A comparison between the currently effective rates and those to be made effective on July 1, 1975 under this filing is as follows:

	Cents per therm	
	Currently effective	To become effective July 1, 1975
Rate Schedule G	7.276	7.244
Rate Schedule I	5.886	5.854

The annual effect on the proposed changes is a decrease of $237,000 based on sales for the twelve months ended March 31, 1975.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with section 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 June 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.75-13819 Filed 5-28-75;8:45 am]

[Docket No. RP73-17 (PGA75-5)]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

MAY 21, 1975.

Take notice that Granite State Gas Transmission, Inc. (Granite State) on May 15, 1975, tendered for filing Eighth Revised Sheet 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective July 1, 1975. According to Granite State, the proposed changes would decrease revenues from jurisdictional sales by approximately $332,007 annually, based on deliveries for the 12 months ended March 31, 1975. Granite State states that the instant filing is made pursuant to a purchased gas adjustment provision, previously approved by the Commission, on December 14, 1972, in Docket No. RP73-17. Granite State further states that the decreased purchased gas costs result from a proposed decrease in the rates of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which Tennessee proposes to make effective on July 1, 1975 and that Granite State purchases its entire natural gas supply from Tennessee.

According to Granite State, copies of the filing were served upon Northern Utilities, Inc., the Company's sole jurisdictional customer and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 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 June 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13892 Filed 5-28-75;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CORP.

Tariff Change

MAY 21, 1975.

Take notice that Green Mountain Power Corporation, on May 15, 1975, tendered for filing proposed changes in its Federal Power Commission Electric Service Tariff. The proposed changes would increase revenues from jurisdictional sales and service by $955,956 based on the twelve month period ending December 31, 1974. The Company proposed that the new rates will become effective as of June 16, 1975.

The Company states that in said test year it experienced a negative rate of return from its wholesale business and that an increase in its wholesale rates is necessitated by increased financing and operating costs.

Copies of the filing were served upon the Company's jurisdictional customers and the Vermont Public Service Board and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 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 June 12, 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.75-13893 Filed 5-28-75;8:45 am]

[Project No. 2188]

THE MONTANA POWER CO.

Application for Conveyance of Interest in Project Lands

MAY 21, 1975.

Public notice is hereby given that application was filed November 1, 1974, and supplemented on January 31, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by Montana Power Company (Correspondence to Mr. John Carl, Attorney, The Montana Power Company, 40 East Broadway, Butte, Montana 59701 with copy to Mr. Lee S. Sherline, Leighton and Sherline, 1701 K Street NW., Washington, D.C. 20006) for Commission approval of conveyance of interest in project lands in Cascade County, Montana for Project No. 2188 on the Missouri River.

Applicant is seeking Commission approval to convey to a private owner approximately 0.31 acre of project property at the Morony development of Project No. 2188. Automation of the Morony plant was completed in 1959 and the license for Project No. 2188 was amended by Commission order dated October 15, 1963, deleting six residences and other structures once used by the operators of the plant. One operator remained until December 1972 and occupied the resi-

dence on the subject parcel. This parcel of project property is located outside of the contiguous project boundary of the development and applicant states that its sale will not affect the operation of the project.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13894 Filed 5-28-75;8:45 am]

[Docket Nos. RP71-125; PGA75-11]

NATURAL GAS PIPELINE COMPANY OF AMERICA

PGA Filing To Track a Pipeline Supplier Rate Decrease

MAY 21, 1975.

Take notice that on May 19, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Twenty-Fourth Revised Sheet No. 5, to be effective July 1, 1975.

Natural states the filing was made pursuant to the provisions of section 18, Purchased Gas Cost Adjustment, of the General Terms and Conditions of its FPC Gas Tariff, to track a decrease in the cost of gas purchased, effective July 1, 1975, from United Gas Pipe Line Company, a pipeline supplier to Natural. United's filing was made on May 16, 1975 to be effective July 1, 1975 in accordance with the terms of its PGA Clause.

Natural states that as notice of the supplier filing was not received by Natural in time to permit it to meet the 45-day filing requirement of its PGA Tariff provision, it requests that that provision be waived to permit Natural's PGA unit adjustment to become effective July 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. 20426, in accordance with sections 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 June 10, 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.75-13895 Filed 5-28-75;8:45 am]

[Docket No. RP73-89; PGA75-3]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

MAY 21, 1975.

Take notice that on May 16, 1975, Sea Robin Pipeline Company tendered for filing Sixth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information are being filed 45 days before the effective date of July 1, 1975, pursuant to Section 1 of Sea Robin's tariff, and is in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Copies of the revised tariff sheet and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 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 June 11, 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.75-13896 Filed 5-28-75;8:45 am]

[Docket No. CI75-340]

SKYLINE OIL CO. ET AL.

Amendment to Application; Correction

APRIL 22, 1975.

In the Notice of Amendment to Application, issued April 14, 1975, and published in the FEDERAL REGISTER on April 18, 1975, 40 FR 17337, Page 17337, paragraph 3, lines 9-13, please delete the last sentence and substitute the following: "The amendment indicates the the volume of gas subject to the contract covering the No. 4 Well is 2,500 Mcf per day which volume is in addition to the 2,500 Mcf of gas per day proposed to be sold from Well Nos. 1 and 2. The amendment further indicates that the proposed price of the gas from Well No. 4 is to be the same as the proposed price of the gas from Well Nos. 1 and 2, $1.00 per million Btu."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13897 Filed 5-28-75;8:45 am]

[Docket No. RP71-29, and RP71-120 (Phase I)]

UNITED GAS PIPE LINE CO.

Extension of Time; Correction

APRIL 23, 1975.

In the Notice of Extension of Time issued April 16, 1975 and published in the FEDERAL REGISTER on April 23, 1975, 40 FR 17884, please delete the word "Company" from the ordering paragraph.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13898 Filed 5-28-75;8:45 am]

[Project No. 2075]

WASHINGTON WATER POWER CO.

Application for Amendment of License (Major)

May 21, 1975.

Public notice is hereby given that application was filed on November 18, 1974, and supplemented on November 29, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by The Washington Water Power Company, Licensee (correspondence to: J. P. Buckley, Secretary, The Washington Water Power Company, P.O. Box 3727, Spokane, Washington 99220; and Mr. Lee S. Sherline, Leighton and Sherline, 1701 K Street, NW., Washington, D.C. 20006), to amend the major license for its constructed Noxon Rapids Project No. 2075. The Noxon Rapids project is on the Clark Fork River, a navigable water of the United States, in Sanders County, Montana near Sandpoint, Coeur D'Alene, and Wallace, Idaho, and Thompson Falls, Kalispell, and Missoula, Montana and affecting lands of the United States within the Kaniksu and Lolo National Forests.

The Noxon Rapids, project, as licensed, consists of: a dam composed of a concrete spillway section, a concrete intake section, and two earth-fill sections, creating a reservoir with a normal maximum water surface elevation of about 2,331 feet and extending upstream about 38 miles; a powerhouse at the toe of the dam containing four units, each rated 70,720 kilowatts, with provision for the future installation of a fifth similar generating unit; five penstocks; two 230-kilovolt transmission lines—one extending approximately 20 miles from Noxon Rapids to Cabinet Gorge (P-2058) and the other extending approximately 44 miles from Noxon Rapids to Pine Creek substation; and appurtenant facilities.

Article 28 of the license for Project No. 2075 states that "The Licensee * * * shall at such time as the Commission may direct and to the extent that it is economically sound and in the public interest to do so, after notice and opportunity for hearing, complete the project to its ultimate development * * *"

Licensee has requested in its application that the Commission direct Licensee to complete the project pursuant to Article 28. Licensee proposes to install a fifth generating unit rated at 114,000 kW and appurtenant facilities. Licensee states that the new unit is scheduled to be in

service by November 1977 and would cost $14,198,000 (October 1974 price level).

Any person desiring to be heard or to make protest with reference to said application should on or before June 30, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a 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. The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13899 Filed 5-28-75;8:45 am]

[Docket No. RP72-110; PGA 75-8]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant To Purchased Gas Cost Adjustment Provision

MAY 21, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on May 8, 1975 tendered for filing Substitute Sixth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed to reflect a change in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern) on June 1, 1975. Algonquin Gas requests that the Commission waive the requisite notice and grant special permission to permit such Substitute Sixth Revised Sheet No. 10 to become effective June 1, 1975, which will synchronize Algonquin Gas' rates with those of Texas Eastern.

Any persons 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, 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 30, 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.75-13978 Filed 5-28-75;8:45 am]

[Rate Schedule Nos. 7, et al.]

AMERADA HESS CORP. ET AL.

Rate Change Filings

MAY 22, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
May 7, 1975	Amerada Hess Corp., 1200 Milam, 6th Floor, Houston, Tex. 77002.	7	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
May 9, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	373	do	Do.
May 12, 1975	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	50	Texas Gas Transmission Corp.	Other Southwest.
Do	do	231	do	Do.
Do	Clinton Oil Co., P.O. Box 1201, Wichita, Kans. 67201.	109	Columbia Gas Transmission Corp.	South Louisiana.
May 13, 1975	Amerada Hess Corp.	2 and 26	El Paso Natural Gas Co.	Rocky Mountain.

[FR Doc.75-14001 Filed 5-28-75;8:45 am]

[Docket No. CI75-672]

BIGLANE OPERATING CO.

Application

MAY 22, 1975.

Take notice that on May 12, 1975, Biglane Operating Company (Applicant), P.O. Box 988, Natchez, Mississippi 39120, filed in Docket No. CI75-672 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from the Oldenburg Field, Franklin County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to sell to Southern up to 1,400 Mcf of gas per day from the Oldenburg Field for one year at an initial base price of 52.02 cents per Mcf (15.025 psia), subject to heat adjustment, 100 percent tax reimbursement, and a 1.25 cent gathering charge, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13979 Filed 5-28-75;8:45 am]

[Docket No. E-7172]

DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

Request for Approval of Rates and Charges

MAY 21, 1975.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Southwestern Power Administration (SWPA) and pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission on May 9, 1975, a request in Docket No. E-7172 for an extension of the Commission's confirmation and approval of SWPA's rates and charges for the sale of electric power and energy included in (1) Rate Schedules F-1 (firm power), P-2 (Revised) (peaking power), EE (excess energy) and IC (interruptible capacity), (2) Contract No. Ispa-356 between SWPA and Oklahoma Gas and Electric Company and Public Service Company of Oklahoma and (3) Contract No. 14-02-001-864-8 between SWPA and Tex-La Electric Cooperative, Inc. The Commission, by orders issued November 30, 1971 and February 20, 1973 in this docket (46 FPC 1275 and 49 FPC 420), approved such rates and charges for the period ending May 31, 1974, and by order issued May 31, 1974, extended its approval for a period ending not later than May 31, 1975. Approval of those rates and charges, which are described in detail in the above-mentioned Commission orders, is now requested by the Secretary for the additional period of six months ending November 30, 1975.

The Secretary represents, in substance, that the requested extension of approval of SWPA's rates and charges is necessary to allow additional time for SWPA to complete the rate and repayment study and other related studies currently underway to determine the adjustments in such rates and charges which may be appropriate in order that they will produce revenues sufficient to satisfy the payout requirements of the Flood Control Act of 1944.

The rate schedules and rate contracts of SWPA referred to above are on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions for the Commission's consideration with respect to SWPA's rates and charges set forth in said rate schedules and rate contracts should submit the same in writing on or before June 6, 1975 to the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14000 Filed 5-28-75;8:45 am]

[Docket No. RP71-15; PGA75-5]

EAST TENNESSEE NATURAL GAS CO.

Proposed Rate Change Under Tariff Rate Adjustment Provisions

MAY 22, 1975.

Take notice that on May 16, 1975, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Twelfth Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective July 1, 1975.

East Tennessee states that the purpose of this revised tariff sheet is (1) to adjust East Tennessee's rates pursuant to the PGA provision in section 22 of the General Terms and Conditions to reflect decreased purchased gas costs resulting from a rate decrease by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and (2) to adjust East Tennessee's rates pursuant to § 24.8 of the General Terms and Conditions so as to reflect Curtailment Credits.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street; NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13980 Filed 5-28-75;8:45 am]

[Docket No. E-9451]

ILLINOIS POWER CO.

Filing of Modification of Interconnection Agreement

MAY 22, 1975.

Take notice that on May 19, 1975, Illinois Power Company (Illinois) tendered for filing a Letter of Agreement which modifies the Interconnection Agreement dated November 27, 1961 between Illinois and Indiana & Michigan Electric Company (Indiana).

According to Illinois, the date, under subsection 1.023 of the Interconnection Agreement, which requires Indiana to install 345,000 volt metering equipment, at Indiana's Eugene Substation has been advanced due to Illinois installing a 345,-000/138,000 volt Bunsonville Substation (referred to in the Letter of Agreement as Georgetown Substation), instead of at the time that a second 345,000 volt transmission line is connected to the Sidney substation.

In consideration of these changes, Illinois states it will reimburse Indiana for an amount equal to one-half of Indiana's expenditure for the installation of the 345,000 volt metering equipment at Eugene Substation. This expenditure is presently estimated to be in the order of $30,000.

Illinois requests that the Letter of Agreement dated March 12, 1973, be permitted to become effective June 15, 1975, the estimated date for the completion of the Bunsonville Substation.

Any person desiring to be heard or to protest said filing should file a petition to intervene a protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20425, 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 should be filed on or before June 13, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13981 Filed 5-28-75;8:45 am]

[Docket No. E-8815]

IOWA PUBLIC SERVICE CO.

Tariff Sheet Pursuant To Order Approving Settlement

MAY 14, 1975.

Take notice that Iowa Public Service Company, on December 26, 1974, tendered for filing its Wholesale Electric Tariff Sheets. The filing was made in compliance with the Commission's Order Approving Rate Settlement issued in this docket on December 11, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before May 23, 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.75-13982 Filed 5-28-75;8:45 am]

[Docket No. E-9377]

IOWA SOUTHERN UTILITIES CO.

Application

MAY 21, 1975.

Take notice that on May 14, 1975, Iowa Southern Utilities Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authorization to engage in negotiations with underwriters regarding the proposed issuance of 200,000 shares of Common Stock by negotiated underwriting. Applicant seeks permission to negotiate with underwriters concerning the terms upon which the Securities might be issued in order to determine whether application for exemption from the competitive bidding requirements of § 34.1a (b) and (c) of the Commission's regulations under the Federal Power Act should be filed.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

Any person desiring to be heard or to make any protest with reference to said application, should on or before June 13, 1975, file petitions or protests with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13983 Filed 5-28-75;8:45 am]

[Docket No. CP75-334]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Application

MAY 22, 1975.

Take notice that on May 9, 1975, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP 75-334 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction and operation of facilities for the purpose of developing the Big Springs gas field, Deuel County, Nebraska, as an underground storage field, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authorization to:

(1) acquire, develop and operate as an underground gas storage reservoir, the "D" sand interval of the Upper Dakota Formation in the Big Springs Field in Deuel County, Nebraska, including the acquisition of storage rights therein, acquisition and use of the remaining gas for cushion gas, the reworking of existing producing and previously abandoned wells and the drilling of new wells as required for storage injection and withdrawal service, at an estimated working gas capacity of 39,000,000 Mcf and an injection-withdrawal capacity of 100,000 Mcf per day;

(2) construct an injection-withdrawal system consisting of approximately 11.1 miles of 12¾-inch O.D., 10¾-inch O.D., and 6⅝-inch O.D. pipeline, dehydration equipment, measurement and other auxiliary facilities necessary to inject and withdraw gas, and to salvage the existing gathering system, consisting of approximately 8.8 miles of 4-inch and 8-inch pipeline, following completion of the injection-withdrawal system;

(3) recylinder one 800 H.P. compressor unit now in field gathering service and utilize said unit, in conjunction with existing compressor units presently in transmission service, for dual transmission and storage operations.

Applicant estimates that the total cost of acquiring and developing the Big Springs Field "D" sand reservoir for underground storage, including the converting of existing facilities to dual transmission and storage service and the construction of the required additional facilities, will be $5,420,000, which will be financed from current working capital or will be obtained from interim bank loans which at a later date may be funded through a security issue.

Applicant states it is presently producing, purchasing and transporting in interstate commerce gas produced from the "D" sand interval of the Upper Dakota Formation in the Big Springs Field, which is approaching depletion. Applicant further states that it is in the process of acquiring by purchase, or contracting to acquire by purchase, the 81.5 percent of leasehold interests and assignments of oil and gas leases in the Big Springs Field not previously owned by Applicant and that it is also securing the remaining royalty interests and obtaining the surface and subsurface rights from the landowners which are required for the gas storage field. As of March 31, 1975, Applicant states it had secured such gas storage agreements covering 36,744 net surface acres or 82.25 percent of the approximately 44,672 acres contained in the proposed storage unit.

Applicant states that the proposed net injection for the first three years will total approximately 18 million Mcf and will consist of 2.8 million Mcf of injected cushion gas and 15.2 million Mcf of working gas and that, after this initial period, gas available during periods of low demand will be injected as system operations allow to build a total storage inventory of 39 million Mcf at Big Springs. Cushion gas requirements for design operating conditions are estimated to be 14.8 million Mcf, consisting of 1.0 million Mcf of nonrecoverable native gas in place, 2.0 million Mcf of remaining recoverable native gas, and 2.8 million Mcf of injected cushion gas.

Applicant avers that the proposed facilities are required to carry out effectively conservation practices and the husbanding of gas for high priority firm gas customers and provide necessary flexibility to manage existing gas supply and to contract effectively and manage new gas supplies as they become available. Applicant also states that the new facilities will provide flexibility in system operations and will obtain greater efficiency in its existing transmission facilities which will improve the reliability of service to its peak day firm gas customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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 pro-

cedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13984 Filed 5-28-75;8:45 am]

[Project No. 2444]

LAKE SUPERIOR DISTRICT POWER CO.

Filing of Notice of Withdrawal of Application for Surrender of Minor License

MAY 13, 1975.

Public notice is hereby given that notice of withdrawal of application for surrender of minor license was filed on May 2, 1975, pursuant to § 1.11(d) of the Commission's rules of practice and procedure under the Federal Power Act (16 U.S.C. 791a–825r) by Lake Superior District Power Company (correspondence to: Mr. K. S. Austin, President, Lake Superior District Power Company, 101 West Second Street, Ashland, Wisconsin 54806, and Mr. Glen H. Bell, Aberg, Bell, Blake and Metzner, S.C., 222 West Washington Avenue, Madison, Wisconsin 53703) for White River Project No. 2444, located on the White River near the towns of Ashland and Odanah, Ashland County, Wisconsin.

On November 26, 1974, Lake Superior District Power Company (LSDPC) filed an application for surrender of its minor license for White River Project No. 2444. In this application, LSDPC pointed out that the penstock from the project dam to the downstream powerhouse had collapsed, thus rendering the project unusable for the production of power, and averred that it would not be economically feasible to rehabilitate the project for power production purposes.

LSDPC now maintains that there have been two developments in the interim since the application was filed which affect the feasibility of restoring the project to operating condition. These developments are: (1) The new investment tax credit was found to reduce the costs of rehabilitating the project works and making the project operable, and (2) the estimated costs related to abandoning the project were found to be higher than had originally been anticipated.

Accordingly, LSDPC now desires to withdraw its application for surrender of license and has requested the Commission to return the original license for Project No. 2444 which was tendered to the Commission with the application.

Any person desiring to be heard or to make protest with reference to said notice should on or before May 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The notice is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13985 Filed 5-28-75;8:45 am]

[Docket No. E-9206]

McDOWELL COUNTY CONSUMER COUNCIL, INC.

Extension of Time

MAY 21, 1975.

On May 16, 1975, McDowell County Consumer Council, Inc., filed a motion for extension of time to file response to the April 30, 1975, motion of Appalachian Power Company to dismiss, in the above-designated matter.

Upon consideration, notice is hereby given that the time to respond to the above motion to dismiss is extended to and including May 30, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13986 Filed 5-28-75;8:45 am]

[Docket No. CP75-339]

MICHIGAN CONSOLIDATED GAS CO.

Application

MAY 22, 1975.

Take notice that on May 14, 1975, Michigan Consolidated Gas Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-339 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render natural gas storage service to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Panhandle have entered into a gas storage agreement dated May 1, 1975, providing that during the months of May through October 1975 (the Summer Period), Panhandle will deliver to Applicant for storage, at Applicant's River Rouge Station in Melvindale, Michigan, approximately 3.7 million Mcf of natural gas, and that during the months of November 1975 through April 1976 (the Winter Period), Applicant will redeliver an equivalent amount of natural gas to Panhandle through displacement, by making deliveries, except during the month of April 1976, to Southeastern Michigan Gas Company (Southeastern) for the account of Panhandle. According to the agreement, if the volume being redelivered on any day by Applicant is in excess of that which Southeastern can accommodate, then the excess shall be redelivered at such other points as the parties may agree upon, but during the month of April 1976 all redeliveries to Panhandle from Applicant shall be by displacement at Applicant's River Rouge Station.

The gas storage agreement also provides that Panhandle shall have the right through May 31, 1975, to increase the volume of gas to be stored by Applicant to 6.0 million Mcf. Applicant proposes to charge Panhandle 43.88 cents per Mcf for natural gas stored.

Applicant states that the gas storage agreement between Applicant and Panhandle is intended only as a temporary arrangement to enable some of Panhandle's resale and direct sale customers to meet their anticipated market or processing requirements during the 1975–76 heating season.

The May 1, 1975, contract provides that the agreement is conditioned upon the issuance by the Commission of requisite authorization to Applicant to provide the storage service without affecting the continued exemption of Applicant under section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Appplicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13987 Filed 5-28-75;8:45 am]

[Docket No. CP70-22]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

MAY 22, 1975.

Take notice that on May 15, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP70-22 a petition to amend its import authorization issued pursuant to section 3 of the Natural Gas Act in the subject docket so as to authorize Petitioner to continue importing natural gas from Canada purchased at the new prices to be established by the National Energy Board of Canada, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that on May 5, 1975, the Honorable Donald S. Macdonald, Minister of Energy, Mines and Resources of the Dominion of Canada, issued a statement that the Canadian government will increase the price of natural gas exported to the United States to $1.40 per Mcf effective August 1, 1975, and to $1.60 per Mcf effective November 1, 1975.

Petitioner further states that it presently purchases 50,000 Mcf of gas per day from TransCanada PipeLines Limited (TransCanada) which are imported pursuant to authorization granted in the instant docket. The current price paid is $1.00 per Mcf, which became effective on January 1, 1975, as a result of Canadian government policy to achieve commodity value pricing with respect to energy alternatives in the United States.

Petitioner states that natural gas imported from Canada forms a vital portion of its gas supply, and that, in addition to the gas purchased from TransCanada, Petitioner purchases gas from other Canadian sources such that the total gas purchased from Canada represents approximately 14 percent of Petitioner's gas supply on an annual basis. Unless permission is granted for the requested price increase, Petitioner states, it will face the loss of a substantial part of its gas supply.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13988 Filed 5-28-75;8:45 am]

[Docket Nos. RP74-97; PGA75-2]

MONTANA-DAKOTA UTILITIES CO.

Adjustments Pursuant to PGA Clause

MAY 22, 1975.

Take notice that on May 16, 1975, Montana-Dakota Utilities Co. ("MDU") tendered for filing "Second Revised Sheet No. 3A" to its FPC Gas Tariff, Original Volume No. 4. MDU states that this filing is pursuant to its presently effective Purchased Gas Cost Adjustment Provision. The proposed effective date is July 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. 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 June 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13989 Filed 5-28-75;8:45 am]

[Docket No. E-9442]

NEW BEDFORD GAS AND EDISON LIGHT CO.

Cancellation of Rate Schedule

MAY 22, 1975.

Take notice that New Bedford Gas and Edison Light Company (New Bedford), on May 14, 1975, tendered for filing Notice of Cancellation of certain Rate Schedules now on file with the Commission on behalf of Cape and Vineyard Electric Company (Cape). These cancellations are sought to become effective as of January 31, 1972, the effective date of the merger of Cape into New Bedford, and the dissolusionment of Cape as a corporate entity.

Two Rate Schedules are to be affected: (1) Rate Schedule FPC No. 1, consisting of an agreement dated February 27, 1969, wherein New England Power Company established and operated a central dispatch and intercharge office known as REMVEC. (2) Rate Schedules FPC No. 8 to 11, consisting of agreements dated February 14, 1972, wherein NEPOOL member companies, of which Cape is one, agreed to exchange energy between themselves and four other New York energy companies.

This request is filed pursuant to an order of the Commission issued January 20, 1972, in Docket No. E-7640 (47 FPC 122), and the Commission's request to New Bedford dated February 26, 1975. In light of the foregoing, New Bedford requests waiver of the notice requirements pursuant to § 35.11 of the regulations.

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 June 12, 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.75-13990 Filed 5-28-75;8:45 am]

[Docket Nos. E-8641, E-8251, E-8169, and E-8476]

NEW ENGLAND POWER CO.

Extension of Time

MAY 21, 1975.

On May 20, 1975, New England Power Company, filed a motion to extend the briefing schedule and the time for initial decision on rate of return fixed by order issued February 27, 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 briefing schedule in the above matter are modified as follows:

Initial Briefs, May 27, 1975.
Reply Briefs, June 6, 1975.
Initial Decision, June 27, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13991 Filed 5-28-75;8:45 am]

[Docket No. G-19040]

NORTHERN NATURAL GAS CO.

Filing of Refund Report

MAY 21, 1975.

Take notice that on April 30, 1975, Northern Natural Gas Company (Northern) tendered for filing a Report of Proposed Flow-Through of Refunds to its jurisdictional customers pursuant to the Commission "Order Denying Motion for Approval of Exploration Fund", issued April 14, 1975. Northern states that such refunds were received from Phillips Petroleum Company (Phillips) which

were refunded pursuant to the Commission's Order issued March 18, 1974, denying Phillips' special relief and ordered Phillips to comply with the provision of Opinion No. 586, Docket No. AR64–1, et al.

Northern further states that its proposed disposition of the refunds in the amount of $5,600,671.09 is in accord with the provision set forth in the documents comprising Northern's settlement agreements in Docket No. G–19040 which settlement was approved by Commission Order issued December 27, 1961.

Northern states that copies of the filing have been mailed to each of the Gas Utility customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–13992 Filed 5–28–75;8:45 am]

[Docket. Nos. CP75–340, CP75–341, and CP75–342]

NORTHWEST PIPELINE CORP.

Applications

MAY 22, 1975.

Take notice that on May 15, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket Nos. CP75–340, CP75–341, and CP75–342 applications pursuant to Section 3 of the Natural Gas Act for authorization to continue the importation of natural gas from Canada at points on the International Boundary near Sumas, Washington, and Kingsgate, British Columbia, purchased at the prices established by the Government of Canada and as have been or will be the subject of appropriate order of the National Energy Board of Canada (NEB), all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Applicant states that on May 5, 1975, the Honorable Donald S. Macdonald, Minister of Energy, Mines and Resources of the Dominion of Canada, issued a statement on the pricing of gas exports to the United States. The Canadian government, according to the statement, has decided to establish, effective August 1, 1975, a new export price for gas of $1.40 per Mcf and to adjust that price upwards to $1.60 per Mcf on November 1, 1975. Applicant, as a result, requests permission to import gas pursuant to authorizations previously granted but at the new costs to be established by the NEB.

In the application in Docket No. CP75–340, Applicant requests authorization to continue the importation of up to 125,000 Mcf on a peak day and 30,000 Mcf per day on an annual basis at the Kingsgate import point. The volumes were authorized to be imported by Commission order issued December 28, 1973, in Docket No. CP73–332, as amended October 31, 1974. Said volumes are made available to Westcoast Transmission Company Limited (Westcoast) from Alberta and Southern Gas Company Limited (A&S) on a best efforts basis. The application in Docket No. CP75–340 states that the permission to export the subject volumes of natural gas expires on October 31, 1975. Applicant requests the Commission to authorize the importation of these volumes of natural gas at Kingsgate at a cost of $1.40, effective August 1, 1975. In its application in Docket No. CP75–341, Applicant requests authorization to import gas, purchased at the increased prices to be established, at the Sumas import point. By order issued September 21, 1973, in Docket No. CP73–332, the Commission authorized Applicant to import at Sumas up to 800,000 Mcf of gas per day at 14.9 psia purchased from Westcoast. Applicant requests authorization to import gas purchased at $1.40 per Mcf effective August 1, 1975, and $1.60 per Mcf effective November 1, 1975.

In its application in Docket No. CP75–342, Applicant requests authorization to import gas, purchased at increased prices of $1.40 and $1.60 per Mcf, from Westcoast at Kingsgate. By the September 21, 1973, order in Docket No. CP73–332, Applicant was authorized to import 151,731 Mcf on a peak day and 51 million Mcf annually (at 14.73 psia) at Kingsgate.

Applicant states that the Sumas volumes represent approximately 52 percent of its annual gas supply and that the Kingsgate volumes represent approximately 11 percent of its annual gas supply. Applicant further states that the gas obtained through A&S is required to assist Applicant in providing a supplemental supply of natural gas to assist it in satisfying the requirements of its customers as a result of the shortfall which Applicant has experienced at the Sumas import point.

Applicant states that the increases of the price of Canadian gas will result in an increase in Applicant's jurisdictional rates of 27.57 cents per Mcf, effective August 1, 1975 ($117,413,539 in annualized system purchased gas costs) and that it will file for an increase in rates effective November 1, 1975, to recover an estimated additional $58,600,000 in annualized purchased gas costs.

The increase described herein is said to be the next step in the policy of the Canadian government to increase the price of exported gas so as to increase prices progressively towards achieving a goal of commodity value pricing of natural gas in relation to energy alternatives in the United States. Effective November 1, 1974, the NEB had increased the price of exported gas to $1.00 per Mcf at Sumas and for the A&S gas; and effective January 1, 1975 the price for the gas exported at Kingsgate was increased to $1.00 per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–13993 Filed 5–28–75;8:45 am]

PANHANDLE EASTERN PIPE LINE CO.

[Docket No. CP75–335]

Application

MAY 21, 1975.

Take notice that on May 13, 1975, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75–335 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas in interstate commerce to implement a gas storage agreement between Applicant and Michigan Consolidated Gas Company (Mich Con) and gas storage and transportation agreements between Applicant and certain of its existing customers, all as more fully described in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport gas to implement agreements with certain of its customers which provide that, during the 1975 summer period, such customers will direct that a portion of their monthly gas entitlement be transported by Applicant to storage and that, during the 1975–76 heating season, specified portions of such stored volumes will be redelivered by Applicant. The total proposed charge for the services to be performed by Applicant during the summer and winter period is 48.88 cents per Mcf for gas delivered into storage and redelivered.

The volumes of gas to be stored are proposed to be transported and delivered by Applicant to Mich Con at an existing measurement facility at Melvindale, Michigan, for injection into Mich Con's underground storage fields. Applicant would pay Mich Con 43.88 cents per Mcf

for such storage service according to the applicable contract. No new facilities will be required to be installed by Applicant to implement this storage project, the application states.

Applicant states that this arrangement will assist the participating customers by providing, at a minimum of cost to such customers, additional volumes of gas during the winter season when curtailments are at their deepest level.

According to the contract between Applicant and Mich Con, Applicant's deliveries to Mich Con would total up to 3,700,000 Mcf of natural gas. The contract also provides that the agreement is conditioned upon the issuance by the Commission of requisite authorization to Mich Con to provide the storage service without affecting the continued exemption of Mich Con under section 1(c) of the Natural Gas Act.

Applicant has contracted with the following customers for the following storage volumes in connection with its arrangement with Mich Con:

Customer:	Volume (Mcf)
Michigan Gas Utilities Co	552,000
Ohio Gas Co	235,000
The Toledo Edison Co	35,000
Citizens Gas Fuel Co	154,000
City of Indianapolis	1,130,000
Missouri Utilities Co	65,000
City of Morton, Ill	70,000
Brockway Glass Co., Inc	20,630
Alsey Refractories Co	21,000
Johns-Manville Fiber Glass, Inc	250,000
National Distillers and Chemical Corp	750,000
Marblehead Lime Co	10,000
Northern Indiana Public Service Co	1,000,000
Hayes-Albion Corp., Albion Malleable Division	30,000
City of Bushnell, Ill	18,100
The Gas Service Co	20,000

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-14002 Filed 5-28-75;8:45 am]

[Docket No. E-9440]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Filing of Proposed Transmission Contract

MAY 22, 1975.

Take notice that Public Service Company of New Hampshire (PSNH), on May 12, 975, tendered for filing Transmission Contract dated April 15, 1975, between it and New Bedford Gas and Edison Light Company. This Contract, together with supporting materials, is submitted in accordance with Part 35 of the Commission's regulations.

The Contract provides for transmission of power from Seller, Vermont Electric Power Company, Inc. (VEPC) to Buyer, New Bedford Gas and Edison Light Company (NBG). Transmission will cover a 10.8 mile distance from Seller's facilities at the Vermont-New Hampshire state line to Buyer's facilities at the Massachusetts-New Hampshire state line. Contract period is from May 1, 1975 through October 31, 1975.

PSNH states that an entitlement of 30,000 kw of power monthly will be made available to Buyer at a charge of $810.00 per month. No new facilities are needed to be installed or modified for this Contract.

PSNH requests waiver of the normal 30 day notice requirement due to the late date in early April, 1975, that it received such transmission request, and the immediate needed capacity of the Buyer. Accordingly, PSNH requests said Transmission Contract to become effective May 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 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.75-13994 Filed 5-28-75;8:45 am]

[Docket No. RP73-64; PGA75-4]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

MAY 22, 1975.

Take notice that Southern Natural Gas Company (Southern) on May 16, 1975 tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective July 1, 1975. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would decrease the commodity and one-part rates by 6.358¢ per Mcf. The overall decrease is made up of the following items:

(1) A Current Adjustment, pursuant to § 17.3, for decreased cost of purchased gas to jurisdictional customers of $40,064,133, or 6.645¢ per Mcf.

(2) A Surcharge Adjustment, pursuant to § 17.4 of the General Terms and Conditions of Southern's FPC Gas Tariff, for Unrecovered Purchased Gas Costs. The balance in Account No. 191, Unrecovered Purchased Gas Costs, as of March 31, 1975, is $2,862,724. Such balance will be returned over the estimated sales for the six-month period commencing July 1, 1975 and reflects a net increase of .287¢ above the present Surcharge Adjustment.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 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.75-13995 Filed 5-28-75;8:45 am]

[Docket No. CP75-329]

STINGRAY PIPELINE CO.

Application

MAY 21, 1975.

Take notice that on May 6, 1975, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-329, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities for the transportation of natural gas for Natural Gas Pipeline Company of America (Natural), Trunkline Gas Company (Trunkline), and United Gas Pipe Line Company

(United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Stingray proposes to construct and operate approximately 5 miles of 12¾-inch O.D. gathering line to connect the West Cameron Block 533 Field (West Cameron Blocks 532, 533, and 534, offshore Louisiana), plus 7.1 miles of 6.5-inch O.D. pipeline to connect the East Cameron Block 322 Field (East Cameron Blocks 322 and 323, offshore Louisiana) together with related facilities for the gathering and transmission of gas through Stingray's offshore system (authorized in Commission Opinion No. 693 (51 FPC)) to the existing onshore delivery point to Natural at the terminus of Stingray's system. The total cost of the facilities applied for by Stingray is estimated to be approximately $5,100,000 which cost is to be financed by revolving credit and term loan agreements with banks, equity contributions, and internally generated funds.

Stingray states that all of the production from the West Cameron Block 533 Field will be purchased by Natural, United, and Trunkline under various contracts with the various producers, and all of the production from the East Cameron Block 322 Field will be purchased by Natural and Trunkline. Stingray states that it will receive the production at the producers' platforms and transport it to shore pursuant to Stingray's existing transportation contracts with Natural and Trunkline (Stingray's FPC Rate Schedule T-1) and with United (Stingray's FPC Rate Schedule T-2). Stingray states that proved, probable and potential reserves for transportation approximate 130 million Mcf from the West Cameron Block 533 Field and 9 million Mcf from the East Cameron Block 322 Field.

The application indicates that the proposed facilities will be extensions of Stingray's system which will have a total capacity of 1,000,000 Mcf per day. Stingray proposes to charge a transportation rate of $3.02 per Mcf based on a rate of return of 10.38 percent.

Stingray further requests approval of an amendment dated April 28, 1975, to its transportation contract with United dated October 2, 1973, which amendment adds the West Cameron Block 533 Field as an additional point of receipt from United without altering the daily transportation quantity.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13996 Filed 5-28-75;8:45 am]

[Docket Nos. CI75-45, et al. CP75-330]

TENNECO OIL CO. ET AL. AND TRUNKLINE GAS CO.

Order Consolidating Proceedings and Prescribing Service of Evidence

MAY 16, 1975.

By order issued April 14, 1975, the Commission, inter alia, consolidated a number of proceedings in Docket No. CI75-45, et al., granted petitions to intervene, ordered a formal hearing to convene on May 19, 1975, and prescribed procedures to be followed therein.

Subsequent to the issuance of the Commission's April 14, 1975, order, Trunkline Gas Company (Trunkline) filed an application in Docket No. CP75-330, seeking a certificate of public convenience and necessity authorizing the transportation of certain volumes of gas for two groups of producers. These groups include Placid Oil Company, Hunt Industries, Hunt Petroleum Corporation, Hamilton Brothers Oil Company, Hamilton Brothers Exploration Company, Hamilton Brothers Petroleum Corporation (Placid Group) and Ashland Oil, Inc., Highland Resources, Inc. and Kewanee Oil Company (Ashland Group). This application also involves the transportation of offshore reserves from South Marsh Island Blocks 268, 269 and 281. The gas to be transported will be received in a common stream with other gas purchased by Trunkline from other producers and will be transported through facilities requested by Trunkline in Docket No. CP75-19. On May 7, 1975, Trunkline filed a motion requesting the Commission to consolidate the above referenced docket with Docket No. CP75-19.

The Commission in considering Trunkline's motion has taken note of the relationship of the issues contained in the instant proceeding to those set forth in Docket No. CP75-19, which has been consolidated, with other dockets, into Docket No. CI75-45, et al., and has determined that a sufficiently direct relationship exists to warrant the consolidation of this docket with Docket No. CI75-45, et al.

The Commission finds. The proceeding involved in Docket No. CP75-330 contains common questions of law and fact with the proceedings in Docket No. CP75-45, et al., consequently, good cause exists to consolidate this proceeding with Docket No. CP75-45, et al.

The Commission orders. (A) the Proceeding involved in Docket No. CP75-330 is hereby consolidated with the proceedings in Docket No. CP75-45, et al., for purposes of hearing and decision.

(B) Applicants and persons in support of the application in Docket No. CP75-330 shall serve prepared testimony in support thereof, including prepared testimony of witnesses and exhibits, on the Office of the Administrative Law Judge, the Commission's Staff, and every party to this proceeding within ten days after issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13997 Filed 5-28-75;8:45 am]

[Docket Nos. RP74-48 and RP75-3 AP75-1]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Tariff Filing

MAY 22, 1975.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 16, 1975, tendered for filing seven revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.

Transco states that such filing is made in accordance with the provisions of Section 6 of Article III of its Agreement as to Rates in the above dockets to track advance payments for gas not previously reflected in rates of $32,287,081. The proposed effective date of the filing is July 1, 1975, subject to Commission approval of the Agreement.

Transco states that the revised tariff sheets included in the filing reflect an increase of 0.6¢ per Mcf in the commodity rate or delivery charge of the Company's CD, G, OG, E, PS, S-2, X-11, X-20, X-42, X-52, and X-56 rate schedules.

The company states that copies of the filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 6, 1975. Protests will be considered by the Commission in determin-

ing 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.75-13977 Filed 5-28-75;8:45 am]

[Docket No. CP75-337]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MAY 22, 1975.

Take notice that on May 13, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-337 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport up to 15,000 Mcf per day of natural gas on an interruptible basis for Public Service Electric and Gas Company (Public Service), an existing resale customer of Applicant, under a transportation agreement between the two companies dated April 11, 1975, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject gas is proposed to be delivered to Applicant at an existing point of interconnection of Applicant's system with that of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), near Rivervale, Bergen County, New Jersey, and subsequently delivered to Public Service at existing points of delivery to that customer on Applicant's Rivervale lateral.

According to the application, Public Service will pay Applicant an initial charge of 2.8 cents per Mcf transported. No additional facilities are proposed.

Applicant states that Public Service, as one means of alleviating the shortage of natural gas on its distribution system, has arranged to purchase from its subsidiary, Energy Development Corporation (EDC), up to 15,000 Mcf of gas per day to be produced in the North Parc Perdue Field, Lafayette and Vermilion Parishes, Louisiana. The gas, according to the application is to be transported to the gasoline plant of Shell Oil Company located near Chalkley, Louisiana, by Texas Gas Transmission Corporation (Texas Gas), and thence transported to the Rivervale point of delivery to Applicant by Tennessee. Applications by Texas Gas and Tennessee to render these services are pending in Docket Nos. CP75-275 and CP75-276, respectively.

Applicant further states that EDC has been granted a small producer certificate in Docket No. CS73-296, which, Applicant claims, will permit EDC to sell the subject gas to Public Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13998 Filed 5-28-75;8:45 am]

[Docket No. E-9447]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement and Delivery Point Change

MAY 22, 1975.

Take notice that on May 15, 1975, Virginia Electric and Power Company (Virginia), tendered for filing a Contract Supplement dated April 14, 1975, to the Agreement designated as Virginia's Rate Schedule FPC No. 93-12 between Virginia and Tideland Electric Membership Corporation (Tideland). Also, Virginia requests cancellation as of March 31, 1975, of an Agreement for the Purchase of Electricity for Resale and a supplemental agreement servicing Pamlico Power and Light Company (Pamlico). Virginia states that Pamlico's delivery point load was transferred permanently to Tideland's Fairfield Delivery Point on April 1, 1975.

Said supplement requests Commission authorization for connection of Tideland's Fairfield Delivery Point, located on and east of N.C. Route 94 and approximately 1.4 miles south of the Intracoastal Waterway, in Hyde County, North Carolina. Fairfield Delivery Point was created by the transfer, by contract and lease, of the facilities of Pamlico Power and Light Company, and all its customers, to Tideland as of midnight March 31, 1975.

Virginia requests an effective date for the termination of the Agreement with Pamlico as of March 31, 1975, and for the connection of the Fairfield Delivery Point as of April 1, 1975, and further requests waiver of those regulations requiring timely filing and filing of cost of service data.

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 June 12, 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.75-13999 Filed 5-28-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO on May 27, 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 report form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before June 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 ENERGY ADMINISTRATION

On May 21, the Federal Energy Administration submitted to GAO a proposed report form P-302-M-1 entitled, Petroleum Industry Monthly Report for Product Prices. This is a revision to Parts I-IV of the CLC-90. All refiners including gas plant operators, and those Re-

sellers and Retailers which derive $50 million or more in annual sales or revenues from the retailing or reselling of covered products shall prepare and file this form. This form will collect information on volume and price information on sales of petroleum products, sales of products from gas plants and costs of imported products. The amount of time required to complete the report form will vary with the size of the firm, but the average number of man hours per response is estimated to be 220.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75-13919 Filed 5-28-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-34)]

ADVISORY BOARD ON AIRCRAFT FUEL CONSERVATION TECHNOLOGY

Meeting

The Advisory Board on Aircraft Fuel Conservation Technology will meet on June 18, 1975, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in Room 625 of Federal Office Building 10B, 600 Independence Avenue SW. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room which is about 40 persons. All visitors must sign in prior to attending the meeting.

The Advisory Board on Aircraft Fuel Conservation Technology serves in an advisory capacity. Its Chairman is Dr. Raymond L. Bisplinghoff, and there are 13 members. The following list sets forth the approved agenda and schedule for the meeting of this Advisory Board on June 18, 1975. For further information, please contact the Executive Secretary, Mr. James J. Kramer, Area Code 202, 755-2403.

JUNE 18, 1975

Time	*Topic*
9 a.m.....	Remarks by the Chairman (Purpose: To review the status of the Advisory Board Report resulting from the last Board meeting.)
9:15 a.m..	Remarks by the Associate Administrator for Aeronautics and Space Technology (Purpose: To review the actions taken on the Aircraft Fuel Conservation Technology Plan since the last meeting and outline the future steps to be taken for approval of the plan.)
9:30 a.m..	Report by the Executive Secretary (Purpose: To present the Final Aircraft Fuel Conservation Technology Plan prepared by a Task Force of NASA and other Government agency personnel.)
1 p.m.....	Advisory Board Discussion (Purpose: To evaluate and prioritize the elements of the Aircraft Fuel Conservation Technology Plan for the purpose of presenting to NASA a recommended and endorsed list of technology programs.)
3 p.m.....	Chairman's Report (Purpose: To present the consensus views of the Board on the Final Task Force Aircraft Fuel Conservation Technology Plan and an endorsed list of prioritized programs.)
4 p.m.....	Consideration of Future Advisory Board Activities (Purpose: To determine what actions the Advisory Board should undertake in the future.)
4:30 p.m..	Adjournment.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

MAY 22, 1975.

[FR Doc.75-13875 Filed 5-28-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC TASK GROUP 13 OF THE ADVISORY COMMITTEE FOR RESEARCH

Open Meeting

A two-day meeting of Task Group 13 of the Advisory Committee for Research will be held on June 19 and 20, beginning at 9 a.m. in Rm. 543 at the National Science Foundation, 1800 G Street NW., Washington, D.C.

The purpose of the ad hoc task group of the Advisory Committee for Research is to provide the Committee with a mechanism to consider numerous issues of interest to the full Committee. The task groups are composed of members of the Advisory Committee for Research and function in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

The agenda for this meeting will be a discussion of the implications of relying more heavily upon institutions and departments to select the highest quality individual research projects. The task group will also discuss alternatives for more effectively distributing limited support for scientific research equipment.

The meeting is open to the public. Anyone who plans to attend or would like more information about the task group should contact Mr. Leonard Gardner, Executive Secretary, Advisory Committee for Research, Rm. 320, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4278.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Rm. 248, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

MAY 22, 1975.

[FR Doc.75-13905 Filed 5-28-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1457A, 1432A; 1323]

ACCIDENT REPORTS; RESPONSE TO SAFETY RECOMMENDATION

Notice of Availability and Receipt

The National Transportation Safety Board announces the release last week of an aviation accident report and a highway accident report which contains two safety recommendations. Also, a letter responsive to an earlier Safety Board recommendation was received.

The reports are available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for the response copy, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Aviation Accident Report. Report No. NTSB-AAR-75-7, released May 19, 1975, concerns the crash of a Trans World Airlines Boeing 707 in the Ionian Sea, September 8, 1974. The Safety Board determined that the probable cause of the accident was the "detonation of an explosive device within the aft cargo compartment of the aircraft which rendered the aircraft uncontrollable." On January 10, 1975, the Board issued four safety recommendations to the Federal Aviation Administration, aimed at increasing the security of international and domestic flights. FAA responded April 16, 1975. (40 FR 21079)

Highway Accident Report. Report No. NTSB-HAR-75-1, released May 22, 1975, covers the schoolbus-type bus crash at Blythe, California, January 15, 1974, which killed the driver and 18 Mexican farm laborers. The Safety Board found the probable cause of the accident to be the "failure of the driver to reduce the speed of the bus to that required to negotiate the turn, despite the presence of a turn warning/advisory speed sign. Contributing to this failure was a lack of driver alertness induced by fatigue." The Board recommended that the Riverside County Road Commission (1) survey the accident scene and insure that turn warning/advisory speed signs conform with the Federal Highway Administra-

tion's Manual on Uniform Traffic Control Devices for Streets and Highways, and (2) "provide delineation of the pathway around the turn." (Recommendations H–75–1 and –2 are contained in the report.)

Response to safety recommendation. The Federal Railroad Administration has again responded to Recommendation R–74–27, contained in the Board's report No. NTSB–RAR–74–3, "Collision of Missouri Pacific Railroad Company Freight Train Extra 615 South with a Standing Locomotive, Cotulla, Texas, December 1, 1973." FRA's response of May 13, 1975, was in reply to the Safety Board's answer of April 1, 1975, to an earlier FRA letter dated December 11, 1974. The recommendation to FRA required positive indications of both normal and reversed switch positions on main tracks not equipped with automatic block signals. The May 13 letter states, "After considering all of the variables involved in this accident, it was our conclusion that to require by Federal law a device (namely a switch target), which would duplicate the installation at the time of accident, would have very little impact on safety, if the other factors were not concurrently addressed."

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 23, 1975.

[FR Doc.75–14038 Filed 5–28–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237 and 50–249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 8 and 6 to Facility Operating License Nos. DPR–19 and DPR–25 (respectively) to the Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 2 and 3 (the facilities) located in Grundy County, Illinois. The license amendments are effective as of their date of issuance.

The license amendments revised the Technical Specifications for the facilities to incorporate appropriate requirements for flood protection equipment and to include a change to the performance requirements for the containment cooling service water pumps in accordance with the licensee's request dated November 4, 1974.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on January 28, 1975 (40 FR 4194). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

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55230—C. F. LEONARD—(5)—Day Lino

For further details with respect to these actions, see (1) the application for amendments dated November 4, 1974, (2) Amendment Nos. 8 and 6 to License Nos. DPR–19 and DPR–25, with Change Nos. 34 and 23, respectively, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of May 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75–13966 Filed 5–28–75;8:45 am]

[Docket Nos. 50–463, 50–464]

PHILADELPHIA ELECTRIC CO. (FULTON UNITS 1 AND 2)

Special Prehearing Conference

Notice is hereby given that the Special Prehearing Conference previously scheduled to be held on May 21, 1975, will be held on Wednesday, June 18, 1975 at 11 a.m., at the Lancaster County Courthouse, Courtroom No. 2, at Duke and East King Streets, Lancaster, Pennsylvania.

The Conference will deal with the matters set forth in the Board's Notice of May 2, 1975, to wit, a consideration of the current status of discovery procedures in the case. The attention of the parties is specifically called again to the Board's directive that the parties consult prior to the Conference with a view toward a possible resolution of the pending objections on discovery.

It is so ordered.

Dated at Bethesda, Maryland this 22nd day of May 1975.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.75–13967 Filed 5–28–75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations, and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70.33, "Information for Safety Analysis Reports—Initial Test Programs," identifies information that is needed in safety analysis reports at the construction permit and operating license stages of review.

This guide is one of a number being issued in the 1.70.X series to identify information that has often been missing from applicants' safety analysis reports or to present revisions necessary to make a portion of the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," Revision 1, October 1972 (Regulatory Guide 1.70), consistent with the appropriate Standard Review Plan. Standard Review Plans (SRPs) are being prepared by the NRC staff for the guidance of staff reviewers who perform the detailed safety review of applications to construct or operate nuclear power plants. A primary purpose of SRPs is to improve the quality and uniformity of staff reviews and to provide a well-defined base from which to evaluate proposed changes in the scope and requirements of reviews. A complete Revision 2 of the Standard Format incorporating the changes presented in this 1.70.X series will be issued following completion of publication of the SRPs.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.70.33 will, however, be particularly useful in developing the forthcoming revision of the Standard Format if received by July 28, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 21st day of May 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director, Office of Standards Development.

[FR Doc.75–13968 Filed 5–28–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 05/23/75 (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 thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Report of Grant Expenditures, 10-5359, annually, colleges and universities, Lowry, R. L., 395-3772.

NATIONAL ACADEMY OF SCIENCES

Guide for Interviewing non-Research Patients, DMS-BRVA-00, single-time, VA patients, Dick Eisinger, 395-4716.

NATIONAL SCIENCE FOUNDATION

Agency-industry questionnaires, single-time, nonprofit organizations and universities, Hulett, D. T., 395-4730.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Project Statement and Survey Plans, Public Values, and Attitudes Toward Predator Control, single-time, telephone households in mainland U.S., Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Admission to an Institute, Short-Term Training Program or Special Project V-E Pub. L. 90-35 (EPDA), OE 1186, annually, institute nominees, Lowry, R. L., 395-3772.

Budget and Financial Report of Funds Received Under Title V-E, EPDA, Pub. L. 90-35, OE 1163, annually, directors of institutions and training programs, Lowry, R. L., 395-3772.

Office of the Secretary, Services for the Aging: Preliminary Plan for Area Planning and Social Services Program Evaluation, OS-31-75, single-time, services delivery systems members, Reese, B. F., 395-5630.

DEPARTMENT OF THE TREASURY

Departmental and other Bicentennial Coin Set Survey Questions, single-time, mint visitors, Caywood, D. P., 395-3443.

REVISIONS

VETERANS ADMINISTRATION

Certification of Loan Disbursement, 26-1876, on occasion, veteran and lender, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Certification of Use or Non-Use of DDT or TDE on Tobacco, MQ-38, on occasion, Burley, Fire, Sun, Air, Cigar tobacco producers, Lowry, R. L., 395-3772.

Food and Nutrition Service, Special Milk Program Agreement, FNS-826-2, on occasion, schools/service institutions, Marsha Traynham, 395-4529.

National School Lunch and Milk Program Application, FNS-1, annually, nonprofit private schools, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for a Stipend for Teachers Attending Institutes, OE-7213, on occasion, institute graduate nominees, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Home Mortgage Default Notice, FHA-2068, on occasion, Community & Veterans Affairs Division, 395-3532.

Housing Management, Monthly Report for Establishing Net Income, HUD 93479, monthly, Community & Veterans Affairs Division, 395-3532.

DEPARTMENT OF LABOR

Manpower Administration, Area Manpower Reports, semi-annually, State employment security agencies, Strasser, A., 395-3880.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Distribution of Bituminous Coal and Lignite Shipments, 6-1419-Q, quarterly, Marsha Traynham, 395-4529.

Crude Feldspar and Feldspar Concentrates (Production), 6-1294-A, annually, Marsha Traynham, Peterson, M. O., 395-4529.

Ground Feldspar (Grinders Report), 6-1245-A, annually, Marsha Traynham, Peterson, M. O., 395-4529.

Synthetic Mullite in, 1286-A, annually, Marsha Traynham, 395-4529.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Report of Proposed Foreign Travel, AEC-290, on occasion, Userda and contractor employees, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-14078 Filed 5-28-75;8:45 am]

POSTAL RATE COMMISSION

VISIT TO POSTAL FACILITY

MAY 22, 1975.

Notice is hereby given that the Chairman of the Postal Rate Commission will be visiting the Atlanta Bulk Mail Facility on May 23, 1975, for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's docket room.

By direction of the Commission.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75-13965 Filed 5-28-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 777]

ASSIGNMENT OF HEARINGS

MAY 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.

I & S 9034, Coal, Harris West Virginia to Hyco, North Carolina, now assigned July 21, 1975, at Washington, D.C. is postponed to August 25, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138806, James B. Chisolm Common Carrier Application, now assigned June 24, 1975 at Savannah, Georgia; will be held in Room 108 Federal Building & U.S. Courthouse, 125 Bull Street. MC 124174 Sub 100, Momsen Trucking Co., now assigned July 28, 1975 at Amarillo, Texas is cancelled and transferred to Modified Procedure.

I & S 9033, Coal Transfer Charges at Lake Erie Ports, has been continued to June 24, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-43 Sub 3, Illinois Central Gulf Railroad Company Abandonment Dyersburg Branch Between Roberts and Dyersburg, in Madison, Crockett, and Dyer Counties, Tennessee, now being assigned July 23, 1975 (3 days) at Alamo, Tennessee; in a hearing room to be designated later.

MC 106674 Sub 142, Schilli Motor Lines, Inc., now being assigned July 28, 1975 (1 day) at Memphis, Tennessee; in a hearing room to be designated later.

MC 107496 Sub 986, Ruan Transport Corporation, now being assigned July 29, 1975 (2 Days) at Memphis, Tennessee; in a hearing room to be designated later.

MC 106497 Sub 108, Parkhill Truck Company, now being assigned July 31, 1975 (2 days) at Memphis, Tennessee; in a hearing room to be designated later.

MC 98952 Sub 31, General Transfer Company, now assigned July 7, 1975 at Indianapolis, Indiana, has been postponed indefinitely.

MC 42261 Sub 120, Langer Transport Corp., now being assigned July 7, 1975 (2 days) at New York, New York; in a hearing room to be designated later.

MC 107743 Sub 28, System Transport, Inc., now assigned July 15, 1975 at Portland, Oregon, has been postponed indefinitely.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14026 Filed 5-28-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 23, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General rules of practice (49 CFR 1100.40) and filed on or before June 13, 1975.

FSA No. 42994—*Joint Water-Rail Container Rates—Japan Line, Ltd.* Filed by Japan Line, Ltd., (No. 101), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, Korea, The Peoples Republic of China, The Philippines, and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42995—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A., (No. 18), for itself and interested rail carriers. Rates on general commodities, between rail terminals on the U.S. Gulf Coast, and ports in Japan, Hong Kong, Korea, and Taiwan.

Grounds for relief—Water competition.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14029 Filed 5-28-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MAY 23, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before June 30, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 94393 (Sub-No. 6G) (Correction), filed December 17, 1974, published in the FEDERAL REGISTER issue of May 2, 1975, and republished as corrected this issue. Applicant: W. J. CASEY TRUCKING & RIGGING CO., INC., 184 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumps and pump supplies*, (1) from points in New Jersey and New York within 75 miles of Montclair including Montclair, those in Pennsylvania on and east of U.S. Highway 15, and points in Connecticut, to points in Virginia, Maryland, Rhode Island, New Jersey, Ohio, and West Virginia, and (2) between points in New Jersey and New York within 75 miles of Montclair including Montclair, those in Pennsylvania on and east of U.S. Highway 15, and points in Connecticut, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Rockaway, N.J.

NOTE.—This correction indicates the additional destination points in Ohio in (1) above, which was inadvertently omitted from the previous publication.

MAY 23, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 9, 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 1936 (Sub-No. E6), filed May 30, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburg, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight, require the use of special equipment, between points in that part of Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 80 to junction Pennsylvania Highway 477, thence along Pennsylvania Highway 477 to junction Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway, thence along unnumbered highway to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in that part of West Virginia on, south and west of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateways of Cuyahoga, Lake or Lorain Counties, Ohio, or points in Medina County, Ohio on and north of U.S. Highway 224.

No. MC 1936 (Sub-No. E8), filed May 30, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment, between points in Venango County, Pa., on the one hand, and, on the other, points in that part of New York on and north of a line beginning at the United States-Canada International Boundary line and extending 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 86, thence along New York Highway 86 to junction New York Highway 73, thence along New York Highway 73 to junction New York Highway 9N, thence along New York Highway 9N to the Vermont-New York State line. The purpose of this filing is to eliminate the gateways of Cuyahoga, Lake or Lorain Counties, Ohio, or points in Medina County, Ohio on and north of U.S. Highway 224.

No. MC 1936 (Sub-No. E10), filed May 30, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representa-

tive: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment, between points in Brooke, Hancock, and Ohio Counties, W. Va., on the one hand, and, on the other, points in New York on, west and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 62 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction New York Highway 19, thence along New York Highway 19 to junction New York Highway 244, thence along New York Highway 244 to junction New York Highway 21, thence along New York Highway 21 to junction unnumbered highway at Hornell, thence along unnumbered highway to junction New York Highway 54, thence along New York Highway 54 to junction unnumbered highway near Hammondsport, thence along unnumbered highway to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 79, thence along New York Highway 79 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Cuyahoga, Lake, or Lorain Counties, Ohio, or points in Medina County, Ohio on and north of U.S. Highway 224.

No. MC 1936 (Sub-No. E13), filed May 24, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment, between points in Pennsylvania, on the one hand, and, on the other, points in that part of Indiana on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Illinois State line, and points in that part of Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Belmont County, Ohio.

No. MC 1936 (Sub-No. E15), filed May 24, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment, between points in Brooke, Hancock, and Ohio Counties, W. Va., on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 55, thence along Kentucky Highway 55 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 gateways of Cuyahoga, Lake, or Lorain Counties, Ohio, or points in Medina County on and north of U.S. Highway 224.

No. MC 1936 (Sub-No. E16) filed May 24, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings*, which because of size or weight require the use of special equipment, from points in Illinois, Indiana, Michigan, and that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 68 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25W, thence along U.S. Highway 25W to the Kentucky-Tennessee State line, to points in New York, New Jersey, the District of Columbia, and points in Maryland on and east of U.S. Highway 520. The purpose of this filing is to eliminate the gateways of Cuyahoga, Lake, or Lorain Counties, Ohio, or points in Medina County, Ohio on and north of U.S. Highway 224, and Wheatland, Pittsburgh, or Aliquippa, Pa.

No. MC 1936 (Sub-No. E17), filed May 24, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings*, which because of size or weight require the use of special equipment, from points in that part of Kentucky on, north and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 60 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25W, thence along U.S. Highway 25W to the Kentucky-Tennessee State line, to points in New Jersey. The purpose of this filing is to eliminate the gateways of Cuyahoga, Lake, or Lorain Counties, Ohio, or points in Medina County, Ohio on and north of U.S. Highway 224, and Sharon, Wheatland, Pittsburgh, or Aliquippa, Pa.

No. MC 1936 (Sub-No. E18), filed May 24, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee or both ("Twilight Zone" commodities), as described in 64 M.C.C. 229 (1955), between Canton, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Kentucky, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points within 25 miles of Canton, Ohio which are on and north of U.S. Highway 224.

No. MC 1936 (Sub-No. E19), filed May 24, 1974. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings*, which because of size or weight require the use of special equipment, from points in Kentucky to points in New York. The purpose of this filing is to eliminate the gateways of Cuyahoga, Lake, or Lorain Counties, Ohio, or points in Medina County on and north of U.S. Highway 224, and Sharon, Wheatland, Pittsburgh, or Aliquippa, Pa.

No. MC 21170 (Sub-No. E100), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52460. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Food products and commodities exempt from economics regulations pursuant to the provisions of sections 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products from points in Iowa on and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 59 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 175, thence Iowa Highway 175 to junction Iowa Highway 39, thence along Iowa Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 5, thence along Iowa Highway 5 to junction U.S. Highway 34, thence

along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, to points in Vermont. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co. located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E101), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52460. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Food products and commodities exempt from economic regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 59 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 196, thence along Iowa Highway 196 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 5, thence along Iowa Highway 5 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co. located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc. pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E102), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52460. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Food products and commodities exempt from economics regulations pursaunt to the provisions of section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on and west of a line beginning at the Minnesota-Iowa State line and extending along Iowa Highway 4 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 314, thence Iowa Highway 314 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 169, thence U.S. Highway 169 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 14 thence along Iowa Highway 14 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 63 thence along U.S. Highway 63 to the Iowa-Missouri State line, to points in New Hampshire on, south and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 3 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co. located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E103), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52460. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economics regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act in mixed loads with food products from points in Iowa south and west of a line beginning at the South Dakota-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Missouri State line, to points in Ohio, on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 50 to junction Ohio Highway 264, thence along Ohio Highway 264 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 131, thence along Ohio Highway 131 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction unnumbered highway, thence along unnumbered highway to junction Ohio Highway 124 thence along Ohio Highway 124 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction unnumbered highway, thence unnumbered highway Portland to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co. located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc. pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E104), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52460. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economic regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 75 to junction unnumbered highway at Le Mars, thence unnumbered highway to junction U.S. Highway 20, thence along U.S. Highway 20 to junction unnumbered highway at Moville, thence along unnumbered highway to junction Iowa Highway 37 at Onawa, thence along Iowa Highway 37 to junction unnumbered highway at Dunlap, thence along unnumbered highway to junction Iowa Highway 44, thence Iowa Highway 44 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 48, thence along Iowa Highway 48 to junction unnumbered highway, thence along unnumbered highway to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 208, thence along Iowa Highway 208 to the Iowa-Missouri State line, to points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 121 to junction Ohio Highway 320, thence along Ohio Highway 320 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 159, thence along Ohio Highway 159 to junction Ohio Highway 180, thence along Ohio Highway 180 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co. located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc. pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E105), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economics regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on, west and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 75 to junction unnumbered highway at Le-Mars, thence along unnumbered highway to junction U.S. Highway 20 near Lawton, thence along U.S. Highway 20 to junction unnumbered highway, thence along unnumbered highway to junction

Iowa Highway 37 at Onawa, thence along Iowa Highway 37 to junction Iowa Highway 183, thence along Iowa Highway 183 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 161, thence along Iowa Highway 161 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 5, thence along Iowa Highway 5 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, points in Pennsylvania on, east and south of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 507, thence along Pennsylvania Highway 507 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 447, thence along Pennsylvania Highway 447 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to junction Pennsylvania Highway 512, thence along Pennsylvania Highway 512 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction U.S. Highway 222, thence along U.S. Highway 222 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E106), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52460. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Food products and commodities exempt from economic regulations pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on, west and south of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 29 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, to points in Pennsylvania on, east and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 286, thence along Pennsylvania Highway 286 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co. located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E114), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economic regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on, west and south of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 9 to junction Iowa Highway 182, thence along Iowa Highway 182 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 5, thence along Iowa Highway 5 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction unnumbered highway at Bloomfield, thence along unnumbered highway through Savannah to the Iowa-Missouri State line, to points in Maryland. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E115), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economic regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on, west and south of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 4 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 89, thence along Iowa Highway 89 to junction Iowa Highway 210, thence along Iowa Highway 210 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction unnumbered highway at Bloomfield, thence along unnumbered highway through Savannah, to the Iowa-Missouri State line, to points in Maryland on and south of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 495 to junction Maryland Highway 450, thence along Maryland Highway 450 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 404, thence along Maryland Highway 404 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 314, thence along Maryland Highway 314 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC–F–10199.

No. MC 21170 (Sub-No. E116), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economic regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act in mixed loads with food products, from points in Iowa on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 169 to through Lakota, Iowa to junction U.S. Highway 169 and U.S. Highway 20 near Fort Dodge, Iowa, thence along U.S. Highway 20 to junction Interstate Highway 35 at Williams, Iowa, thence along Interstate Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 65 at Colo, Iowa, thence along U.S. Highway 65 to junction Iowa Highway 117, thence along Iowa Highway 117 to junction U.S. Highway 6 at Colfax, Iowa, thence along U.S. Highway 6 to junction Iowa Highway 14 at Newton, Iowa, thence along Iowa Highway 14 to junction Iowa Highway 163 at Monroe, Iowa, thence along Iowa Highway 163 to junction U.S. Highway 63 at Oskaloosa, Iowa, thence along U.S. Highway 63 through Ottumwa, Iowa, to junction Iowa Highway 2 at Bloomfield, Iowa,

thence along Iowa Highway 2 to junction Iowa unnumbered highway near Milton, Iowa, thence along Iowa unnumbered highway through Cantril to the Iowa-Missouri State line, to points in Maryland on and south of a line beginning at the Maryland-Virginia State line and extending along Maryland Highway 6 to junction Maryland Highway 232, thence along Maryland Highway 232 to junction Maryland Highway 231, thence along Maryland Highway 231 to junction Maryland Highway 2-4, thence along Maryland Highway 2-4 to the Chesapeake Bay, and those points in Maryland on and south of a line beginning at the Chesapeake Bay and extending along Maryland Highway 16 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC-F-10199.

No. MC 21170 (Sub-No. E117), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economic regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Missouri State line, to points in Kansas on, south and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 56 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 1, thence along Kansas Highway 1 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC-F-10199.

No. MC 21170 (Sub-No. E118), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economic regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 117, thence along Iowa Highway 117 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction unnumbered highway near Milton, thence along unnumbered highway through Cantril to the Iowa-Missouri State line to points in Rhode Island. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC-F-10199.

No. MC 21170 (Sub-No. E119), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and commodities exempt from economic regulation pursuant to the provisions of section 203(b)(c) of the Interstate Commerce Act in mixed loads with food products, restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores, from points in Iowa on and west of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 4 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction unnumbered highway at Bloomfield, thence along unnumbered highway through Savannah to the Iowa-Missouri State line, to points in Connecticut. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo. The authorities mentioned above were purchased by Cedar Rapids Steel Transportation Inc., pursuant to MC-F-10199.

No. MC 29886 (Sub-No. E81), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, (a) between those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 15, thence along Pennsylvania Highway 15 to junction Pennsylvania Highway 220, thence along Pennsylvania Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Connecticut, except those west of a line beginning at the Long Island Sound and extending along Connecticut Highway 69 to junction Interstate Highway 84, thence along Interstate Highway 84 to the Massachusetts-Connecticut State line, (b) between those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 79 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, those points in Connecticut except those south and west of a line beginning at the Long Island Sound and extending along Connecticut Highway 58 to junction Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line, and (c) between those points in Fulton, Franklin, Adams, York, Lancaster, Lebanon, Berks, Chester, Montgomery, Delaware, Philadelphia, Bucks, Lehigh and Northampton Counties, Pa., on the one hand, and, on the other, those points in New York on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 30 to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Massachusetts.

No. MC 29886 (Sub-No. E82), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, restricted to (1) crawler tractors, set-up, with loading and grading attachments, and (2) wheeled tractors (other than truck tractors), from those points in Iowa on and north of Interstate Highway 80, to those points in Kentucky in and east of Trimble, Henry, Shelby, Spencer, Anderson, Washington, Marion, Taylor, Green, Metcalfe, and Monroe Counties. The purpose of this filing is to eliminate the gateway of points in Michigan on and south of a line extending

along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., thence on and west of a line extending along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12 near Somerset Center, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127 near Somerset, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line, and Churubusco, Ind.

No. MC 29886 (Sub-No. E83), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, restricted to (1) crawler tractors, set-up, with loading and grading attachments, and (2) wheeled tractors (other than truck tractors), from those points in the Lower Peninsula of Michigan on and south of U.S. Highway 10 (except Berrien, Van Buren, and Cass Counties), to points in South Dakota, Nebraska, Wyoming, Montana, Idaho, Washington, and North Dakota (except those north and east of a line beginning at the United States-Canadian International Boundary line, and extending along North Dakota Highway 1 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota line. The purpose of this filing is to eliminate the gateway of Churubusco, Ind.

No. MC 29886 (Sub-No. E84), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, restricted to (1) crawler tractors, set-up, with loading and grading attachments, and (2) wheeled tractors (other than truck tractors), from those points in Iowa on and north of Interstate Highway 80, to those points in Georgia on and east of a line beginning at the Georgia-Tennessee State line and extending along Georgia Highway 5 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., thence on and west of a line extending along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion U.S. Highway 127) 127 near Somerset, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line, and Churubusco, Ind.

No. MC 29886 (Sub-No. E85), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Contractors' equipment*, the transportation of which because of size or weight require the use of special equipment, between points in Michigan, on the one hand, and, on the other, those points in Pennsylvania in and east of Tioga, Lycoming, Clinton, Centre, Blair, and Bedford Counties, and between points in Pennsylvania, on the one hand, and, on the other, points in Michigan (except Lenawee, Monroe, Washtenaw, Wayne, Livingston, Oakland, Macomb, Lapeer, St. Clair, and Sanilac Counties). The purpose of this filing is to eliminate the gateway of points in that part of Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Route Interstate Highway 96, thence along Business Route Interstate Highway 96 to Lansing, Mich., and thence along U.S. Highway 127 to the Michigan-Ohio State line.

No. MC 29886 (Sub-No. E86), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled contractors' equipment*, restricted to tractors (other than truck tractors) each weighing 15,000 pounds or more, which, because of size or weight, require special handling or special equipment, from those points in New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 21, thence along New York Highway 21 to the New York-Pennsylvania State line, to points in the United States (except Michigan, Wisconsin, Iowa, Missouri, Arkansas, Mississippi, Illinois, Indiana, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Vermont), and to those in Massachusetts on and east of Interstate Highway 91. The purpose of this filing is to eliminate the gateway of Batavia, N.Y.

No. MC 29886 (Sub-No. E87), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 pounds or more, which because of size or weight require special handling or the use of special equipment (except automobiles, trucks, buses, trailers, cabs, and chassis), from those points in Illinois on and north of U.S. Highway 30 from the Indiana-Illinois State line to junction Illinois Highway 31, thence along Illinois Highway 31 to the Wisconsin-Illinois State line, to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, those in Montana in and west of Powder River, Rosebud, Garfield, McCone, Roosevelt, and Daniels Counties, those in Wyoming on and west of a line beginning at the Montana-Wyoming State line and extending along Montana Highway 59 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-Wyoming State line, those in Colorado on and west of Interstate Highway 25, those in Tennessee on and east of Interstate Highway 65, and the District of Columbia; and from those points in Illinois on and south of U.S. Highway 36 to Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Pennsylvania (except those in, south and west of Mercer, Butler, Armstrong, Indiana, Cambria, Blair, Huntingdon, and Franklin Counties), those in Maryland (except Garrett, Allegany, Washington, Frederick, Montgomery, Charles, Saint Marys, Somerset, and Worcester Counties), and the District of Columbia. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 29886 (Sub-No. E88), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors equipment* (restricted to steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction and moving machinery), which because of size or weight require the use of special equipment or special handling, from those points in the Lower Peninsula of Michigan, and those in the Upper Peninsula of Michigan on and east of U.S. Highway 41 to points in Florida, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Utah, Arizona, Nevada, California, and Alabama (except that portion in and east of Lauderdale, Colbert, Lawrence, Cullma, Blount, Saint Clair, Talladega, Coosa, Elmore, Macon, Bullock, and Barbour Counties), and from those points in the Lower Peninsula of Michigan in and south of Mason, Newaygo, Mecosta, Montcalm, Gratiot, Saginaw, Tuscola, and Huron Counties,

Mich., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Benton Harbor, Mich.

No. MC 45764 (Sub-No. E1), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Sussex County, Del., on the one hand, and, on the other, points in New Jersey (except those within 75 miles of Philadelphia, Pa.). The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E2), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Sussex County, Del., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E3), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Maryland (except those within 75 miles of Philadelphia, Pa.), on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E4), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Maryland east of the Chesapeake Bay and the Susquehanna River (except those within 75 miles of Philadelphia, Pa.), on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E5), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Maryland west of Interstate Highway 81, on the one hand, and, on the other, points in New York on and east of Interstate Highway 87. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E13), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line, and extending over U.S. Highway 202 to junction Pennsylvania Turnpike Northeast Extension, thence north over that extension to junction Interstate Highway 81, and thence north over Interstate Highway 81 to the Pennsylvania-New York State line (except those within 75 miles of Philadelphia, Pa.), on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E14), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New York in and west of Monroe, Livingston, and Steuben Counties, on the one hand, and, on the other, points in Fairfield, New Haven, Middlesex, and New London. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E15), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between New York, N.Y., and points on Long Island, N.Y., on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E18), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Sussex County, N.J. (except those within 75 miles of Philadelphia), on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Lafayette, N.J.

No. MC 45764 (Sub-No. E19), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Delaware (except those within 75 miles of Philadelphia, Pa.), on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E20), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Delaware (except those within 75 miles of Philadelphia, Pa.), on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E21), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Maryland (except those within 75 miles of Philadelphia, Pa.), on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E22), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Phila-

delphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Maryland (except those within 75 miles of Philadelphia, Pa.), on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E23), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania (except those within 75 miles of Philadelphia, and those in Potter, Tioga, Bradford, Susquehanna, Wayne, and Pike Counties), on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E24), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania (except those within 75 miles of Philadelphia, and those in Potter, Tioga, Bradford, Susquehanna, Wayne, and Pike Counties), on the one hand, and, on the other, points in Massachusets on, south, and east of a line beginning at the Massachusetts-New York State line and extending east over Interstate Highway 90 to junction Massachusetts Highway 41, thence north and northeast over Massachusetts Highway 41 to junction U.S. Highway 20, thence east over U.S. Highway 20 to Pittsfield, Mass., thence east over Massachusetts Highway 9 to junction Massachusetts Highway 32, thence northeast over Massachusetts Highway 32 to junction Massachusetts Highway 62, thence east over Massachusetts Highway 62 to junction Massachusetts Highway 31, thence north over Massachusetts Highway 31 to junction Massachusetts Highway 2A, thence east over Massachusetts Highway 2A to Fitchburg, Mass., and thence north over Massachusetts Highway 31 to the Massachusetts-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Hazelton, Pa.

No. MC 45764 (Sub-No. E25), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in the District of Columbia, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E26), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in the District of Columbia, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Paterson, N.J.

No. MC 45764 (Sub-No. E27), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New York on and east of a line beginning at the New York-New Jersey State line and extending north over Interstate Highway 87 to junction U.S. Highway 44, thence east over U.S. Highway 44 to Poughkeepsie, N.Y., thence southeast over New York Highway 55 to Pawling, N.Y., thence northeast over New York Highway 55 to the New York-Connecticut State line, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E28), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New York on and east of a line beginning at Port Jervis, N.Y., on the New York-Pennsylvania State line and extending northeast over U.S. Highway 209 to junction Interstate Highway 87, thence north over Interstate Highway 87 to the United States-Canadian Border line, on the one hand, and, on the other, points in and south of Jefferson, Harrison, Guernsey, Muskingum, Licking, Franklin, Madison, Champaign, Miami, and Darke Counties, Ohio. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E29), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E30), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in and east of Chemung, Schuyler, Yates, Ontario, and Monroe Counties, N.Y., on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E31), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New York (except those west of New York Highway 19), on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E32), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New York on and east of a line beginning at Narrowsburg, N.Y., on the New York-Pennsylvania State line, and extending north over New York Highway 97 to Hankins, N.Y., thence northeast over unnumbered highway to Roscoe, N.Y., thence west over New York Highway 17 to junction New York High-

way 30, thence northeast over New York Highway 30 to New York Highway 206, thence northwest over New York Highway 206 to junction New York Highway 10, thence east and north over New York Highway 10 to junction New York Highway 28, thence north and west over New York Highway 28 to Oneonta, N.Y., thence north over New York Highway 205 to junction New York Highway 28, thence northeast over New York Highway 28 to junction New York Highway 30, and thence north over New York Highway 30 to the United States-Canadian Border line, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E33), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New York on and east of a line beginning at Port Jervis, N.Y., on the New York-Pennsylvania State line, and extending northeast over New York Highway 209 to junction Interstate Highway 87, thence north over Interstate Highway 87 to junction New York Highway 73, and thence east over New York Highway 73 to the New York-Vermont State line, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E34), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New Jersey on and south of U.S. Highway 30, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E35), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line one mile north of Phillipsburg, N.J., and extending northeast over New Jersey Highway 57 to junction U.S. Highway 46, thence east over U.S. Highway 46 to junction New Jersey Highway 15, thence northwest over New Jersey Highway 15 to junction New Jersey Highway 517, thence north over New Jersey Highway 517 to junction New Jersey Highway 23, thence southeast over New Jersey Highway 23 to junction New Jersey Highway 513, thence northeast over New Jersey Highway 513 to junction New Jersey Highway 511, and thence northeast over New Jersey Highway 511 to the New Jersey-New York State line, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E36), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New Jersey, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E37), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New Jersey, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E38), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New Jersey, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E39), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New Jersey, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E40), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia Pa.

No. MC 45764 (Sub-No. E41), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in Ohio on and east of a line beginning at Cleveland, Ohio, and extending south over Ohio Highway 8 to Akron, Ohio, thence south over Interstate Highway 77 to junction U.S. Highway 40, thence west over U.S. Highway 40 to Columbus, Ohio, and thence southwest over Interstate Highway 71 to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E42), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in New Castle County, Del., north of the Chesapeake & Delaware Canal, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E43), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E44), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Delaware on and north of Delaware Highway 41, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E45), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Delaware on and north of Delaware Highway 41, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E46), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line, and extending south over West Virginia Highway 26 to junction West Virginia Highway 73, thence over West Virginia Highway 73 to Morgantown, thence over U.S. Highway 19 to junction U.S. Highway 33/119, thence over U.S. Highway 33/119 to Charleston, and thence southeast over U.S. Highway 21 to Bluefield, W. Va., on the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E47), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Maryland, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E48), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Maryland on, east and north of a line beginning at the Maryland-Pennsylvania State line, and extending south over Maryland Highway 213 to junction U.S. Highway 40, thence over U.S. Highway 40 to the Maryland-Delaware State line, on the one hand, and, on the other, points in and west of Craig, Roanoke, Bedford, Campbell, Charlotte, and Mecklenburg Counties, Va. The purpose of this fidling is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E49), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania on and south of a line beginning at Erie, Pa., and extending southeast over Pennsylvania Highway 8 to junction U.S. Highway 6, thence east over U.S. Highway 6 to junction U.S. Highway 219, thence south over U.S. Highway 219 to junction Pennsylvania Highway 255,thence southeast over Pennsylvania Highway 255 to junction Pennsylvania Highway 555, thence east over Pennsylvania Highway 555 to junction Pennsylvania Highway 120, thence east over Pennsylvania Highway 120 to U.S. Highway 220, thence northeast over U.S. Highway 220 to junction Pennsylvania Highway 442, thence southeast over Pennsylvania Highway 555 to junction Pennsylvania Highway 42, thence south over Pennsylvania Highway 42 to junction Interstate Highway 81, thence east over Interstate Highway 81 to junction Pennsylvania Highway 93, thence southeast over Pennsylvania Highway 93 to junction U.S. Highway 209, thence south and east over U.S. Highway 209 to junction Pennsylvania Highway 248, thence east over Pennsylvania Highway 248 to junction Pennsylvania Highway 145, thence southeast over Pennsylvania Highway 309 to junction Pennsylvania Highway 663, thence east over Pennsylvania Highway 663 to Quakertown, Pa., thence southeast over Pennsylvania Highway 313 to junction U.S. Highway 202, and thence northeast over U.S. Highway 202 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 45764 (Sub-No. E50), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania (a) on and east of a line beginning at the Pennsylvania-Delaware State line and extending northwest over Pennsylvania Highway 82 to junction Pennsylvania Highway 23, thence west over Pennsylvania Highway 23 to junction Pennsylvania Highway 10, and thence north over Pennsylvania Highway 10 to Reading, Pa., and (b) on and south of a line extending from Reading east over Pennsylvania Highway 562 to junction Pennsylvania Highway 100, thence northeast over Pennsylvania Highway 100 to junction Pennsylvania Highway 29, thence southeast over Pennsylvania Highway 29 to junction Pennsylvania Highway 663, thence east over Pennsylvania Highway 663 to junction Pennsylvania 313 to Pennsylvania Highway 113, thence northeast over Pennsylvania Highway 113 to junction U.S. Highway 611, thence south over U.S. Highway 611 to Pipersville, Pa., and thence east over unnumbered highway to the Pennsylvania-New Jersey State line at Point Pleasant, Pa., on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Conshohocken, Pa.

No. MC 45764 (Sub-No. E51), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, and extending northwest over Pennsylvania Highway 472 to junction U.S. Highway 222, thence northwest over U.S. Highway 222 to Lancaster, Pa., thence northeast over U.S. Highway 222 to Allentown, Pa., and thence east over U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Ohio west of a line beginning at Lake Erie and extending south over Ohio Highway 4 to junction Ohio Highway 98, thence south over Ohio

Highway 98 to junction U.S. Highway 23, and thence south over U.S. Highway 23 to Columbus, Ohio (including Columbus) and on and west of a line extending from Columbus south over U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Conshohocken, Pa.

No. MC 45764 (Sub-No. E52), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, and extending northwest along the east bank of the Susquehanna River to Marietta, Pa., thence northeast over Pennsylvania Highway 141 to junction Pennsylvania Highway 501, thence north over Pennsylvania Highway 501 to junction Pennsylvania Highway 125, thence northwest over Pennsylvania Highway 125 to Shamokin, Pa., thence over Pennsylvania Highway 61 to junction Pennsylvania Highway 487, thence northeast over Pennsylvania Highway 487 to Pennsylvania Highway 42, thence north over Pennsylvania Highway 42 to junction U.S. Highway 220, and thence north over U.S. Highway 220 to the Pennsylvania-New York line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E53), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, and extending northwest along the east bank of the Susquehanna River to Millersburg, Pa., thence west over unnumbered highway across the Susquehanna River to junction U.S. Highway 15, and thence north over U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending south over U.S. Highway 17 to Wilmington, N.C., and thence east over unnumbered highway to Wrightsville Beach, N.C. The purpose of this filing is eliminate the gateway of Marcus Hook, Pa.

No. MC 45764 (Sub-No. E54), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, Pa. 19029. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, and extending north over Interstate Highway 83 to junction U.S. Highway 15, thence north over U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa.

No. MC 73165 (Sub-No. E104), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' outfits and equipment* (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipelines), when such commodities, because of size or weight, require the use of special equipment, which is embraced in the commodities descriptions below: (1) Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of minerals (other than lead, zinc, iron, and coal), when (a) such activities are in connection with the drilling of water wells, the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, the injection or removal of commodities into or from holes or wells, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way, or

(b) commodities consist of earth drilling machinery and equipment or machinery and equipment used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and materials and supplies (not including sulphur) used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, (3) Commodities the transportation of which by reason of their size or weight require the use of special equipment or special handling, when such commodities consist of (a) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (b) *Machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites of storage sites,

(c) *Machinery*, equipment, materials, and supplies used in, or in connection with, the drilling of water wells, (d) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way, (e) Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (1) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (2) the completion of holes or wells drilled, (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (4) the injection or removal of commodities into or from holes or wells; between all points in Kansas and points in Oklahoma on and east of U.S. Highway 77 and on and north of U.S. Highway 66, including Oklahoma City, on the one hand, and, on the other, Bessemer, Ala., and points in Alabama within 100 miles of Bessemer. The purpose of this filing is to eliminate the gateways of Arkansas, Tennessee, and Ottawa County, Okla., or Cherokee, Crawford, Labette, or Montgomery Counties, Kans.

No. MC 73165 (Sub-No. E105), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment and supplies*, the transportation of which because of size or weight requires the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipelines), (1) between points in Texas, on the one hand, and, on the other, points in Tennessee and Kentucky, (2) between points in Louisiana, on and west of a line extending from the Arkansas-Louisiana State line along U.S. Highways 71 and 171 to Lake Charles and points in Calcasieu and Cameron Parishes, La., on the one hand, and, on the other, points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateway of Texas within 200 miles and Arkansas within 150 miles of Texarkana, Tex.

No. MC 73165 (Sub-No. E106), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment* when such commodities consist of: (A) contractors outfits and equipment (except commodities in bulk, pipe, pipeline material, machinery, equipment and supplies incidental to and used in connection with the construction, dismantling and repair of pipelines), when such commodities because of size or weight require the use of special equipment, which is embraced in the following:

(1) Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products;

(2) Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation and maintenance of facilities for the discovery, mining and milling of minerals (other than lead, zinc, iron and coal), when (a) such activities are in connection with the drilling of water wells; the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; the completion of holes or wells drilled; the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; the injection or removal of commodities into or from holes or wells; the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; or (b) commodities consist of earth drilling machinery and equipment or machinery and equipment used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites of storage sites.

(3) Commodities the transportation of which by reason of their size or weight require the use of special equipment or special handling, when such commodities consist of (a) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (b) *Machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing and processing plant) sites of storage sites; (c) *Machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells; (d) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; (e) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (1) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (2) the completion of holes or wells drilled; (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (4) the injection of removal of commodities into or from holes or wells.

between all points in Kansas and points in Oklahoma on and east of U.S. Highway 77 and on and north of U.S. Highway 66, including Oklahoma City, on the one hand, and, on the other, points in Georgia, South Carolina, Florida, and points in Alabama on or east of U.S. Highway 29.

The purpose of this filing is to eliminate the gateway of Winfield, Ala., Arkansas, Tennessee, and Ottawa County, Okla., or Cherokee, Crawford, Labette, or Montgomery Counties, Kans.

No. MC 73165 (Sub-No. E107), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield contractors' material handling equipment*, and parts, attachments and accessories used in connection with such commodities, (except pipe, pipeline material machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipelines), when the commodities described herein because of size or weight require the use of special equipment, between points in Texas on and south of U.S. Highway 70, on the one hand, and, on the other, points in Ohio and West Virginia on and north of U.S. Highway 50, points in Maryland and Delaware, and points in the United States northeast thereof. The purpose of this filing is to eliminate the gateway of Texas within 200 miles of Arkansas within 150 miles of Texarkana, Tex., and Wenfield, Ala.

No. MC 73165 (Sub-No. E110), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles (except those which because of size or weight require the use of special equipment) which consist of commodities named in (1) below: (1) *Machinery, equipment, material*, and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, supplies*, and *equipment* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and *commodities* the transportation of which by reason of their size or weight require the use of special handling, when any of the commodities described in this paragraph consist of the following: (a) *Machinery, equipment, materials*, and *supplies* used in, or in

connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof;

(b) *Machinery equipment, materials, and supplies* used in, or in connection with, the drilling or water wells; or (c) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way, between points in that part of Montana on and east of a line beginning at the Montana-Wyoming State Line near Alzada, Montana, and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Montana, thence along Montana Highway 22 to Jordan, Montana, thence northwesterly in a straight line to Malta, Montana, and thence along Montana Highway 242 to the United States-Canada Boundary Line, points in that part of North Dakota on and west of a line beginning at the United States-Canada Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway at Lehr, North Dakota, and thence along unnumbered highway to Ashley, N. Dak., thence North Dakota Highway 3 to the South Dakota line, and points in South Dakota west of the Missouri River and on and north of U.S. Highway 14, on the one hand, and, on the other, points in Tennessee, Mississippi, Alabama, Georgia, Florida, and South Carolina. The purpose of this filing is to eliminate the gateway of Ottawa County, Okla., points on the Mississippi River in Arkansas, and, as to South Carolina, a further gateway of points in Alabama.

No. MC 73165 (Sub-No. E111), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *contractors outfits and equipment*, consisting of the commodities in (1) below (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repair of pipelines) the transportation of which because of size or weight requires the use of special equipment:

(1) *Machinery, equipment, material*, and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, supplies*, and *equipment* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and *commodities* the transportation of which by reason of their size or weight require the use of special equipment or special handling, when any of the commodities described in this paragraph consist of the following:

(a) *Machinery, equipment, materials, and* supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution if natural gas and petroleum and their products and by-products and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof;

(b) *Machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells; or

(c) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way,

between points in that part of Montana on and east of a line beginning at the Montana-Wyoming State Line near Alzada, Montana, and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Montana, thence along Montana Highway 22 to Joradan, Montana, thence northwesterly in a straight line to Malta, Montana, and thence along Montana Highway 242 to the United States-Canada Boundary Line, points in that part of North Dakota on and west of a line beginning at the United States-Canada Boundary line and extending along North Dakota Highway 30 to junction unnumbered at Lehr, North Dakota, and thence along unnumbered highway to Ashley, N. Dak., and thence along North Dakota Hwy. 3 to the South Dakota line, and, points in South Dakota west of the Missouri River and on and north of U.S. Hwy. 14, on the one hand, and, on the other, Bessemer, Alabama, and points in Alabama within 100 miles of Bessemer. The purpose of this filing is to eliminate the gateway of Ottawa County, Okla., Arkansas and Tennessee.

No. MC 73165 (Sub-No. E112), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors material handling equipment* the transportation of which because of size or weight requires the use of special equipment (except pipe, pipeline material, machinery, incidental to and used in connection with the construction, dismantling, and repair pipelines) which consist of the commodities named in (1) below:

(1) *Machinery, equipment, material*, and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, supplies*, and *equipment* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and *commodities* the transportation of which by reason of their size or weight require the use of special handling, when any of the commodities described in this paragraph consist of the following:

(a) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof.

(b) *Machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells; or

(c) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way,

between points in that part of Montana on and east of a line beginning at the Montana-Wyoming State Line near Alzada, Montana, and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Montana, thence along Montana Highway 22 to Jordan, Montana, thence northwesterly in a straight line to Malta, Montana, and thence along Montana Highway 242 to the United States-Canada Boundary Line, points in that part of North Dakota on and west of a line beginning at the United States-Canada Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway to Ashley, North Dakota, and thence along North Dakota Hwy. 3 to the South Dakota line, and points in South Dakota west of the Missouri River and on and north of U.S. Highway 14, on the one hand, and, on the other, all points in South Carolina, Georgia, Florida, and points in Alabama on and south of U.S.

Highway 80. The purpose of this filing is to eliminate the gateway of infield, Ala., Ottawa County, Okla., Arkansas and Tennessee.

No. MC 95540 (Sub-No. E137), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC. P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California on and south of a line beginning at Eureka, thence along U.S. Highway 101 to junction California Highway 299, thence along California Highway 299 to Redding, thence along California Highway 44 to junction California Highway 36, thence along California Highway 36 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction unnumbered California highway, through Wendel to the California-Nevada State line to points in that part of Virginia on, south, and east of a line beginning at Bristol, thence along U.S. Highway 11 to Staunton, thence along Interstate Highway 64 to Charlottesville, thence along U.S. Highway 29 to Culpeper, thence along U.S. Highway 15 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.75-14025 Filed 5-28-75;8:45 am]

[No. MC-6607 (Sub-No. 14)]

J. J. MINNEHAN, INC.

Extension—Corn Products

MAY 23, 1975.

At a session of the Interstate Commerce Commission, Review Board Number 1, held at its office in Washington, D.C., on the 13th day of May, 1975.

It appearing, That by application filed September 13, 1973, J. J. Minnehan, Inc., of Belleows Falls, Vt., seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) corn products and blends of corn products with other sweeteners, in bulk, in tank vehicles, from Beverly and Boston, Mass., to points in New Hampshire, Vermont, Rhode Island, those in that part of Maine bounded by a line beginning at the New Hampshire-Maine State line and extending in an easterly direction along U.S. Highway 2 to Norridgewock, Maine, thence in a northerly direction along Alternate U.S. Highway 201 to junction U.S. Highway 201, thence along U.S. Highway 201 to Bingham, Maine, thence in an easterly direction along Maine Highway 16 through Milo and La Grange, Maine, to junction Maine Highway 43, thence along the western shore of the Penobscot River and the Penobscot Bay to the Atlantic Ocean, thence in a southwesterly direction along the Atlantic Coast to the Maine-New Hampshire State line, and thence along the Maine-New Hampshire State line to the point of beginning, including points on the above-described boundary lines, and those in that part of Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line and extending in a southerly direction along Connecticut Highway 159 to Hartford, Conn., thence in a southerly direction along Interstate Highway 91 to the interchange of Interstate Highway 91 and U.S. Highway 5, thence in a southerly direction along U.S. Highway 5 to New Haven, Conn.; (2) sugar and blends of sugar with other sweeteners from Beverly and Boston, Mass., to points in the destination areas described in (1) above, restricted in (1) and (2) above to a transportation service to be performed under contracts with CPC International, Inc., and the Clinton Corn Processing Co.; and (3) commodities as described in (1) and (2) above, from Boston, Mass., to Naugatuck and Watertown, Conn., restricted to a transportation service to be performed under contract with Revere Sugar Refinery;

It further appearing, That the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestant P. B. Mutrie Motor Transportation, Inc., a motor common carrier, has filed verified statements in opposition to the application; and that applicant and supporting shipper CPC International, Inc., have filed rebuttal statements;

It further appearing, That Minnehan is a contract carrier currently authorized to serve three shippers;[1] that applicant is the wholly owned subsidiary of Gleason Transportation Co., Inc., a non-carrier, which in turn is owned by Multivisions Corp. and Environmental Leasing Corp., also non-carriers; that applicant maintains a fleet of 115 suitable tank trailers which are available to perform the proposed service; that applicant submitted an operational feasibility statement and proposes to render for its supporting shipper (CPC) a "house carrier" service involving expeditious deliveries and day-and-night emergency operations; and that it also submitted appropriate financial data;

It further appearing, That CPC International, Inc., of Englewood Cliff, N.J., sells an estimated 30 million pounds of liquid blends each year in Massachusetts, which is transported by a non-protesting carrier; that these blends, which consist of a mixture of sugar and dextrose, initially are transported by rail from CPC's manufacturing plant at Yonkers, N.Y., to its facility at South Boston; that at this facility the blends are heated and loaded into tank vehicles; that, on the average, one shipment of blends will be transported every other month from South Boston to New England and protestant has been utilized for these movements; that in its initial verified statement, shipper stated that based on its projected studies it would be transporting its commodities throughout the involved territory and also stood a good chance of adding new customers and volume formerly of Revere Sugar Refinery, of Charlestown, Mass.; however, as shipper notes in its rebuttal statement, Revere did not go out of business as anticipated; that shipper states that Revere and Amstar Corporation, both of Charlestown, supply liquid sugar to consignees in the involved territory; that shipper is convinced it will be competitive with these manufacturers in the transportation of the involved commodities; that shipper estimated that by the end of 1974 it would have a need for the transportation of 20 million pounds of commodities each year with six million moving to Maine, six million to New Hampshire, three million to Vermont, three million to Rhode Island, and two million to Connecticut; and that at the involved origin points the liquid bulk products can be blended according to customer specifications;

It further appearing, That shipper indicates that the involved consignees have and are installing bulk facilities for warehousing the involved commodities; that these customers reduce their inventory to a minimum before replacement and therefore often place orders no more than 1 day in advance of delivery; that, therefore, an expedited timed delivery service is required encompassing transportation of the involved bulk liquid products in specialized tank vehicles; that special pumps must be installed for unloading and the trucks must be extremely clean and properly insulated; and that the evidence demonstrates that shipper requires emergency shipments during the summer and holiday seasons, since during this time demands increase between 30 and 40 percent;

It further appearing, That at the time of filing this application shipper did no blending at the involved facilities but estimated that by the end of 1974 it would be involved in some blending at its Boston facility; that shipper anticipates working closely with applicant at the above-noted facilities on such operations as cleaning the equipment and anticipates requiring applicant to station its own dispatcher on a full time basis at its Boston facility; and that while shipper will utilize protestant's service when available, it is asserted that since protestant's two competitors both utilize its service and since protestant has only two pieces of equipment available, it could not render a satisfactory service on the new tonnage;

It further appearing, That protestant Mutrie is, as pertinent, authorized to

[1] Amstar Corporation, Revere Sugar Refinery, and Boston Molasses Co. It is to be noted that applicant in No. MC-6607 (Sub-No. 16) was granted authority to serve General Dynamics Corporation and Dairylea Cooperative, Inc., and the issuance of a permit is currently pending. Applicant asserts that Sucrest Corporation owns Boston Molasses and Revere, and Sucrest is assertedly contemplating which corporate name to utilize. We have no current record of this, and in any event, even if a name were substituted, this alone would not negate applicant's current contracts.

transport, over regular routes, liquid commodities between the involved origin points and points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and a described portion of Maine, and general commodities from Boston to specified points in, as pertinent, Connecticut and Rhode Island; that protestant maintains two trailers at Medford, Mass., which assertedly are not being utilized to full capacity despite the fact that protestant has been providing service for the supporting shipper from South Boston (apparently with these two trailers); that protestant attaches an abstract of shipments handled for the account of the supporting shipper from August 8, 1973 through January 4, 1974, indicating ten shipments weighing 224 tons to points in Vermont, Connecticut, and Maine which produced revenues of approximately $2,800; and that protestant asserts that applicant is currently serving a prohibitive number of shippers and contends that in any event, it has failed to demonstrate that its proposal is one of contract carriage;

It further appearing, That in considering section 203(a)(15) of the Act we note that it does not appear from the evidence adduced that applicant intends to assign vehicles for a continuing period of time to the exclusive use of the supporting shipper; that conversely we believe that applicant has met the alternative criterion for establishing contract carriage, viz, that the proposed service is designed to meet the supporting shipper's distinct needs; that in this regard we note that the supporting shipper requires an expedited, timed delivery service encompassing deliveries performed, at a maximum, within 1 day, in specialized tank vehicles and also the performance of emergency deliveries during the summer months and various holidays; and that the evidence also demonstrates that shipper needs a "house carrier" type service since it will require applicant to clean its equipment at the various origin points and more importantly, at its Boston facility, it will require Minnehan to station dispatchers on a full time basis in order to facilitate the handling of traffic;

It further appearing, That to determine whether the issuance of a permit will be consistent with the public interest and the national transportation policy, the Commission is required by section 209(b) of the Act to consider the following criteria: (1) the number of shippers to be served by applicant, (2) the nature of the service proposed, (3) the effect which granting the permit would have upon the services of the protesting carriers, (4) the effect which denying the permit would have upon the applicant and its shipper, and (5) the changing character of shipper's requirements;

It further appearing, That with a grant of the authority sought here, applicant will be serving four shippers (see footnote 1) as a contract carrier, an acceptable but weak showing under the first criterion of section 209(b); that, as indicated above, applicant proposes and shipper requires an expedited transportation service including emergency shipments, specialized equipment, and the stationing of personnel at one of shipper's plants in order to facilitate a coordinated transportation endeavor; that the issuance of a permit herein should not have a significant adverse affect upon protestant since shipper states it will continue to utilize its services to help transport its anticipated increased volume; that a denial of the sought authority would not have a significant affect upon applicant but would adversely affect the supporting shipper since it would be deprived of a total transportation service tailored to meet its distinct needs in the flexible and expeditious manner required; that the changing character of shipper requirements is a significant factor here since the supporting shipper projects an extremely large increase in tonnage and a new blending operation at Boston; that as regards the anticipated volume of 20 million pounds each year, we note that applicant has numerous pieces of suitable equipment in the involved origin territory which can adequately handle the anticipated volume, while protestant's equipment is limited; and that weighing the evidence in the balance pursuant to the criteria of section 209(b) of the Act, as outlined above, we believe the application should be granted as set forth below;

It further appearing, That although the grant of authority made herein will not affect applicant's status as a contract carrier, it is hereby put on notice that continued pursuit of additional contracting shippers may result in a *de facto* finding that applicant no longer serves a limited number of shippers;

It further appearing, That while applicant requested that the authority sought authorized a transportation service for three named shippers, the only shipper who submitted a verified statement in support of the application was CPC International, Inc., and therefore the authority here granted will be limited to that performed under continuing contract with this firm;

It further appearing, That inasmuch as the grant of authority described in this order duplicates applicant's existing authority to a certain extent, such grant of authority and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right;

It further appearing, That because it is possible that other parties, who have relied upon the notice of the application as published (which failed to indicate because of an oversight by applicant that its intended operations include service at points on the described boundary lines with respect to Connecticut as well as Maine), may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced;

And it further appearing, That the evidence of record establishes that applicant has suitable and available motor vehicle equipment, is experienced in the transportation of the type of commodities involved here, and is financially and otherwise fit, willing, and able properly to conduct the operation authorized; and that such evidence in all other respects amply warrants the grant of authority set forth below, which is phrased to conform to the evidence and current Commission practice;

Wherefore, and good cause appearing therefor:

We find, That operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) corn products and blends of corn products with other sweeteners, in bulk, in tank vehicles, and (2) sugar and blends of sugar with other sweeteners, from Beverly and Boston, Mass., to points in (a) New Hampshire, Vermont, and Rhode Island, (b) that part of Maine bounded by a line beginning at the junction of U.S. Highway 2 and the Maine-New Hampshire State line and extending in an easterly direction along U.S. 2 to Norridgewock, Maine, thence in a northerly direction along Alternate U.S. Highway 201 to junction U.S. Highway 201, thence along U.S. Highway 201 to Bingham, Maine, thence in an easterly direction along Maine Highway 16 through Milo and La Grange, Maine, to junction Main Highway 43, thence along the western shore of the Penobscot River and Penobscot Bay to the Atlantic Ocean, thence in a southwesterly direction along the Atlantic Ocean to the Maine-New Hampshire State line, and thence along the Maine-New Hampshire State line to the point of beginning, including points on the described boundary line, and (c) that part of Connecticut on and east of a line beginning at the junction of Connecticut Highway 159 and the Connecticut-Massachusetts State line and extending in a southerly direction along Connecticut Highway 159 to Hartford, Conn., thence in a southerly direction along Interstate Highway 91 to the junction of Intersate Highway 91 and U.S. Highway 5, thence in a southerly direction along U.S. Highway 5 to New Haven, Conn., including points on the described boundary line, under a continuing contract or contracts with CPC International, Inc., of Englewood Cliffs, N.J., will be consistent with the public interest and the national transportation policy; that such grant and any existing authority duplicated thereby shall be construed as conferring only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental

Policy Act of 1969; that an appropriate permit should be granted subject to the publication condition noted below; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 218, and 221(c) of the Interstate Commerce Act, with the Commission's rules and regulations thereunder, and with the requirements established in *Contracts of Contract Carriers*, 1 M.C.C. 628 (49 CFR 1053), within the time specified in the next succeeding paragraph, a permit be issued to applicant authorizing the operations described, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted by this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 1.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14033 Filed 5-28-75;8:45 am]

[Notice 41]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 23, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before June 30, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 32838 (Notice of Filing of Petition To Remove Restrictions), filed May 1, 1975. Petitioner: ST. LOUIS-KANSAS CITY EXPRESS, INC., 26 East Mercury Street, Chesterfield, Mo. 63017. Petitioner's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Petitioner holds a motor *common carrier* certificate in No. MC 32838, issued November 26, 1971, authorizing transportation, as pertinent, over regular and irregular routes, of: (A) over regular routes, (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Tipton and California, Mo., as intermediate points in connection with carrier's regular route operations between Union, Mo. and Kansas City, Kans. Restriction: The service authorized above is subject to the following conditions: (a) The authority granted above and the authority now held by carrier in Section (A) herein shall not be tacked or combined for the purpose of performing through service between St. Louis and Kansas City, Mo., and (b) neither carrier's existing irregular route authority to serve Tipton and California, Mo., nor the regular route authority granted above to serve those points shall be severable by sale or otherwise; (2) *Charcoal and charcoal briquettes*, in bags or in bulk, from Meta, Mo., to Kansas City, Kans., serving no intermediate points: From Meta over Missouri Highway 133 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City, and return over the same route; (3) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (a) serving ballistic missile and launching sites, and supply points therefor, located in Johnson, Pettis, Henry, Morgan, and Cooper Counties, Mo., as intermediate or off-route points in connection with the regular route operations authorized in Section (A) hereinbelow;

(b) Between Union, Mo., and Kansas City, Kans., serving the intermediate points of Jeffriesburg, Beaufort, Leslie, Gerald, Rosebud, Drake, Mt. Sterling, Loose Creek, Schubert, and Kansas City, Mo., and the off-route points of Bend, Bay, Cooper Hill, Hope Frankenstein, Ryors, Taos, Freedom, Swiss, Rich Fountain, and Luystown, Mo.: From Union over U.S. Highway 50 to Kansas City, and return over the same route; (c) Between Rosebud, Mo., and Kansas City, Kans., serving the intermediate points of Owensville, Canaan, Bland, Belle, Lanes Prairie, Vichy Federal Air Port, Vienna, Freeburg, Westphalia, and Kansas City, Mo., and the off-route points of Vichy, Lindell, the plant site of the Kingsford Charcoal Co., about 5 miles south of Belle, Argyle, Koeltztown, and Loose Creek, Mo.: From Rosebud over Missouri Highway 28 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City, and return over the same route. Restriction: The authority granted in the 2 paragraphs next above and the authority otherwise granted in Section (A) hereinbelow to carrier shall not be tacked or combined for the purpose of performing through service between St. Louis and Kansas City, Mo.; (d) Between Tipton, Mo., and East St. Louis, Ill., serving the intermediate and off-route points of St. Louis, Centertown, Prairie Home, and Marion Township, Mo., points in Moniteau County, Mo., and points in St. Clair County, Ill.: From Tipton over U.S. Highway 50 to junction U.S. Highway 66 at or near Gray Summit, Mo., thence over U.S. Highway 66 to East St. Louis, and return over the same route; (e) Between Loose Creek, Mo., and St. Louis, Mo., serving the intermediate point of Freedom, Mo., and the off-route points of Cooper Hill, Hope, Rich Fountain, Bonnotts Mill, Frankenstein, and Luystown, Mo.: From Loose Creek over U.S. Highway 50 to St. Louis, and return over the same route; and

(f) Between Jefferson City, Mo., and National City, Ill., serving the intermediate and off-route points of Loose Creek, Linn, Mount Sterling, Drake, Rosebud, Gerald, Leslie, Beaufort, Union, Jeffriesburg, Algoa, Freedom, Westphalia, Freeburg, Vienna, Vichy, Lanes Prairie, Belle, Bland, Canaan, Owensville, St. Louis, Schubert, Useful, Taos, Ryors, Bay, Swiss, Cooper Hill, Lindell, Rich Fountain, Argyle, Koeltztown, and Bend, Mo., Hope, Osage County, Mo., and points in the St. Louis, Mo., Commercial Zone, as defined by the Commission: (1) From Jefferson City over U.S. Highway 50 via

Rosebud, Mo., to junction U.S. Highway 66 at or near Gray Summit, Mo., thence over U.S. Highway 66 to East St. Louis, Ill., and thence over city streets to National City, and return over the same route; and (2) From Jefferson City over U.S. Highway 50 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Missouri Highway 28, thence over Missouri Highway 28 to Rosebud, Mo., and thence to National City as specified above, and return over the same route; and (4) *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission): Between Belle, Mo., and the plant site of the Kingsford Charcoal Company located approximately 6 miles southwest of Belle, Mo., serving no intermediate points: From Belle over Missouri Highway 28 to junction unnumbered highway, thence over unnumbered highway to the plant site of the Kingsford Charcoal Company, and return over the same route; and over irregular routes, (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Centertown, Prairie Home, and points in Marion Township, Mo., and those in Moniteau County, Mo., on the one hand, and, on the other, points in Wyandotte County, Kans.;

(2) *Livestock*, Between Loose Creek, Mo., and points within 15 miles of Loose Creek, Mo., on the one hand, and, on the other, National Stockyards, Ill.; (3) *Household goods*, Between points in Marion Township, Mo., and those in Moniteau County, Mo., on the one hand, and, on the other, points in Oklahoma and Iowa; and (4) *Feed and fertilizer*, From East St. Louis, Ill., to Loose Creek, Mo., and points within 15 miles of Loose Creek, Mo.

By the instant petition, petitioner seeks to remove the restrictions in the above authority preventing the performance of through service between St. Louis, Mo. and Kansas City, Mo. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 30, 1975.

No. MC 108531 (Sub-No. 16) (Notice of Filing of Petition To Add a Destination), filed April 11, 1975. Petitioner: BLUE BIRD COACH LINES, INC., 502–504 N. Barry St., Olean, N.Y. 14760. Petitioner's representative: Ronald W. Malin, Bankers Trust Building, Jamestown, N.Y. 14701. Petitioner holds a motor *common carrier* certificate in No. MC 108531 (Sub-No. 16), issued December 20, 1974, authorizing transportation, over irregular routes, of *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, Beginning and ending at points in Chautauqua County, N.Y., and extending to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. By the instant petition, petitioner seeks to add points in Iowa as a destination in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 30, 1975.

Nos. MC 128233 and Sub-No. 1 (Notice of Filing of Petition To Add a Contracting Shipper), filed April 30, 1975. Petitioner: OLIE M. ERICKSEN, P.O. Box 107, Transfer, Pa. 16154. Petitioner's Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Petitioner holds motor *contract carrier* permits in Nos. MC 128233 and Sub-No. 1, issued October 29, 1968 and June 10, 1969, respectively, authorizing transportation, over irregular routes, in MC 128233, of (1) *Scrap metals*, From points in Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, and Wisconsin, to points in Pymatuning Township, Mercer County, Pa.; and (2) *Processed scrap metals*, From points in Pymatuning Township, Mercer County, Pa., to Baltimore, Md., Philadelphia, Pa., and points in Illinois, Massachusetts, New Jersey, New York, Ohio, and Wisconsin, under a continuing contract, or contracts with Mercer Alloys Corporation, of Greenville, Pa.; and in MC 128233 (Sub-No. 1), of (1) *Scrap metals and processed scrap metals*, Between points in Pymatuning Township, Pa., on the one hand, and, on the other, points in Alabama, California, Colorado, Connecticut, Delaware, Indiana, Louisiana, Maryland, Michigan, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and West Virginia; and (2) *Alloys*, Between points in Pymatuning Township, Pa., on the one hand, and, on the other, Chicago, Ill., and points in Alabama, California, Connecticut, Delaware, Louisiana, Maryland (except alloys from Baltimore, Md.), Massachusetts, New Jersey, New York, North Carolina, Ohio (except alloys, in bulk, in dump vehicles, to and from points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, and except alloys to and from points in Waterford Township, Washington County, Ohio), Oklahoma, Pennsylvania (except alloys, in dump vehicles, from Philadelphia, Pa.), Rhode Island, South Carolina, Tennessee, Texas and West Virginia under a continuing contract, or contracts, with Mercer Alloys Corp. of Greenville, Pa. By the instant petition, petitioner seeks to add National Nickel Alloy Corp. as an additional contracting shipper in the above authorities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 30, 1975.

No. MC 136658 (Sub-No. 2) (Notice of Filing of Petition To Add a Contracting Shipper), filed February 14, 1975. Petitioner: ARALDO C. RICHIE, doing business as A. R. TRUCKING, 12 Spurr Place, Nutley, N.J. 07110. Petitioner's Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* permit in No. MC 136658 (Sub-No. 2), issued March 30, 1973, authorizing transportation, over irregular routes, of (1) *Such commodities* as are dealt in by a manufacturer of gas and electrical appliances and gas and electrical fixtures, from Kearney and Clifton, N.J., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, the District of Columbia, that part of New York on, south and east of a line beginning at the Massachusetts-New York State line and extending along New York Highway 2 to junction New York Highway 7, thence along New York Highway 7 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York- Pennsylvania State line, those points in Pennsylvania and Maryland on and east of Interstate Highway 81, points in that part of Virginia on, east, and north of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 81 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Potomac River; and (2) *Used commodities* of the same description in (1) above, From destination points in the above-described territory, to Kearny and Clifton, N.J., under a continuing contract, or contracts, with the Tappan Company. By the instant petition, petitioner seeks to add Westinghouse Electric Corporation as a contracting shipper in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before June 30, 1975.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1,240).

No. MC 43963 (Sub-No. 9), filed May 5, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. 46405. Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery and articles* requiring specialized handling or rigging because of size or weight; between Chicago, Ill. and points in Illinois and Indiana within 50 miles of Chicago, on the

one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn; (2) *material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers; and parts, attachments and accessories* for the commodities named; between the plantsites of Hyster Company at or near Danville, Peoria, and Kewanee, Ill., and Crawfordsville, Ind. on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn., restricted to the transportation of shipments originating at or destined to the above-named plantsites; (3) *iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire* in coils, from Chicago and Joliet, Ill. and Burns Harbor, Ind., to Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn.

(4) *Iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire* in coils, which because of size and weight require specialized handling or rigging, between points in Will, Kankakee, Iroquois, Ford, Vermilion, Champaign, Douglas, Edgar, Coles, Clark, Cumberland, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Wayne, Edwards, Wabash, Hamilton, White, Franklin, Williamson, Saline, Gallatin, Johnson, Pope, Hardin, Pulaski, Kendall, Grundy, Livingston, McLean, DeWitt, Piatt, Macon, Moultrie, Shelby, Christian, Fayette, Bond, Marion, Clinton, Washington, Jefferson, Randolph, Perry, Jackson, Union, Alexander, and Massac Counties, Ill.; those in Kane, DuPage and Cook Counties, Ill. on and south of Illinois Highway 64; and those in Indiana on and north of U.S. Highway 40, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn.; and (5) *iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire* in coils, (except articles requiring specialized handling or rigging because of size or weight), from points in Illinois and Indiana within 40 miles of Grant Park, Chicago, Ill., to Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn.

NOTE.—The purpose of this filing is to eliminate the gateway of Erin Township, Wisconsin. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55, Sub. No. 8 notice in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to a Section 5 proceeding in MC–F–12515 published in the FEDERAL REGISTER of May 14, 1975.

No. MC–F–12520. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 90425, of a portion of the operating rights of De CASPER BROTHERS FREIGHT LINES, INC., P.O. Box 230, Bradford, PA 16701, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Bldg., 601 California St., San Francisco, CA 94108, of control of such rights through the purchase. Applicants' attorneys: Robert C. Stetson, 175 Linfield Drive, Menlo Park, CA 94025, and Eugene T. Liipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, commodities in bulk and household goods, as a *common carrier* over regular routes, between Jamestown, N.Y., and Bradford, Farmers Valley and Kane, Pa. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12521. Authority sought for purchase by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203, of a portion of the operating rights of TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive, SE., Grand Rapids, MI 49506, and for acquisition by IU TRANSPORTATION SERVICES, INC., The Wilmington Tower, 1105 N. Market St., Wilmington, DE 19801, which in turn, is controlled by IU INTERNATIONAL CORPORATION, also of Wilmington, DE 19801, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Bldg., Washington, DC 20004, H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA 19102, and Charles F. Rodgers, 744 Broad St., Newark, NJ 07102. Operating rights sought to be transferred: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Missouri, Texas, Oklahoma, Arkansas, Kansas, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Vermont, Indiana, Illinois, Kentucky, Michigan, Ohio, North Carolina, South Carolina, Georgia, Iowa, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over two alternate routes for operating convenience only, as more specifically described in Docket No. MC–10761 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12522. Authority sought for control by RALPH C. WILSON AGENCY, INC., One Woodward Ave., Detroit, MI 48226, of AUTOMOBILE CARRIERS, INC., 3401 N. Dort Highway, P.O. Box 128, Flint, MI 48501, and for acquisition by RALPH C. WILSON, JR., also of Detroit, MI 48226, of control of AUTOMOBILE CARRIERS, INC., through the acquisition by RALPH C. WILSON AGENCY, INC. Applicants' attorneys: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, and Jack Goodman, 39 S. La Salle St., Chicago, IL 60606. Operating rights sought to be controlled: *New automobiles, new trucks, new bodies, new cabs, new chassis*, and *parts thereof*, restricted to initial movements, in truckaway service (except that the stated restrictions do not apply to the transportation of the said bodies, cabs, and parts), as a *common carrier* over irregular routes, from Flint, Mich., to Lincoln, Nebr., and points in Alabama, Illinois, Georgia, Indiana, Iowa, Michigan, Missouri, Tennessee, Ohio, Wisconsin, and Kentucky, except that parts thereof of the above-specified commodities may not be transported to points in Alabama, Georgia and Tennessee, and to points in Kentucky other than those on the Ohio River; *automobiles, trucks, bodies, cabs, chassis*, and *parts thereof*, new, used, unfinished, and/or wrecked, *and automobile show displays*, restricted to secondary movements, in truckaway service (except that the stated restrictions do not apply to the transportation of the said bodies, cabs, and parts), between Flint, Mich., on the one hand, and, on the other, Lincoln, Nebr., and points in Alabama, Illinois, Georgia, Indiana, Iowa, Michigan, Missouri, Tennessee, Ohio, Wisconsin, and Kentucky, except that automobile show displays, and parts thereof of automobiles, trucks, bodies, cabs, and chassis may not be transported to or from points in Alabama, Georgia, and Tennessee, and to and from points in Kentucky other than those on the Ohio River; *automobiles, trucks, and buses*, as described in *descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from Janesville, Wis., to points in the Lower Peninsula of Michigan. RALPH C. WILSON AGENCY, INC., holds no authority from this Commission. However he is affiliated with MOTORCAR TRANSPORT COMPANY, 1280 Joslyn Ave., Pontiac, MI 48055 (MC–60470), which is authorized to operate as a *common carrier* in Illinois, Michigan, Nebraska, Alabama, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin, Kentucky, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Pennsylvania, West Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–12523. Authority sought for purchase by DeFAZIO EXPRESS, INC., 1028 Springbrook Ave., Moosic, PA 18507, of the operating rights of L & L EQUITIES, INC., doing business as DELTA TRUCK LINES, Box 216, Newfoundland, PA 18445, and for acquisition by BENNY

DeFAZIO, JR., R. D. #3, Box 222F, Moscow, PA 18444, W. R. MARQUARD, 247 E. Morton St., Old Forge, PA 18518, and THOMAS R. MELVIN, 1721 Penn Ave., Scranton, PA 18509, of control of such rights through the purchase. Applicants' attorney: Kenneth R. Davis, 121 S. Main St., Taylor, PA 18517. Operating rights sought to be transferred: *Coal*, as a *common carrier* over regular routes, from Wilkes-Barre, Pa., to New York, N.Y., serving the intermediate point of Avoca, Pa., restricted to pick-up only; *groceries* and *farm products*, from New York, N.Y., to Wilkes-Barre, Pa., serving various intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, New York and Pennsylvania; and as a *contract carrier* in Connecticut, New Jersey, New York and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12524. Authority sought for purchase by SILVEY REFRIGERATED CARRIERS, INC., Gifford Road, Council Bluffs, IA 51501, of a portion of the operating rights of ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, NE 68137, and for acquisition by LEWIS R. CIMINO, Gifford Rd., Council Bluffs, IA 51501, of control of such rights through the purchase. Applicants' attorney: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Rd., Omaha, NE 68106. Operating rights sought to be transferred: *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. 206 and 766 (except hides and commodities in bulk), as a *common carrier* over irregular routes, from the plant sites and storage facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr. Vendee is authorized to operate as a *common carrier* in Iowa, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania and Nebraska, and as a *contract carrier* in Alabama, Connecticut, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12525. Authority sought for purchase by CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, IA 51401, of a portion of the operating rights and property of GROTHAUS EXPRESS, 201 E. Fourth St., Kingsley, IA 51028, and for acquisition by PAUL E. CROUSE, also of Carroll, IA 51401, of control of such rights and property through the purchase. Applicants' attorneys: William S. Rosen, 630 Osborn Bldg., St. Paul, MN 55102, and Homer Bradshaw, 1100 Des Moines Bldg., Des Moines, IA 50309. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Sioux City, and Schaller, Iowa, serving various intermediate and off-route points; *general commodities* (except classes A and B explosives, commodities in bulk, in tank vehicles, and beverages), between Omaha, Nebr., and Moville, Iowa, serving (a) the intermediate points of Whiting, Sloan, Hornick, and Climbing Hill, Iowa, (b) the off-route points of Salix and Bronson, Iowa, and (c) the following off-route points, restricted to the transportation of traffic originating at or destined to such points: Oto, Anthon, Correctionville, Pierson, Kingsley, Washta, Cushing, Holstein, Quimby, Galva, and Schaller, Iowa, with restrictions; *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and beverages), serving the facilities of Western Electric Company, Inc., at or near Underwood, Iowa, as an off-route point in connection with carrier's otherwise authorized regular route operations from and to Omaha, Nebr.; *general commodities*, with exceptions, from Omaha, Nebr., to Denison, Iowa, serving intermediate and off-route points within 25 miles of Denison; *livestock*, from Denison, Iowa to Omaha, Nebr., serving intermediate and off-route points within 25 miles of Denison; *general commodities*, except those of unusual value, classes A and B explosives, livestock, petroleum products in tank trucks, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between points within 20 miles of Sioux City, Iowa, including Sioux City. Vendee is authorized to operate as a *common carrier* in Iowa, Nebraska, Missouri, Kansas, Indiana, Kentucky, Illinois, Michigan, Ohio, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Minnesota, North Dakota, South Dakota, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12526. Authority sought for purchase by OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870, of the operating rights of TROGANI, 155 Club House Drive, Willingboro, NJ 08046, and for acquisition by THOMAS FEICK, 2297 W. Perkins Ave., Sandusky, OH 44870, and KENNETH TONE, 333 E. Washington St., Sandusky, OH 44870, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from New York, N.Y., to Rosenhayn, N.J., and Philadelphia and Harrisburg, Pa., from Weehawken, N.J., to Rosenhayn and Newark, N.J., and Philadelphia and Harrisburg, Pa., from Baltimore, Md., to New York, N.Y., and Philadelphia and Harrisburg, Pa., from Newark and Port Newark, N.J., to Philadelphia and Harrisburg, Pa., from Philadelphia, Pa., to Newark, N.J., New York, N.Y., and Baltimore, Md. Vendee is authorized to operate as a *common carrier* in Delaware, Illinois, Indiana, Ohio, Kentucky, Maryland, Michigan, New York, New Jersey, Pennsylvania, West Virginia, Wisconsin and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12529. Authority sought for purchase by OZARK MOTOR LINES, INC., 27 West Illinois Street, Memphis, TN., 38106, of the operating rights and property of HAY TRUCKING CO., 954 Barton, Memphis, TN., 38106 and for acquisition by M. M. Higginbotham, 27 West Illinois Street, Memphis, TN., 38106, for control of such rights and property through the purchase. Applicants' attorney: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN., 38137. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over *regular routes* between Memphis, Tenn., and Cotton Plant, Ark., between Cotton Plank, Ark., and Des Arc, Ark., between Cotton Plant, Ark., and Augusta, Ark., between Brinkley, Ark., and Lonoke, Ark., *rubber tires and tubes*, between Brinkley, Ark., and Hazen, Ark. Vendee is authorized to operate as a *common carrier* in Arkansas, Mississippi, Missouri and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12530. Authority sought for purchase by BUSH MOTOR FREIGHT, INC., 327 West Avenue, Lenoir, N.C., 28645, of a portion of the operating rights of INTEROCEAN SERVICE CORP., 1419 Bloomfield Street, Hoboken, N.J. 07030, and for acquisition by D. J. THURSTON, JR., 600 Johnston Rd., Charlotte, N.C. 28234, P.O. Box 10638, Charlotte, N.C. 28234, of control of such rights through the purchase. Applicants' attorney: Roland Rice, 618 Perpetual Bldg., 1111 E Street NW., Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities* with exceptions as a *common carrier* over *irregular routes*, between Allamuchy, Dover and Trenton, N.J., New York and Suffern, N.Y., and points in that part of New Jersey bounded by a line beginning at Raritan Bay and extending along the north bank of the Raritan River to Highland Park, N.J., thence along New Jersey Highway 27 to New Brunswick, N.J., thence along New Jersey Highway 514 (formerly unnumbered highways) through Clyde, Middlebush, East Millstone, and Hamilton to Woods Tavern, N.J., thence north along U.S. Highway 206 to junction U.S. Highway 202, thence north and northeast along U.S. Highway 202 to junction U.S. Highway 46 (west of Parisippany, N.J.), thence along U.S. Highway 46 to Paterson, N.J., thence along New Jersey Highway 4 to the George Washington Bridge, thence south along the New Jersey State line to Raritan Bay, including points on the highways named, on the one hand, and, on the other, points in Massachusetts, Rhode Island and Connecticut. *Paper products* as a *contract carrier* over *irregular routes* from Centreville, Holmdel Township, Monmouth County, N.J.,

to points in Massachusetts, Rhode Island and Connecticut, *Rags, skids, paper* and *paper products, machinery, materials, and supplies* used in the manufacture of paper and paper products, between Whippany, N.J., and New York, N.Y., and points in that portion of New Jersey bounded by a line beginning at the George Washington Bridge and extending along New Jersey Highway 4 to the Saddle River, thence along the east bank of the Saddle River to the Passaic River, thence along the east bank of the Passaic River to Harrison, N.J., thence along New Jersey Highway 10 to junction New Jersey Highway 21, thence along New Jersey Highway 21 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to the Goethals Bridge, thence north along the New Jersey State line to the George Washington Bridge, on the one hand, and, on the other, points in Massachusetts, Rhode Island and Connecticut, with restrictions. Vendee is authorized to operate as *common carrier* in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York and North Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12531. Authority sought for purchase by CROUCH FREIGHT SYSTEMS INC., P.O. Box 1059, St. Joseph, MO 64502, of a portion of the operating rights of INTEROCEAN SERVICE CORP., 1271 Ave., of the Americas, New York, NY 10020, and for acquisition by U T S FREIGHT SYSTEMS, O.N.C. FREIGHT SYSTEMS, both of 2800 W. Bayshore Rd., Palo Alto, CA 94303, and ROCOR INTERNATIONAL, a non-carrier holding company, and in turn by DAVID P. ROUSH AND DIANE G. ROUSH, as custodian, for their minor children, of 260 Sheridan Ave., Palo Alto, CA 94306, of control of such rights through the purchase. Applicants' attorney: Roland Rice, 1111 E St., NW, Suite 618, Washington, DC 20004. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between Allamuchy, Dover and Trenton, N.J., New York and Suffern, N.Y., and points in that part of New Jersey bounded by a line beginning at Raritan Bay and extending along the north bank of the Raritan River to certain specified points in New Jersey, on the one hand, and, on the other, points in Massachusetts, Rhode Island and Connecticut; and *paper products, machinery, Materials*, irregular routes, from Centreville, Holmdel Township, Monmouth County, N.J., to points in Massachusetts, Rhode Island, and Connecticut; *rags, skids, paper and paper products, machinery, materials, and supplies* used in the manufacture of paper products, between Whippany, N.J., and New York, N.Y., and points in that portion of New Jersey bounded by a line beginning at the George Washington Bridge and extending along New Jersey Highway 4 to certain specified points in New Jersey, on the one hand, and, on the other points in Massachusetts, Rhode Island and Connecticut, with restrictions. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Iowa, Illinois, Nebraska, Oklahoma, Arkansas, Louisiana, Texas, Indiana, Minnesota, Wisconsin, Arkansas, Connecticut, Massachusetts, New Jersey, New York, North Dakota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14031 Filed 5-28-75;8:45 am]

[Notice 296]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 29, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 18, 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-75560. By order of May 22, 1975 the Motor Carrier Board approved the transfer to MacEvoy, Inc., Philadelphia, Pa., of the operating rights in Certificate No. MC 14126 issued January 3, 1975 to Gray Construction Co., a corporation, Morristown, N.J., authorizing the transportation of heavy machinery between points in New Jersey, on the one hand, and, on the other, points in New Jersey, New York and Pennsylvania. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102 Attorney for transferee. Alvin Altman, 1776 Broadway, New York, N.Y., 10019 Attorney for transferor.

No. MC-FC-75730. By order of May 22, 1975, the Motor Carrier Board on reconsideration approved the transfer to R & J Leasing Co., Inc., North Arlington, N.J., of that portion of the operating rights in Certificate No. MC-2455 issued September 13, 1957, to Bayard Trucking Co., Inc., Elizabeth, N.J., authorizing the transportation of general commodities, with usual exceptions, between points in Newark, N.J., and between Newark, N.J., on the one hand, and, on the other, Irvington, South Orange, Orange, West Orange, Montclair, Glen Ridge, Bloomfield, Elizabeth, Belleville, and Jersey City, N.J. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904, Registered Practitioner for applicants.

No. MC-FC-75821. By order of May 22, 1975 the Motor Carrier Board approved the transfer to J. K. Vreeland Moving & Storage, a corporation, Plainfield, N.J., of Certificate No. MC-76992 issued by the Commission January 8, 1971, to Charles Fear Co., Inc., Montclair, N.J., authorizing the transportation of household goods between points in Essex, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, and Connecticut. Robert J. Gallagher, Esq., Brodsky, Linett and Altman, 1776 Broadway, New York, N.Y. 10019.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-14028 Filed 5-28-75;8:45 am]

[Notice 297]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 29, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75876. By application filed May 16, 1975, ROGERS MOTOR LINES, INC., Route 46, P.O. Box 175, Great Meadows, NJ 07838, seeks temporary authority to lease a portion of the operating rights of DONALD SUNSHINE Trustee in bankruptcy of GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., 1230 Sixth Ave., New York, NY 10020, under section 210a(b). The transfer to ROGERS MOTOR LINES, INC., of the operating rights of DONALD SUNSHINE Trustee in bankruptcy of GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14027 Filed 5-28-75;8:45 am]

[Notice No. 42]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 23, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

be filed with the Commission on or before June 30, 1975. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before July 29, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 340 (Sub-No. 34), filed April 16, 1975. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains and varnishes and compounds* used for reducing, removing, thickening, or thinning such commodities (except commodities in bulk), from Fort Wayne, Ind., East Moline and Rockford, Ill., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex. or Chicago, Ill.

No. MC 1872 (Sub-No. 83), filed April 14, 1975. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: C. Michael Trapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles* and *aluminum products*, including, but not limited to, tubing and couplers, between points in Twin Falls County, Idaho, on the one hand, and, on the other, points in Arizona, California, Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Twin Falls, Idaho.

No. MC 2202 (Sub-No. 484), filed April 28, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Sugar Valley, Ga., as an off-route point in connection with applicant's present regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 4963 (Sub-No. 48), filed April 25, 1975. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618 Perpetual Bldg., 1111 E St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving Zayre Corporation store, at Ballwin, Mo., as an off-route point in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5267 (Sub-No. 19), filed April 28, 1975. Applicant: ATWOOD TRUCK LINE, INC., 5001 E. 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from Laramie, Wyo., to points in Nebraska; and (2) from Boetcher, Colo., to points in Wyoming, and points in Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Deuel, Garden, and Sheridan Counties, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 11722 (Sub-No. 42), filed April 15, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Suite 2, Yakima Legal Center, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and parts thereof* weighing less than 100 lbs. per unit, between points in Oregon, Idaho and Washington.

NOTE.—Applicant hold contract carrier authority in MC 124658 Sub 2 and 6, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 14252 (Sub-No. 26), filed April 10, 1975. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Applicant's representative: William C. Buckingham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, articles requiring special equipment), serving points in Ohio as off-route points in connection with carrier's authorized regular and irregular route operations under MC 14252 and subs thereunder.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 20783 (Sub-No. 108), filed April 25, 1975. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Mobile County, Ala., to points in Tennessee, Kentucky, Ohio, Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 29910 (Sub-No. 160), filed April 28, 1975. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelley Bldg., Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper wire and cable*, from Hoisington, Kans., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Missouri, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Kansas City, Mo., or Indianapolis, Ind.

No. MC 41951 (Sub-No. 28), filed March 27, 1975. Applicant: WHEATLEY TRUCKING, INC., Box 458, Cambridge, Md. 21613. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, and bulk commodities), in containers, in shipments having a prior movement by water, from ports in Baltimore, Md., to Archbold and Jackson, Ohio, and Cambridge, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del.

No. MC 42011 (Sub-No. 16), filed April 30, 1975. Applicant: D. Q. WISE & CO., INC., 13309 E. Apache Street, P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe*, plain or fabricated, other than oilfield, and (2) *materials and supplies* used in, or in connection with, the manufacture, fabrication or distribution of the commodities in (1) above, between Mannford and Sand Springs, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Michigan, Missouri, Texas (except Lone Star, Tex.), and Wisconsin, restricted to shipments originating at or destined to the facilities of Southwest Tube Manufacturing Company at Mannford and Sand Springs, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 43421 (Sub-No. 54), filed April 25, 1975. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: David Axelrod, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Massachusetts as intermediate and off-route points in connection with carriers authorized regular route operations between Cleveland, Ohio and Boston, Mass.

NOTE.—Applicant seeks to eliminate the gateway of Boston, Mass. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 427), filed April 28, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and equipment, materials, supplies and accessories* used in the manufacture and distribution of containers and container ends when moving with containers and container ends, from Bishopville, S.C., to points in the United States (except Alaska, Hawaii, and South Carolina).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 98), filed April 28, 1975. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. 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: *Malt beverages*, from Peoria, Ill., to Fort Dodge, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 82063 (Sub-No. 59), filed March 18, 1975. Applicant: KLIPSCH HAULING CO., 119 East Loughborough, St. Louis, Mo. 63110. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Memphis, Tenn., to points in the United States on and east of U.S. Highway 85, and points in Texas, New Mexico, Colorado, Wyoming, South Dakota, and North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 88161 (Sub-No. 89), filed April 18, 1975. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, Wash. 98108. Applicant's representative: Stephen A. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Whitman County, Wash., on the one hand, and, on the other, points in Washington.

NOTE.—Applicant holds contract carrier authority in MC 128203 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg. or Olympia, Wash.

No. MC 106497 (Sub-No. 115), filed April 28, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte. I–44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air coolers, heaters, humidifiers, blowers and fans;* (2) *parts and accessories* of items in (1) above, from points in Arkansas County, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex. or New Orleans, La.

No. MC 106644 (Sub-No. 202) (Correction), filed February 5, 1975, published in the FEDERAL REGISTER issue of March 6, 1975, and republished as corrected this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a)(1) *Lead* viz: Pigs, buttons, slabs, sheet, ingots, bars, billets, blooms, rods, rings, shapes, solder, flashing, wool, brick, wool blankets, pipe; (2) *materials and supplies* used in the processing and manufacturing of commodities in (1); and (3) *scrap copper, aluminum, brass, batteries, zinc*, for recycling and reuse, and (b)(1) commodities named in (1) and (2) between points in Louisiana, Arkansas, Missouri, Iowa, Minnesota, and points in states east thereof, and Atlanta, Ga., in a non-radial movement, (2) between points in Louisiana, Arkansas, Missouri, Iowa, Minnesota, and points east thereof on commodities in (3) above.

NOTE.—The purpose of this republication is to clarify the territorial description part (2) of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 106644 (Sub-No. 208), filed April 28, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. BOX 916, Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *self-propelled draglines, shovels and drills, and accessories, attachments, and parts*, for self-propelled draglines, shovels and drills; and (2) *material, equipment and supplies*, used or useful in the manufacture, sale or distribution of the commodities in (1) above, between points in the United States (including Alaska, but excluding Hawaii), restricted to shipments originating at or destined to the plants, warehouses, storage and other facilities owned, operated or used by Marion Power Shovel Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Atlanta, Ga.

No. MC 107403 (Sub-No. 941), filed April 25, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to Cedar Rapids, Iowa; and (2) *alloys, ores, cast iron borings, and alloyed cast iron*, in dump vehicles, from Dearborn, Mich., to points in Illinois, Indiana, Ohio, and Pennsylvania (except alloys, to points in Pennsylvania and Ohio within 150 miles of Monongahela, Pa.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 982), filed April 30, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except in bulk), in vehicles equipped with mechanical refrigeration, from Roswell, N. Mex., to points in Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Virginia, Delaware, the District of Columbia, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Vermont, New Hampshire, Maine, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Maryland.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107743 (Sub-No. 34), filed April 25, 1975. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456 TA, Spokane, Wash. 99220. Applicant's representative: Edward G. Rawle, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings*, knocked down, and *materials and supplies* used in the construction and erection thereof, from the facilities of Real Log Homes, Inc., located at or near Missoula, Mont., to points in Ohio, lower peninsula of Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, Utah, Idaho, Washington, Oregon, Nevada, and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Missoula, Mont.

No. MC 108207 (Sub-No. 420), filed April 28, 1975. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, and meat by-products* (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in Mobile County, Ala., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC 109397 (Sub-No. 312), filed April 25, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113 (Bus. Rte. I–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' construction and mining machinery, equipment, materials, supplies, and parts* (except commodities in bulk), between Pocatello, Idaho, on the one hand, and, on the other, points in the United States (except Hawaii), restricted to traffic originating at the plantsite or warehouse facilities of Bucyrus-Erie Co., located at Pocatello, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Boise, Idaho.

No. MC 110525 (Sub-No. 1121), filed April 29, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Dow Corning Corp. at Carrollton, Ky., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin, restricted to traffic originating at the above named plantsite and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 111545 (Sub-No. 213), filed April 28, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled cranes;* (2) *material handling equipment;* and (3) *accessories, attachments, and parts* when moving in mixed loads with the commodities described in (1) and (2) above, from Shawnee, Kans., to points in the United States (except Alaska, Hawaii, and Kansas).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 112750 (Sub-No. 319), filed April 28, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business papers*, (a) between Dickinson, N. Dak., on the one hand, and, on the other, points in Carter, Custer, Dawson, Fallon, Prairie, and Wibaux Counties, Mont.; and points in Butte, Campbell, Corson, Edmunds, Harding, McPherson, Perkins, and Walworth Counties, S. Dak.; and (b) between Minot, N. Dak., on the one hand, and, on the other, points in Daniels, Richland, Roosevelt, and Sheridan Counties, Mont., under a continuing contract or contracts with American National Bank & Trust Co., at St. Paul, Minn.

NOTE.—Applicant holds motor common carrier authority in MC-111729 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Minneapolis, Minn.

No. MC 112822 (Sub-No. 374), filed April 28, 1975. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Edward T. Lyons, Jr., Suite 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) From points in the United States (except Alaska and Hawaii), to Laramie, Wyo.; and (2) from Laramie, Wyo., to points in the United States (except Alaska and

Hawaii), restricted to the transportation of traffic moving to or from storage facilities at Laramie, Wyo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with the application of Denver-Albuquerque Motor Transport, Inc.

No. MC 113495 (Sub-No. 71), filed April 28, 1975. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Cranes;* and (b) *parts, attachments and accessories* for the commodities named in (a) above, between the plantsites and facilities of FMC Corporation located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii; and (2) *materials, equipment and supplies* used in manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States, including Alaska, but excluding Hawaii, to the plantsite and facilities of FMC Corporation, at or near Bowling Green, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Washington, D.C.

No. MC 113678 (Sub-No. 589), filed April 28, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, mayonnaise, salad and cooking oils, and salad dressings*, from points in Alameda, San Francisco, Santa Clara, and San Mateo Counties, Calif., to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 591), filed April 28, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, rugs, padding, textile products, tile, linoleum, molding, hard surface floor coverings, and adhesives*, from points in Pennsylvania and New Jersey, to points in Colorado and Utah; and (2) *materials and supplies* used in the installation of the commodities in (1) above, from Itasca, Ill., and Dallas and Mineral Wells, Tex., to points in Colorado, points in Albany, Goshen, Laramie, and Natrona Counties, Wyo., and points in Cheyenne, Kimball, Perkins, and Scottsbluff, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113822 (Sub-No. 5), filed April 28, 1975. Applicant: DALGARNO TRANSPORTATION, INC., P.O. Box 340, Casper, Wyo. 82601. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. 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 by-products, and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, (except the stringing or picking up of pipe in connection with main or trunk pipelines), between points in Idaho, on the one hand, and, on the other, points in Colorado, Nebraska, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 114604 (Sub-No. 32), filed April 28, 1975. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chattanooga, Tenn., to points in Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 114789 (Sub-No. 47), filed April 24, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except foodstuffs, those of unusual value; explosives, commodities in bulk, household goods, and those requiring special equipment), (1) from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia to points in Illinois, Indiana, Michigan, Minnesota, North Dakota, Ohio, and Wisconsin; and (2) from points in Illinois, Indiana, Michigan, Ohio, and Wisconsin to points in Minnesota and North Dakota, restricted to shipments originating at the above named origins and destined to the facilities utilized by Gamble-Skogmo, Inc., and its divisions and subsidiaries at the above-named destinations, the operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts, with Gamble-Skogmo, Inc., of Minneapolis, Minn.

NOTE.—Applicant holds common carrier authority in MC 117940 and subs thereunder, therefore dual operations, may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 114789 (Sub-No. 48), filed April 30, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia, to points in Minnesota and Wisconsin, restricted to traffic originating at points in the named origin states and destined to the facilities of S. S. Kresge Company at points in the named destination states, under a continuing contract or contracts with S. S. Kresge Company.

NOTE.—Applicant holds common carrier authority in MC 117940 Sub Nos. 155, 156, 158 thru 161 and 163, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Chicago, Ill.

No. MC 115218 (Sub-No. 1) (correction), filed April 9, 1975, published in the FEDERAL REGISTER issue, May 15, 1975, and republished as corrected, this issue. Applicant: ALLAN D. GIBSON, 1915 Main Street, Eldorado, Ill. 62930. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, fluor spar and barite*, from the facilities of Allied Chemical Corporation located in Hardin County, Ill., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, West Virginia, and Wisconsin, restricted to the transportation of traffic moving under a continuing contract or contracts with Allied Chemical Corporation of Morristown, N.J.

NOTE.—The purpose of this republication is to correct the spelling of Hardin County, Ill. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or St. Louis, Mo.

No. MC 115814 (Sub-No. 14), filed April 25, 1975. Applicant: MARK TRUCKING, INC., Trella Street, P.O. Box 5701, Belleville, Pa. 17004. Applicant's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), and *dairy products* in bulk, (1) from Belle-

ville, Pa., to points in West Virginia; and (2) from Wallington, N.J., to Belleville, Pa., parts (1) and (2) are restricted to operations under a continuing contract or contracts with Abbotts Dairies, Division of Fairmont Foods Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 116325 (Sub-No. 70), filed April 30, 1975. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from Scott and Stoddard Counties, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 116763 (Sub-No. 314), filed April 24, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Turkey, N.C., to points in Florida, Georgia, South Carolina, and Massachusetts.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117068 (Sub-No. 47), filed April 22, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mixer feeders, fertilizer spreaders and forage systems*, from Rochester, Long Lake, and Cambridge, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* (except commodities in bulk), used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Long Lake, Rochester, and Cambridge, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117068 (Sub-No. 48), filed April 29, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor graders and related parts* moving therewith, from Daviess County, Ky., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 117940 (Sub-No. 161) (Correction), filed April 7, 1975, published in the FEDERAL REGISTER issue of May 8, 1975, and republished as corrected, this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple, Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin to points in Arkansas, Oklahoma, Texas, and Shreveport, La., restricted to the transportation of traffic for the account of Land O'Lakes, Inc., originating at the plant sites and facilities of and used by Land O'Lakes, Inc., and destined to the above-named destinations.

NOTE.—The purpose of this republication is to add Texas as a destination point. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 119878 (Sub-No. 2), filed April 28, 1975. Applicant: MRS. GAYNELLE H. BOWMAN, doing business as A. B. COLLIER WRECKER SERVICE, 475 Humphreys Street, Nashville, Tenn. 37203. Applicant's representative: Val Sanford, 23rd Floor, Life & Casualty Tower, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, and disabled motor vehicles and motor vehicles* to be utilized for replacement of such wrecked, damaged, and disabled vehicles using wrecker equipment only, and repossessed, stolen and abandoned vehicles when unable to move on their own power, between points in Tennessee and Logan and Todd Counties, Ky., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 119988 (Sub-No. 80), filed April 30, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments and accessories* for iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, Oklahoma, Kansas, Missouri, New Mexico, Colorado, Wyoming, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 120023 (Sub-No. 2), filed April 25, 1975. Applicant: SWEENEY BROTHERS, INCORPORATED, 280 New Ludlow Road, Chicopee, Mass. 01020. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, between points in Massachusetts; and (2) *paper, paper products, plastic and plastic products, and supplies and materials*, used in the manufacture, distribution, and sale of paper, plastic and paper and plastic products, between the plants and facilities of New England Container Company, Inc., located in Hampden County, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.; Boston, Mass.; Albany, N.Y.; New York, N.Y., or Washington, D.C.

No. MC 120098 (Sub-No. 26), filed April 28, 1975. Applicant: UINTAH FREIGHTWAYS, a Corporation, 1030 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: W. Claude Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hamilton, Colo. and Baggs, Wyo.: From Hamilton over Colorado Highway 789 to the Colorado-Wyoming Boundary line, thence over Wyoming Highway 789 to Baggs, and return over the same route, serving all intermediate points, and serving Dixon and Savery, Wyo., as off-route points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City or Denver, Colo.

No. MC 123778 (Sub-No. 28), filed April 28, 1975. Applicant: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Lancaster, Pa., the Newark Airport at Newark, N.J., and LaGuardia and John F. Kennedy Airports at New York, N.Y., to points in New Jersey,

points in that part of New York on, south and east of a line beginning at the New York-Vermont State Boundary line and extending along New York Highway 7 to Schenectady, N.Y., thence along New York Highway 5 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State Boundary line, points in that part of Pennsylvania on and east of U.S. Highway 15, and Wilmington, Del., Baltimore, Md., and the District of Columbia, under a continuing contract or contracts with Newsweek, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124775 (Sub-No. 8), filed April 28, 1975. Applicant: HRIBAR TRUCKING, INC., Route No. 1, Box 82, Caledonia, Wis. 53108. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk and in packages, and *materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt and salt products, from Milwaukee, Wis., to points in Michigan, Minnesota, Iowa, Illinois, and Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis. or Chicago, Ill.

No. MC 125254 (Sub-No. 33), filed April 25, 1975. Applicant: MORGAN TRUCKING CO., a Corporation, 1201 East 5th Street, P.O. Box 714, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, starch, dehydrated corn syrup* (except in bulk), from Muscatine, Iowa, to points in Ohio, West Virginia, Virginia, Tennessee, Kentucky, Georgia, Alabama, North Carolina, South Carolina, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 125479 (Sub-No. 14), filed April 28, 1975. Applicant: P-N-J KORNACKER, INC., doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, Ill. 60085. Applicant's representative: Albert A. Andrin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material:* (a) from the plant and warehouse sites of Stroh's Brewery at Detroit, Mich., the plant and warehouse sites of Grain Belt Brewery at Minneapolis, Minn., the plant and warehouse sites of Champale at Trenton, N.J., the plant and warehouse sites of Kozak Distributing Company at Detroit, Mich., and the plant and warehouse sites of Schaeffer Brewery at Cleveland, Ohio, to the warehouse facility of Joseph Triner Corporation at Chicago, Ill. and the warehouse facility of Herner Distributors at Waukegan, Ill.; and (b) from the plantsite of Carling Brewing Co. at Frankenmuth, Mich., to the warehouse facility of Herner Distributors at Waukegan, Ill.; and (2) *malt beverages and related advertising material* having a prior movement by water, from the port of Milwaukee, Wis., to the warehouse facility of Joseph Triner Corporation at Chicago, Ill. and the warehouse facility of Herner Distributors at Waukegan, Ill., under a continuing contract or contracts in (1) and (2) above with Herner Distributors and Joseph Triner Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125637 (Sub-No. 3), filed April 17, 1975. Applicant: KODIAK OILFIELD HAULERS, INC., Suite 210, 707 A Street, Anchorage, Alaska 99501. Applicant's representative: David J. Marchant, One Maritime Plaza, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas, oil and petroleum and their products and by-products; and (2) *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points within the geopraphical area encompassed by a line which extends southward from Barrow, Alaska (the northern most point of Alaska) to Tanana, Alaska, thence to a point where said line meets the 68th parallel north, at which point the line extends eastward along the 68th parallel north to a point where the line meets the International Boundary line between the United States and Canada at which point the line extends northward to a point where the International Boundary line meets the Beaufort Sea, at which point the line extends westward along the northern coast of Alaska adjacent to the Beaufort Sea to Barrow, Alaska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Anchorage, Fairbanks, Alaska or San Francisco, Calif.

No. MC 126091 (Sub-No. 3) (correction), filed April 2, 1975, published May 1, 1975, and republished as corrected this issue. Applicant: K. J. FRALEY AND E. W. SCHILLING, a Partnership, doing business as FRALEY AND SCHILLING, Rushville, Ind. 46173. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal and metal alloys*, (A) From the plant sites and facilities of Foote Mineral Company at or near Byesville, Ohio and Graham, W. Va., to points in Iowa, Minnesota, and Missouri; and (B) From the plant site and facilities of Foote Mineral Company at or near Mingo Junction, Ohio, to points in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, Iowa, Minnesota, and Missouri; and (2) *metal and metal alloys, ores, chemicals and unbaked carbon mixture*, from points in Iowa, Minnesota and Missouri, to the plant sites and facilities of Foote Mineral Company at or near Byesville, Ohio and Graham, W. Va., under a continuing contract or contracts with Foote Mineral Company.

NOTE.—The purpose of this correction is to indicate the correct destination territory in (2) above. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 127042 (Sub-No. 160), filed April 18, 1975. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soap, toilet preparations and cleaning compounds* (except commodities in bulk), from Des Moines, Iowa, to points in California, Arizona, Nevada, Oregon, Washington, Utah, Idaho, Montana, Wyoming, Colorado, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Missouri, Wisconsin, Illinois, Indiana, and Michigan; and (2) *scented oils, cleaning compounds, toilet preparations and supplies* (except commodities in bulk), from Des Moines, Iowa, to points in California, Wyoming, Colorado, Missouri, Kansas, Nebraska, Arizona, New Mexico, Washington, Oregon, Utah, Texas, Nevada, Idaho, and Montana, restricted in (1) and (2) above to traffic interchanged at Des Moines, Iowa.

NOTE.—The purpose of this application is to relocate the interchange points of Eldora and Madrid, Iowa to Des Moines, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128273 (Sub-No. 184), filed April 25, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 S. Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage, cordage products, and scrap materials*, generated in manufacture of cordage and cordage products, from Tracy, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 128273 (Sub-No. 185), filed April 25, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Cordage, cordage products, and scrap materials,* generated in the manufacture of cordage and cordage products, from Kingman, Kans., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 186), filed April 28, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Athletic and sporting goods, toys and games and parts and accessories* thereof, from Evansville, Ind., to points in the United States (except Alaska, Hawaii and Indiana); and (2) *materials and supplies* used in the manufacture or distribution of athletic and sporting goods, toys and games, from points in the United States (except Alaska, Hawaii and Indiana), to Evansville, Ind.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Evansville, Ind. or Lexington, Ky.

No. MC 133000 (Sub-No. 11), filed April 23, 1975. Applicant: DIAMOND SAND & STONE CO., a Corporation, 155 East 21st Street, P.O. Box 4667, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Road building and construction aggregates, mineral, sand and ore,* in bulk, between points in Alabama, Florida, and Georgia.

NOTE.—Applicant presently holds and will submit for cancellation duplicate authority to transport road building and construction aggregates between 128 counties in Alabama, Florida and Georgia also Bauxite Ore between points in Alabama, Florida and Georgia. Applicant is under common control with Petroleum Carrier Corporation of Florida and will submit for cancellation from that certificate duplicate authority to transport sand, from Clay and Putnam Counties, Fla., to points in Georgia. If a hearing is deemed necessary, applicant requests it be held at either Jacksonville or Tallahassee, Fla.

No. MC 133146 (Sub-No. 13), filed April 28, 1975. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, Suite 1-M, Atlanta, Ga. 30341. Applicant's representative: Richard D. Cooper (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Inedible waste foodstuffs* (except waste meats), and *inedible meal,* between points in Georgia and Florida, under a continuing contract or contracts with International Bakerage.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 134150 (Sub-No. 5), filed April 28, 1975. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4283 Mission Blvd., Pomona, Calif. 91766. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Residential heating and air conditioning equipment, and ranges, refrigerators, dishwashers, disposals, and range hoods,* from Los Angeles and City of Industry, Calif., to points in Washington, Oregon, Nebraska, Illinois, Indiana, Massachusetts, Tennessee, and Alabama, under a continuing contract with Gaffers & Sattler, Inc.

NOTE.—Applicant holds common carrier authority in MC 138157 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Atlanta, Ga., or Los Angeles, Calif.

No. MC 133485 (Sub-No. 15), filed April 17, 1975. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bullion, precious metals, precious ores, precious stones, jewelry, and rare and valuable objects,* (1) between Providence, R.I., on the one hand, and, on the other, San Francisco, Calif.; Reno and Las Vegas, Nev.; and points in Broward and Dade Counties, Fla.; (2) between points in Broward and Dade Counties, Fla., on the one hand, and, on the other, San Francisco, Calif.; Reno and Las Vegas, Nev.; and Chicago, Ill.; (3) between Chicago, Ill., on the one hand, and, on the other, San Francisco, Calif., and Reno and Las Vegas, Nev.

NOTE.—Applicant states that he intends to tack the requested authority with its existing authority in Providence, R.I., to serve points in New York, New Jersey; points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; points in Barnstable, Bristol Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass.; and points in Rhode Island, Connecticut, Canada, and Chicago (pending Subs. 9 and 10). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Miami, Fla.

No. MC 134323 (Sub-No. 73), filed April 21, 1975. Applicant: JAY LINES, INC., 720 North Grand Street, Amarillo, Tex. 79105. Applicant's representative: Mr. Gailyn Larsen, 521 South 14th Street, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products,* (a) from the plantsite and facilities of MBPXL Corporation at Omaha, Nebr., to points in Ohio, Michigan, Pennsylvania, New York, New Jersey, Massachusetts, Maryland, Delaware, Georgia, Florida, Oregon, Washington, California, and the District of Columbia; (b) from the plantsite and storage facilities of MBPXL Corporation at or near Rockport, Mo., to the plantsite and facilities of MBPXL Corporation at Omaha, Nebr.; (c) between the plantsite and storage facilities of MBPXL Corporation at or near Plainview, Tex., and Omaha, Nebr.; and (d) from the ports of entry on the International Boundary line between the United States and Canada located in New York and New Jersey, to the plantsite and storage facilities of MBPXL Corporation at Omaha, Nebr.; (2) *plastic bags,* from Mount Vernon, Ohio, to the plantsite and facilities of MBPXL Corporation at Omaha, Nebr.; and (3) *curing compound,* from Chicago, Ill., to the plantsite and facilities of MBPXL Corporation at Omaha, Nebr., under a continuing contract or contracts with MBPXL Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Amarillo, Tex.

No. MC 134498 (Sub-No. 2), filed April 14, 1975. Applicant: FREEWAY TRANSPORT, INC., 635 S.E. 11th Avenue, Portland, Oreg. 97214. Applicant's representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from Long Beach, Los Angeles, and Wilmington, Calif., to points in Oregon and Washington.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 134755 (Sub-No. 53), filed April 28, 1975. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hospital supplies, underpads, gowns, and sheets,* from Philadelphia, Pa., to points in Sioux Falls, S. Dak., Sioux City, Iowa, Des Moines, Iowa, Grand Island, Nebr., Kansas City, Mo., Cedar Rapids, Iowa, Amarillo, Tex., Fort Dodge, Iowa, Little Rock, Ark., Ft. Smith, Ark., Minneapolis, Minn., Omaha, Nebr., and Oklahoma City, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Kans., or St. Louis, Mo.

No. MC 134919 (Sub-No. 4), filed April 28, 1975. Applicant: A & D RENTALS, INC., P.O. Box 52, North Brunswick, N.J. 08902. Applicant's representative: Maxwell A. Howell, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from the facilities of the F & M Schaefer Brewing Co. at or near Fogelsville, Pa., to points in Middlesex, Somerset, Hunterdon, Union, Mercer, Morris, Monmouth, Essex, Sussex, Warren and Passaic Counties, N.J., and points in the New York, N.Y. Commercial Zone, under a continuing contract or contracts with High Grade Beverage, Delaware Valley Distributors, Inc., the W. H. Cawley Co.,

L. A. Picirrillo, Inc., Joseph Pingitore Co., and Rutger's Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 135185 (Sub-No. 25), filed April 30, 1975. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Ave., P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Arnold L. Burke, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines, cosmetics, plastic boxes, weed killing compounds and animal and poultry feed supplement*, from the plantsites, warehouses and/or facilities used by Eli Lilly & Co., at or near Roanoke, Va., and Indianapolis, Lafayette and Clinton, Ind., to points in the United States (except Alaska and Hawaii); (2) *Materials and supplies* used in the manufacture and production of the above-named commodities and *rejected or damaged shipments* of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the above-named origins, under a continuing contract or contracts with Eli Lilly & Co., at Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 135684 (Sub-No. 12), (correction), filed May 8, 1975, published in the FEDERAL REGISTER issue, May 8, 1975, and republished as corrected, this issue. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, covers, cartons and carton parts, and materials*, used in the manufacture, sale and distribution of glass containers (except in bulk), (1) between the plant site or other facilities of Thatcher Glass Manufacturing Company, Division of Dart Industries, Inc., located at Lawrenceburg, Ind., on the one hand, and, on the other, points in Illinois, Wisconsin, Kentucky, Ohio (except Cincinnati), Missouri, Michigan (except Lower Peninsula), and Indiana; and (2) between the plant site or other facilities of Thatcher Glass Manufacturing Company, Division of Dart Industries, Inc., located at Lawrenceburg, Ind., on the one hand, and, on the other, points in Maryland and Pennsylvania.

NOTE.—The purpose of this republication is to correct the territorial description. Applicant holds contract carrier authority in MC 87720 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135760 (Sub-No. 21), filed April 29, 1975. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork products*, in vehicles equipped with mechanical refrigeration, from Detroit and Grand Rapids, Mich., to points in Minnesota, Iowa, Nebraska, Kansas, and Texas, under a continuing contract, or contracts with Frederick & Herrud, Inc., and its subsidiaries.

NOTE.—Applicant has pending a motor common carrier application in MC-140460, but states that dual operations are not involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135843 (Sub-No. 4), filed April 2, 1975. Applicant: IOWA GATEWAY, INC., doing business as IOWA GATEWAY TERMINAL, River Road, Keokuk, Iowa 52632. Applicant's representative: Robert F. Holz, Jr., 2300 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand and gravel*, between points in Iowa, Illinois and Missouri.

NOTE.—Applicant holds contract carrier authority in MC 133399 and Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 136008 (Sub-No. 57), filed April 25, 1975. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from the Big Brown Steam Electric Station located 12 miles northeast of Fairfield, Tex., and the Monticello Steam Electric Station located 8 miles southwest of Mt. Pleasant, Tex., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla. or Dallas, Tex.

No. MC 136168 (Sub-No. 4) (Correction), filed January 2, 1975, and published in the FEDERAL REGISTER issue of February 6, 1975, and republished as corrected this issue. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 529, Albert Lea, Minn. 56007. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 plantsites and warehouse facilities utilized by Wilson & Co., Inc., at Cherokee and Cedar Rapids, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia and (2) *materials, supplies and equipment*, utilized in the manufacture, sale and distribution of commodities in (1) above (except in bulk), from the requested destinations to facilities utilized by Wilson & Co., Inc., at Cherokee and Cedar Rapids, Iowa, under contract with Wilson & Co., Inc., restricted to traffic originating or terminating at the above facilities utilized by Wilson & Co., Inc.

NOTE.—The purpose of this correction is to indicate the destinations requested in the instant application. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Omaha, Nebr.

No. MC 136228 (Sub-No. 12), filed April 23, 1975. Applicant: LUISI TRUCK LINES, INC., New Walla Walla Hwy., P.O. Box 606., Milton-Freewater, Oreg. 97862. Applicant's representative: Eugene Luisi (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, from points in Los Angeles, Orange, Riverside, Kern, Madera, Merced, Stanislaus, San Joaquin, Santa Clara, Sacramento, San Benito, San Francisco, and Napa Counties, Calif., to points in Spokane, and Whitman Counties, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 136728 (Sub-No. 1), filed April 21, 1975. Applicant: HUB FREIGHT SYSTEMS, INC., Post Office Box 729, Marietta, Ohio 45750. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, livestock, and commodities requiring special equipment), between Riverview (Washington County), Ohio, on the one hand, and, on the other, points in Athens, Guernsey, Meigs, Monroe, Morgan, Muskingum, Noble, Perry and Washington Counties, Ohio and points in Jackson, Pleasants, Ritchie, Tyler, Wirt, and Wood Counties, W. Va., restricted: (1) against the transportation of traffic originating at or destined to Riverview, Ohio; (2) to service at Riverview, Ohio for the purpose of interchange of traffic only; and (3) the authority granted herein shall not be severable by sale or otherwise from applicant's authority in MC 136728 authorizing the transportation of general commodities, with exceptions, between Marietta, Ohio on the one hand, and, on the other, points in Ohio and West Virginia within 35 miles of Marietta.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136786 (Sub-No. 73), filed April 28, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, from Wichita, Kans., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138000 (Sub-No. 19), filed April 24, 1975. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Detroit, Mich., to points in Virginia; and (b) from Pittsburgh, Pa., to points in Virginia and Morgan, Berkeley, Jefferson, Hampshire, Hardy, Pendleton, and Grant Counties, Va., to Kearny, N.J., and Baltimore, Md. *or cradles*, from points in Clark County, Va., to Kearney, N.J., and Baltimore, Md.

NOTE.—Applicant holds contract carrier authority in MC 129613, Sub-No. 2 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138415 (Sub-No. 12), filed April 28, 1975. Applicant: TRAILER EXPRESS, INC., P.O. Box 321, Topeka, Ind. 46571. Applicant's representative: Michael M. Yoder (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Camping trailers, utility trailers, canoes and sailboats*, from the plantsite of The Coleman Company, Inc., located in Somerset, Pa., to points in the United States; and (2) *repossessed or damaged camping trailers, sailboats or canoes*, from points in the United States to Somerset, Pa., under a continuing contract with The Coleman Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind., or Chicago, Ill.

No. MC 138878 (Sub-No. 4), filed April 25, 1975. Applicant: JOHN S. WATSON, doing business as JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, W. Va. 26452. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel tubing*, from Jane Lew, W. Va., to points in Pennsylvania, New York, New Jersey, Ohio, West Virginia, Indiana, Michigan, Illinois, Kentucky, Virginia, Maryland, North Carolina, South Carolina, Tennessee, Georgia, and Alabama; (2) *timbers cants and railroad ties*, from Sutton, W. Va., to points in Illinois, Indiana, Michigan, and New Jersey; (3) *wood residuals*, from Elizabeth, W. Va., to Coshocton and Philo, Ohio; and (4) *wood chips*, from Sutton, W. Va., to Covington, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va. or Columbus, Ohio.

No. MC 139123 (Sub-No. 7), filed April 25, 1975. Applicant: GLOUCESTER DISPATCH, INC., Box 127, Kelly Road, Plaistow, N.H. 03865. Applicant's representative: Ignatius C. Goode (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, foodstuffs*, in boxes, bags, cartons, packages, but not in bulk, in refrigerated trailers, from points in Maine, Massachusetts, New Hampshire, and Rhode Island, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 139193 (Sub-No. 26), filed April 28, 1975. Applicant: ROBERTS & OAKE, INC., 208 South La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as defined by the Commission 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 liquid commodities in bulk), from the plantsite and facilities utilized by John Morrell & Co. at Fort Smith, Ark., to Mobile and Montgomery, Ala.; Jacksonville, Miami, Plant City, Pompano Beach, Tampa, Fla.; Atlanta, Ga.; Chicago, E. St. Louis and Springfield, Ill. Estherville and Waterloo, Iowa; Arkansas City, Kans.; Boston and Marlboro, Mass.; Detroit and Livonia, Mich.; Minneapolis and St. Paul, Minn.; Kansas City, St. Louis, and Trenton, Mo.; Woodbridge, N.J.; New York, N.Y.; Charlotte and Raleigh, N.C.; Cincinnati, Cleveland, and Salem, Ohio; Philadelphia, Pa.; Charleston and Ft. Jackson, S.C.; Sioux Falls, S. Dak.; Memphis, Killeen, and San Antonio, Tex.; Mechanicsville and Richmond Va.; Butler, Green Bay, and Milwaukee, Wis.; and (2) *Such commodities* as are used by the meat packers in the conduct of their business (except liquid commodities in bulk), from the destination points in (1) above to the plantsite and facilities utilized by John Morrell & Co. at Fort Smith, Ark., under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Washington, D.C.; or (2) Chicago, Ill.

No. MC 139193 (Sub-No. 27), filed April 28, 1975. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packing houses*, as defined by the Commission 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 liquid commodities in bulk), from the plantsite and facilities utilized by John Morrell & Co. at Shreveport, La., to Birmingham, Dothan, Mobile and Montgomery, Ala.; points in Arkansas; Hialeah, Jacksonville, Miami, Panama City, Pensacola, Plant City, Pompano Beach, and Tampa, Fla.; Atlanta, Augusta, Ft. McPherson and Quitman, Ga.; Chicago, Elmhurst, and Geneseo, Ill.; Estherville, Iowa; Arkansas City, Emporia and Kansas City, Kans.; Louisville, Ky.; points in Louisiana, Baltimore and Landover, Md.; Boston, Mass.; Detroit and Livonia, Mich.; St. Paul, Minn.; Biloxi, Gulfport, Jackson and Tupelo, Miss.; Kansas City and St. Louis, Mo.; Elizabeth, Florence, South Kearny and Woodbridge, N.J.; Cortland, Mt. Kisco, New York, Syracuse, and Waterford, N.Y.; Charlotte, Ft. Bragg, and Raleigh, N.C.; Oklahoma City, Okla.; Cincinnati, Cleveland, Columbus and Salem, Ohio; Philadelphia and Pittsburgh, Pa.; Charleston, S.C.; Knoxville, Memphis, Nashville and Whites Creek, Tenn.; points in Texas; Hampton, Mechanicsville, Richmond, Roanoke, and Salem, Va.; Eau Claire and Milwaukee, Wis.; and (2) *such commodities* as are used by meat packers in the conduct of their business (except liquid commodities in bulk), from the destination points in (1) above, to the plantsite and facilities utilized by John Morrell & Co. at Shreveport, La., under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Washington, D.C.; or (2) Chicago, Ill.

No. MC 139495 (Sub-No. 59), filed April 22, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets*, from Columbus, Ga., to points in Arizona, California, Colorado, Illinois, Indiana,

Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Utah.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 62), filed April 30, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and pet supplies*, from the plantsite and storage facilities of Carter Wallace, Inc., located at or near Cranbury, N.J., to points in Georgia, Alabama, Tennessee, Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Minnesota, Kansas, Oklahoma, Texas, and Colorado.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 60), filed April 28, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations*, and *household products:* (1) Between the plantsite and storage facilities of Bristol-Myers Products located at or near Hillside, N.J. and St. Louis, Mo.; and (2) between the plantsite and storage facilities of Bristol-Myers Products located at or near Franklin, Ky., on the one hand, and, on the other, points in New Jersey, Maryland, Virginia, Ohio, Illinois, Tennessee, Georgia, Florida, Texas, Missouri, Kansas, California, and Oregon.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140267 (Sub-No. 2), filed January 6, 1975. Applicant: R A TRANSPORTATION, INC., 115 Jacobus Avenue, S. Kearny, N.J. 07032. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from Buffalo, N.Y., to Perth Amboy, N.J., under a continuing contract or contracts with Metzendorf Bros., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J. or New York City, N.Y.

No. MC 140255 (Sub-No. 2), filed April 30, 1975. Applicant: DELBERT DEWEY, doing business as DEWEY'S TRUCKING, 1227 F Street, Fairbury, Nebr. 68501. Applicant's representative: Duane L. Stromer, P.O. Box 82028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bricks and brick pavers*, from the Plantsite of Endicott Clay Products Co. at or near Endicott, Nebr., to points in Arizona, California, Nevada, New Mexico, Oregon, Texas, and Utah, under a continuing contract or contracts with Endicott Clay Products Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 140492 (Sub-No. 1), filed April 22, 1975. Applicant: JACK N. WILKERSON, doing business as ANNISTON MOVING AND STORAGE COMPANY, 515 South Noble Street, Anniston, Ala. 36201. Applicant's representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Cullman, De Kalb, Etowah, Fayette, Jefferson, Lamar, Marion, Pickens, Randolph, St. Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Anniston, Ala.

No. MC 140499 (Amendment), filed December 13, 1974, published in the FEDERAL REGISTER issue of March 27, 1975, and republished as amended this issue. Applicant: RANDOLPH COUNTY HAULING CO., INC., 819 Opdyke, Chester, Ill. 62233. Applicant's representative: John R. Bauer, 424 Lebanon Avenue, Belleville, Ill. 62222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in bulk from points in Perry County, Mo., to points in Madison, St. Clair, Washington, Randolph, Perry, and Jackson Counties, Ill.

NOTE.—The purpose of this correction is to indicate the restrictive amendment above. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 140604 (Sub-No. 1), filed April 28, 1975. Applicant: AM-DEL-CO., INC., Suite 301 Choteau Building, 4030 Choteau, St. Louis, Mo. 63110. Applicant's representative: Whitney R. Harris, 2 Glen Creek Lane, St. Louis, Mo. 63124. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated furniture and crated and uncrated household appliances*, between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, those points in Illinois on and within a line beginning at the Mississippi River at or near Mozier, Ill., and extending east along Illinois Highway 96 to junction Illinois Highway 108, thence east along Illinois Highway 108 to junction Interstate Highway 55, thence south along Interstate Highway 55 to junction Illinois Highway 16, thence east along Illinois Highway 16 to junction Illinois Highway 127, thence south along Illinois Highway 127 to junction Illinois Highway 154, thence west along Illinois Highway 154 to junction Illinois Highway 150, thence southwest along Illinois Highway 150 to the Mississippi River at or near Chester, Ill., under a continuing contract, or contracts, with Rhodes, Inc., d.b.a. Crossroads Furniture Warehouse and Showroom.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 140628 (Sub-No. 2), filed April 24, 1975. Applicant: CHARLES R. PALS, doing business as PALS CARTAGE, 31 West 168th Street, South Holland, Ill. 60473. Applicant's representative: Charles R. Pals (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors and made up window units*, not boxed and shipped in trailers that are set up to handle glass and made up window units that are not boxed, from the plantsite of Dekker Brish Millwork located at or near Dolton, Ill., to points in Indiana located on and west of U.S. Highway 31 and north of U.S. Highway 24; and Twin Lakes and Silver Lakes, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140710 (Sub-No. 2), filed April 28, 1975. Applicant: CENTRAL STORAGE & VAN COMPANY, a Corporation, 828 South 17th Street, Omaha, Nebr. 68108. Applicant's representative: William A. Watts (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, as are dealt in by retail department stores*, between the facilities of Montgomery Ward & Co., Inc., at Omaha, Nebr., and points in Monona, Crawford, Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Fremont, and Page Counties, Iowa, under a continuing contract or contracts with Montgomery Ward & Co., Inc.

NOTE.—Applicant holds common carrier authority in MC 127005, Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140792 (Sub-No. 1), filed April 25, 1975. Applicant: STANLEY E. WHITEHEAD, 1017 Third Avenue, Monroe, Wis. 53566. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients and bags*, between the plantsite and warehouse facilities of Milk Specialties Co., a division of Cudahy Foods Co., located at or near Dundee, Ill., on the one hand, and, on the other, the plantsite

and warehouse facilities of Milk Specialties Co., a division of Cudahy Foods Co. located at or near Browntown, Wis., restricted against the transportation of the named commodities in bulk, in tank vehicles, and further restricted to the transportation of the named commodities, under a continuing contract or contracts with Milk Specialties Co., a division of Cudahy Foods Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison or Monroe, Wis.

No. MC 140855, filed April 14, 1975. Applicant: TAB TRUCKING, INC., 3628 Syndicate Blvd., Spokane, Wash. 99202. Applicant's representative: Charles C. Flower, Suite 2, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical, hospital, clinic, surgical and laboratory supplies, equipment, goods, wares and merchandise*, (1) from Rutherford, N.J., to points in Idaho, Montana, Washington, and Oregon, (2) from Greenwood, S.C., to points in Idaho, Montana, Washintgon, and Oregon, (3) from Los Angeles and Menlo Park, Calif., to points in Idaho, Montana, Washington, and Oregon; and (4) from Sheybogan and Two Rivers, Wisc., to points in Idaho, Montana, Washington, and Oregon, under a continuing contract or contracts with Sea-Tac Medical & Scientific Supply Co.; Physicians & Surgeons Supply Co., Inc.; and Portland Medical & Scientific Supply Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Spokane, Seattle, or Portland, Oreg.

No. MC 140895, filed April 14, 1975. Applicant: TANK LINES, INCORPORATED, 1325 Diamond Springs, Virginia Beach, Va. 23455. Applicant's representative: C. Roger Malbon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste products* for recycling or reuse, from Moyock, N.C., to Virginia Beach and Richmond, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va.; Richmond, Va.; or Washington, D.C.

No. MC 140920, filed April 28, 1975. Applicant: B. T. CARTAGE CO., a Corporation, 411 Bayou Drive, Channelview, Tex. 77530. Applicant's representative: William D. Lynch, 1003 West 6th Street, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks and parts, attachments and accessories* for iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, Missouri, Mississippi and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., Birmingham, Ala., or Washington, D.C.

No. MC 140921, filed April 28, 1975. Applicant: WIN-LINE, INC., 4850 Briarbend Drive, Houston, Tex. 77035. Applicant's representative: Bazil O. Penney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cameras, camera equipment and supplies, copy machines, supplies and equipment*, from Clarendon, Scottsburg, Oneonta, and Morganville, N.Y.; Lavery and Du Bois, Pa.; and Dyersburg, Tenn., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or Los Angeles, Calif.

No. MC 140923, filed April 25, 1975. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1330, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Mobile County, Ala., to points in Colorado, Wyoming, Montana, New Mexico, Arizona, Utah, Idaho, Washington, Nevada, California, and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala.

No. MC 140936, filed April 28, 1975. Applicant: VAN FLEET MOVING & STORAGE CO., INC., 696 Harvey Road, Manchester, N.H. 03103. Applicant's representative: William A. Kerr, Jr., (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail department stores, from Manchester, N.H., to points in Vermont, under a continuing contract or contracts with Jordan Marsh Company.

NOTE.—Applicant holds common carrier authority in MC 129508 and Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

PASSENGER APPLICATIONS

No. MC 109780 (Sub-No. 68), filed April 23, 1975. Applicant: CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Alameda, Fresno, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, San Bernardino, San Diego, San Francisco, San Joaquin, Stanislaus, and Tulane Counties, Calif. and extending to points in the United States including Alaska but excluding Hawaii; and (2) in special operations, in one way sightseeing and pleasure tours, beginning and ending at the points named in (1) above, and extending to the points named in (1) above.

NOTE.—Applicant holds a Broker's license in MC 12790. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Los Angeles or San Francisco, Calif.

No. MC 125057 (Sub-No. 1), filed April 17, 1975. Applicant: ANTELOPE VALLEY BUS, INC., 44706 Yucca Avenue, Lancaster, Calif. 93534. Applicant's representative: James H. Lyons, 523 West 6th Street, Suite 1216, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, beginning and ending at points in that part of California within a line as follows: Beginning at the junction of the Los Angeles Aquaduct and the southern boundary line of Kern County, Calif., located approximately 16 miles southeast of Lebec, Calif., and extending along the Los Angeles Aquaduct to junction of Elizabeth Lake-Pine Canyon Road, located at Lake Hughes, Calif.; thence along Elizabeth Lake-Pine Canyon Road to Palmdale, Calif.; thence east from Palmdale over Avenue Q and Palmdale Boulevard to junction of California Highway 138 located near Palmdale, Calif.; thence east along California Highway 138 to the junction of the eastern boundary line of Los Angeles County located near Desert Springs, Calif.; thence north from Desert Springs along the eastern boundary line of Los Angeles County to its junction with the Kern County line located approximately 11 miles south of Boron, Calif.; thence east along the southern boundary line of Kern County to its junction with the eastern boundary line of Kern County; thence north along the eastern boundary line of Kern County to its junction with the southern boundary line of Inyo County, Calif.; located approximately 12 miles northeast of Brown, Calif.; thence west along the northern boundary of Kern County to its junction with the Los Angeles Aquaduct located approximately three miles northwest of Brown; thence south along the Los Angeles Aquaduct to the point of beginning; and extending to points in Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lancaster or Los Angeles, Calif.

No. MC 140279 (Sub-No. 1), filed April 21, 1975. Applicant: A-1 CHARTER SERVICE, INC., 106 South Henry Street, Annawan, Ill. 61234. Applicant's representative: John H. Bickley, Jr., 77 W. Washington Street, Suite 2110, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, from points in Henry and Bureau Counties, Ill., to points in Michigan, Indiana, Kentucky, Tennessee, Missouri, Wisconsin, Iowa, Minne-

sota, and Illinois and return, restricted to traffic originating at the named counties and destined to named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

BROKER APPLICATIONS

No. MC 130302, filed February 24, 1975. Applicant: EASTERN SKI TOURS, INC., 1700 Walnut Street, Philadelphia, Pa. 19103. Applicant's representative: M. Mark Mendel, 1620 Locust Street, Philadelphia, Pa. 19103. Authority sought to engage in operation, in interstate or foreign commerce as a *broker*, at Philadelphia, Pa., to sell or offer to sell the transportation of *passengers* as individuals and in groups, in special and charter seasonal operation, between November 1 and April 30 inclusive, by motor carrier, beginning and ending at points in Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, and Yates Counties, N.Y. and points in New Jersey, Pennsylvania and Delaware, and Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Grayson, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Warren, Washington, Westmoreland, Wise, Wythe, and York Counties, Va., and the District of Columbia and extending to sports facilities located at points in Pennsylvania, New York, New Jersey and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., New York, N.Y. or Camden, N.J.

No. MC 130317, filed April 24, 1975. Applicant: NIELSON TOURS, INC., 128 West Pepper Place, P.O. Box 1441, Mesa, Ariz. 85201. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Mesa, Ariz., to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage and personal effects*, in charter and special operations, in sightseeing and pleasure tours, by motor carriers, from points in Arizona, to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix or Mesa, Ariz.

No. MC 130318, filed April 22, 1975. Applicant: AAA EAST FLORIDA DIVISION, a Corporation, 4300 Biscayne Boulevard, Miami, Fla. 33137. Applicant's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Jacksonville, Daytona Beach, Orlando, Cocoa, Fort Pierce, West Palm Beach, Pompano Beach, Fort Lauderdale, North Miami Beach, South Miami, and Miami, Fla., to sell or offer to sell the transportation of *Individual passengers and groups of passengers*, and their *baggage*, in special and charter operations: (1) between points in Baker, Brevard, Broward, Clay, Duval, Dade, Flagler, Indian River, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Putnam, St. Johns, St. Lucie, Seminole, and Volusia Counties, Fla.; and (2) between points in the counties named in (1) above, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-14024 Filed 5-28-75;8:45 am]

[I.C.C. Order No. P-3]

SOUTHERN PACIFIC TRANSPORTATION CO.

Passenger Train Operation

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Los Angeles, California; that the operation of these trains require the use of employees, tracks and other facilities of The Atchison, Topeka and Santa Fe Railway Company (ATSF); that a portion of ATSF's tracks between Barstow, California, and San Bernardino, California, are temporarily out of service due to a freight train derailment; that an alternate route is available between Barstow and Mojave, California, on the ATSF, thence via the Southern Pacific Transportation Company from Mojave to Los Angeles, California; that its use is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That: (a) Pursuant to the authority vested in me by order of the Commission served June 14, 1974; and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 USC 562 (c)), the Southern Pacific Transportation Company (SP) be, and it is hereby authorized to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with The Atchison, Topeka and Santa Fe Railway Company (ATSF) at Mojave, California, and Los Angeles, California.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers, in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) Application. The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(d) *Effective date.* This order shall become effective at 6 p.m., p.s.t., May 12, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., p.s.t., May 13, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this order shall be served upon Southern Pacific Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 12, 1975.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.75-14030 Filed 5-28-75;8:45 am]

[Notice No. 51]

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
National Freight, Inc., MC-2860 Sub-125	MC-2860 Sub-126	Aug. 30, 1974
P. B. Mutrie Motor Transportation, Inc., MC-31600 Sub-664, Sub-665	MC-31600 Sub-666	Aug. 22, 1974
Loomis Armored Car Service, Inc., MC-36509 Sub-21	MC-36509 Sub-22	Aug. 26, 1974
Refiners Transport & Terminal Corp., MC-50069 Sub-467	MC-50069 Sub-471	Aug. 8, 1974
Ringsby Truck Lines, Inc., MC-52709 Sub-322	MC-52709 Sub-323	Aug. 6, 1974
Herman Bros., Inc., MC-61396 Sub-258	MC-61396 Sub-261	Aug. 28, 1974
Central Express, Inc., MC-96902 Sub-5	MC-96902 Sub-6	Aug. 29, 1974
National Trailer Convoy, Inc., MC-106398 Sub-630	MC-106398 Sub-632	Aug. 1, 1974
Direct Transit Lines, Inc., MC-106603 Sub-128	MC-106603 Sub-129	Aug. 22, 1974
Hilt Truck Line, Inc., MC-124211 Sub-3	MC-124211 Sub-191	Aug. 29, 1974
Beer Transit, Inc., MC-111310 Sub-11	MC-111310 Sub-12	Aug. 28, 1974
Groendyke Transport, Inc., MC-111401 Sub-381	MC-111401 Sub-385	Aug. 21, 1974
Purolator Courier Corp., MC-111729 Sub-380, Sub-383, Sub-385	MC-111729 Sub-386	Aug. 8, 1974
Purolator Courier Corp., MC-111729 Sub-388, Sub-389	MC-111729 Sub-396	Aug. 26, 1974
Purolator Courier Corp., MC-111729 Sub-392, Sub-395	MC-111729 Sub-404	Do.
Worster-Iowa, Inc., MC-112148 Sub-57	MC-112148 Sub-58	Aug. 6, 1974
T. M. Zimmerman Co., MC-112582 Sub-41	MC-112582 Sub-42	Aug. 27, 1974
Todd Transport Co., Inc., MC-113158 Sub-22, Sub-23	MC-113158 Sub-24	Aug. 29, 1974
M. Bruenger & Co., Inc., MC-118142 Sub-56	MC-118142 Sub-57	Nov. 22, 1974
C & R Transfer Co., MC-123885 Sub-8	MC-123885 Sub-13	Nov. 20, 1974
Mary, Dick and Hollis A. Dick, d.b.a. H. O. Dick Transfer Co., MC-125123 Sub-4	MC-125123 Sub-5	Nov. 22, 1974
B & B Motor Lines, Inc., MC-127100 Sub-10	MC-127100 Sub-12	Do.
American Parcel Service, Inc., MC-127264 Sub-3	MC-127264 Sub-4	Nov. 15, 1974
The Stout Trucking Co., Inc., MC-128030 Sub-47	MC-128030 Sub-57	Do.
Jans Motor Service, MC-129191 Sub-3, Sub-5	MC-129191 Sub-4	Nov. 21, 1974
D.b.a. Bill Payne Trucking Co., MC-129387 Sub-17	MC-129387 Sub-18	Oct. 18, 1974
Pack Transport, Inc., MC-129631 Sub-34	MC-129631 Sub-37	Oct. 4, 1974
Texas Continental Express, Inc., MC-133095 Sub-50	MC-133095 Sub-51	Nov. 20, 1974
Texas Continental Express, Inc., MC-133095 Sub-55	MC-133095 Sub-48	Oct. 4, 1974
George Appel, MC-133796 Sub-8	MC-133796 Sub-12	Nov. 22, 1974
Bacon Transport Co., MC-134405 Sub-23	MC-134405 Sub-13, Sub-15	Oct. 14, 1974
Leibmann Transportation Co., Inc., MC-135036	MC-135036 Sub-1	Oct. 4, 1974
Cargo Contract Carrier Corp., MC-136408 Sub-10, Sub-16	MC-136408 Sub-5	Do.
D.b.a. Diepholz Trucking, MC-136500 Sub-4	MC-136500 Sub-3	Do.
David G. McCorkle Truck Line, MC-136711 Sub-5, Sub-6	MC-136711 Sub-8	Nov. 15, 1974
Northwest Transport MC-138059 Sub-2	MC-138059 Sub-1	Nov. 20, 1974
Joseph Kraus, MC-138452	MC-138452 Sub-1	Oct. 4, 1974
SPD Truck Line, Inc., MC-138198	MC-138198 Sub-1	Do.
Decker Transport Co., Inc., MC-138235 Sub-1	MC-138235	Nov. 21, 1974
Addington Bros. Trucking, Inc., MC-138745 Sub-1	MC-138745 Sub-2	Nov. 15, 1974
Black Hills Trucking Co., MC-138841 Sub-3	MC-138841 Sub-2	Nov. 22, 1974
Bruce D. King., MC-138892 Sub-1	MC-138892 Sub-2	Nov. 15, 1974
D.b.a. P & B Trucking Co., MC-139341	MC-139341 Sub-1	Oct. 18, 1974
Davie Truckers, Inc., MC-139353 Sub-1	MC-139353 Sub-2	Nov. 15, 1974

[SEAL]

JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13853 Filed 5-28-75;8:45 am]

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THURSDAY, MAY 29, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 104

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

RADIATION PROTECTION FOR NUCLEAR POWER OPERATIONS

Proposed Standards

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 190]

[FRL 376-1]

ENVIRONMENTAL RADIATION PROTECTION FOR NUCLEAR POWER OPERATIONS

Proposed Standards

Reorganization Plan No. 3, which became effective on December 2, 1970, transferred to the Administrator of the Environmental Protection Agency the functions of the former Atomic Energy Commission to establish ". . . generally applicable environmental standards for the protection of the general environment from radioactive material." The Plan defined these standards as "limits on radiation exposures or levels, or concentrations or quantities of radioactive material outside the boundaries of locations under the control of persons possessing or using radioactive material." On May 10, 1974, the Agency published an advance notice of its intent to propose standards under this authority for the uranium fuel cycle and invited public participation in the formulation of this proposed rule.

The Agency has reviewed and considered the comments received in response to that notice and proposes herein environmental radiation standards which would assure protection of the general public from unnecessary radiation exposures and radioactive materials in the general environment resulting from the normal operations of facilities comprising the uranium fuel cycle. Nuclear power generation based on recycled plutonium or on thorium is excluded from these standards because sufficient operating data and experience concerning fuel cycles utilizing these fuels are not yet available. Before any of these developing technologies becomes of potential significance to public health the need for additional generally applicable standards will be considered.

The environmental radiation standards proposed in this notice supplement existing Federal Radiation Protection Guideline limiting maximum exposure of the general public [FR Docs. 60-4539 and 61-9402] by providing more explicit public health and environmental protection from potential effects of radioactive effluents from the uranium fuel cycle during normal operation. Numerically the proposed standards are below current Federal Radiation Protection Guides. The Agency is not, at this time, proposing revisions in existing Federal Radiation Protection Guidance for the general public because of its belief that a detailed examination of each major activity contributing to public radiation exposure is required before revision of this general guidance should be considered. Existing Federal Radiation Protection Guidance for workers in the fuel cycle is also not affected by these proposed standards. In addition, since these standards are proposed under authority derived from the Atomic Energy Act of 1954, as amended, they do not apply to radioactive materials and exposures in the general environment that are the result of effluents from mining operations because that Act does not provide authority over such effluents. Finally, since there are no planned releases from existing radioactive waste disposal sites and these sites primarily serve sources of waste other than uranium fuel cycle operations, these standards do not apply to such sites. The Agency has each of these areas of concern under continuing study.

It is the intent of the Agency to maintain a continuing review of the appropriateness of these environmental radiation standards and to formally review them at least every five years, and to revise them, if necessary, on the basis of information that develops in the interval.

Interagency relationships. Reorganization Plan No. 3 transferred to the Environmental Protection Agency (EPA) the broad guidance responsibilities of the former Federal Radiation Council and also transferred from the former Atomic Energy Commission (AEC) the more explicit responsibility to establish generally applicable radiation standards for the environment. However, the responsibility for the implementation and enforcement of both this guidance and these standards lies, in most cases, in agencies other than EPA as a part of their normal regulatory functions. For nuclear power operations, this responsibility, which had been vested in the AEC, is now vested in the Nuclear Regulatory Commission (NRC), which will exercise the responsibility for implementation of these generally applicable standards through the issuance and enforcement of regulations, regulatory guides, licenses, and other requirements for individual facilities.

Basic considerations. The Agency has concluded that environmental radiation standards for nuclear power industry operations should include consideration of: 1) the total radiation dose to populations, 2) the maximum dose to individuals, 3) the risk of health effects attributable to these doses, including the future risks arising from the release of long-lived radionuclides to the environment, and 4) the effectiveness and costs of the technology available to mitigate these risks through effluent control. The Agency also recognizes the findings of the recent study of the biological effects of low levels of ionizing radiation by the Advisory Committee on the Biological Effects of Ionizing Radiation (BEIR Committee) of the National Academy of Sciences—National Research Council. Two of the principal conclusions of the BEIR Committee were: 1) that current societal needs appear to be achievable ". . . with far lower average exposure and lower genetic and somatic risk than permitted by the current Radiation Protection Guide. [Thus,] to this extent, the current Guide is unnecessarily high . . ." and 2) that "Guidance for the nuclear power industry should be established on the basis of cost-benefit analysis, particularly taking into account the total biological and environmental risks of the various options available and the cost-effectiveness of reducing these risks."

For the purpose of setting radiation protection standards the most prudent basis for relating radiation dose to its possible impact on public health continues to be to assume that a potential for health effects due to ionizing radiation exists at all levels of exposure and that at the low levels of exposure characteristic of environmental levels of radiation the number of these effects will be directly proportional to the dose of radiation received (a linear non-threshold dose-effect relationship). Even under these assumptions, the range of estimates of the health risks associated with a given level of exposure derived from existing scientific data is broad. It is recognized that sufficient data are not now available to either prove or disprove these assumptions, nor is there any reasonable prospect of demonstrating their validity at the low levels of expected exposure with any high degree of certainty. However, the Agency believes that acceptance of the above prudent assumptions, even with the existence of large uncertainties, provides a sound basis for developing environmental radiation standards which provides reasonable protection of the public health and do so in a manner most meaningful for public understanding of the potential impact of the nuclear power industry. Standards developed on this basis are believed to also protect the overall ecosystem, since there is no evidence that there is any biological species sensitive enough to warrant a greater level of protection than that adequate for man.

Radiological protection of the public from nuclear power industry operations has been based to date on guidance which has had as its primary focus the general limitation of dose to the most exposed individual, rather than limitation of the total population dose from any specific type of activity. The proposed expanded development of the nuclear power industry requires, however, the use of a broader environmental perspective that more specifically considers the potential radiological impact on human populations of radioactive effluents from this industry, rather than just that on the most exposed individual. A number of long-lived radionuclides are now discharged from various fuel cycle operations which carry a potential for build-up of environmental levels and irreversible commitments for exposure of populations that may persist for tens, hundreds, or thousands of years. The extent of the cumulative population doses which may occur over the years following release of such radionuclides is related to their radioactive decay times, the details of their dispersion through environmental media, the period over which they remain in the biosphere, and their exposure (both internal and external) of individuals in populations. The cumulative dose resulting from releases to the environment of such materials can be termed an "environmental dose commit-

ment," and quantitatively expressed in terms of the number of person-rems of dose committed. The proposed standards are based, to the extent that present knowledge permits, on such projections of the migration of radioactive effluents through the biosphere and estimates of the sum of potential doses to present and future populations during that migration.

Since potential effects from radiation exposure are assumed to occur at any level of exposure, it is not possible to specify solely on a health basis an acceptable level of radiation exposure for either individuals or populations; it is necessary to balance the health risks associated with any level of exposure against the costs of achieving that level. In developing the proposed standards, EPA has carefully considered, in addition to potential health effects, the available information on the effectiveness and costs of various means of reducing radioactive effluents, and therefore potential health effects, from fuel cycle operations. This consideration has included the findings of the AEC and the NRC with respect to practicability of effluent controls, as well as EPA's own continuing cognizance of the development, operating experience, and costs of control technology. Such an examination made it possible to propose the standards at levels consistent with the capabilities of control technology and at a cost judged by the Agency to be acceptable to society, as well as reasonable for the risk reduction achieved. Thus, the standards generally represent the lowest radiation levels at which the Agency has determined that the costs of control are justified by the reduction in health risk. The Agency has selected the cost-effectiveness approach as that best designed to strike a balance between the need to reduce health risks to the general population and the need for nuclear power. Such a balance is necessary in part because there is no sure way to guarantee absolute protection of public health from the effects of a nonthreshold pollutant, such as radiation, other than by prohibiting outright any emissions. The Agency believes that such a course would not be in the best interests of society.

The total population impact associated with a particular level of effluent control is best assessed in terms of dose commitments to populations measured in person-rems, which are then converted into estimates of potential health impact. However, the environmental models used for deriving these assessments, while useful for making estimates of potential health impact, are not considered to be so well-defined as to allow standards for populations to be expressed directly in terms requiring their explicit use. The Agency believes that future changes and refinements in models, and thus in the person-rem assessments upon which these standards are based, will occur on a continuing basis. The standards are therefore not proposed directly in terms of person-rems, but future reviews of their adequacy will reflect any changes in model-based assessments of population dose. Standards have also not been proposed directly in terms of person-rems because the regulatory implementation of such a requirement does not appear to be administratively feasible for the fuel cycle under existing widely varying geophysical and demographic conditions and for doses that may, in some instances, be delivered over indeterminately long periods of time. The proposed standards are expressed in terms of 1) limits on individual doses to members of the public and 2) on quantities of certain long-lived radioactive materials in the general environment. On the basis of its assessments of the health risks associated with projected annual population doses and environmental dose commitments, the Agency has concluded that these two types of standards are the most appropriate choice of criteria to provide effective limitation of the potential health impact on populations of short-lived and long-lived radioactive materials, respectively.

Even though adequate protection of populations considered as a whole may be assured by standards based upon the above consideration of health risks and control costs, it may not always be the case that adequate protection is assured on this basis to some individuals in these populations who reside close to the site boundaries of nuclear facilities, because of the distribution characteristics of certain effluents. Such a situation is possible in the case of thyroid doses due to releases of radioiodines from reactors and fuel reprocessing facilities. Although the risk from such doses to nearby individuals is quite small, it is inequitable to permit doses to specific individuals that may be substantially higher than those to other members of the population from other radionuclides. Additional protection for these individuals should be provided when technology or other procedures are available for minimizing any additional potential risk at a reasonable cost. The standards proposed to limit doses to individuals reflect this additional requirement where it is appropriate to do so.

Technical considerations. It is convenient to consider effects of radioactive materials introduced into the environment by the uranium fuel cycle in three categories. Prior to the occurrence of nuclear fission at the reactor only naturally occurring radioactive materials are present in fuel cycle operations. This first category of materials consists principally of uranium, thorium, radium, and radon with its daughter products. Radioactive materials introduced to the environment from facilities for milling, chemical conversion, isotopic enrichment, and fabrication of fuel from uranium which has not been recycled are limited to these naturally occurring radionuclides. As a result of the power-producing fission process at the reactor a large number of new radionuclides are created as fission or activation products. These may be introduced into the general environment principally by reactors or at fuel reprocessing and are conveniently categorized as either long-lived or short-lived fission and activation products, depending upon whether their half-lives are greater than or less than one year. Although naturally occurring radionuclides are of some concern, it is these fission and activation products which are of greatest concern from the point of view of controlling radiation doses to the public due to nuclear power operations.

Standards are proposed for the fuel cycle in two major categories. The proposed standards would limit: 1) the annual dose equivalent to the whole body to 25 millirems, to the thyroid to 75 millirems, and to any other organ to 25 millirems; and 2) the quantities of krypton-85, iodine-129, and certain long-lived transuranic radionuclides released to the environment per gigawatt-year of power produced by the entire fuel cycle to 50,000 curies, 5 millicuries, and 0.5 millicuries, respectively. The first standards are designed to limit population and individual exposures near fuel cycle operations due to short-lived fission-produced materials and naturally occurring materials, and due to transportation of any radioactive materials, while the second specifically addresses potential population exposure and buildup of environmental burdens of long-lived materials.

The proposed standard for annual whole body dose to any individual limits the combined internal and external dose equivalent from gaseous and liquid effluents as well as exposure to gamma and neutron radiation originating from all operations of the fuel cycle to 25 millirems. Such a limit is readily satisfied at all sites for which fuel cycle facilities are presently projected through the year 1985 (including any potential overlap of doses from adjacent sites) by levels of control that are cost-effective for the reduction of potential risk achieved; is in accord with the capabilities of controls anticipated by the AEC for all sites for which Environmental Statements have been filed; and, on the basis of present operating experience at existing sites, can be readily achieved in practice. The combined effect of any combinations of operations at the same location that are foreseeable for the next decade or so was also examined and is judged to be small, so that the proposed standards can readily be satisfied by use of levels of control that are similar to those required for single operations. It should be noted that this proposed standard for maximum whole body dose, which is higher than that proposed by the AEC as guidance for design objectives for light-water-cooled reactors, differs from those objectives in that it applies to the total dose received from the fuel cycle as a whole and from all pathways, including gamma radiation from onsite locations. It is also not a design objective, but a standard which limits doses to the public under conditions of actual normal operation.

The appropriate level for a standard limiting the maximum annual total dose to the thyroid of individuals is not easy

to determine. A standard for maximum total thyroid dose based on considerations limited to the same criteria as for maximum whole body dose (cost-effectiveness of reduction of total population impact and achievability) would permit unacceptably high doses to individuals near some site boundaries. The proposed standard of 75 millirems per year to the thyroid has therefore been chosen to reflect a level of biological risk comparable, to the extent that current capability for risk estimation permits, to that represented by the standard for dose to the whole body. The effluent controls required to achieve this limit have been examined extensively by EPA, AEC, and the industry, particularly in regard to the AEC's proposed Appendix I to 10 CFR 50 for light-water-cooled reactors, and, in the view of the Agency, this level of maximum annual individual dose to the thyroid can be achieved at reasonable effort and cost.

The principal potential doses to internal organs other than the thyroid are to the lung via inhalation of airborne particulates and to bone due to ingestion via water and other pathways of the naturally occurring materials processed in the several components of the fuel cycle required to convert uranium ore into reactor fuel. The impact on populations due to effluents from these operations is generally quite small (due to their predominately remote locations and lack of widespread dispersion), however, significant lung doses are possible to individuals near to these operations, particularly in the case of mills and conversion facilities. The use of well-established, efficient, and inexpensive technology for the retention and control of particulate effluents can readily achieve the levels of control required to meet the proposed standard of 25 millirems per year for limiting dose equivalent to the internal organs (other than thyroid) of individuals.

Environmental radiation exposures from transportation operations are due to direct radiation. Although average radiation doses to individuals in the general public from transportation activities are very small, situations in which individuals could receive higher doses may reasonably be postulated. It is recognized that exposures due to transportation of radioactive materials are difficult to assess and regulate because as shipments move in general commerce between sites the exposed population is constantly changing. Transportation activities should be conducted with every effort made to maintain doses to individuals as low as reasonably achievable, consistent with technical and economic feasibility. In any case, the maximum dose to any member of the general public due to uranium fuel cycle operations, including those due to shipments of radioactive materials, should not exceed the proposed standard of 25 millirems per year to the whole body of an individual. The Agency will continue to examine potential exposures due to transportation of radioactive materials with a view to further action, if necessary.

Among the variety of long-lived radionuclides produced in the fuel cycle, tritium, carbon-14, krypton-85, iodine-129, plutonium, and certain other long-lived transuranic radionuclides are of particular significance as environmental pollutants. Environmental pathways of tritium, carbon-14, and krypton-85 are worldwide. Even though the balance of the above radionuclides may not rapidly become widely dispersed, they are significant because of their potential for extreme persistence in environmental pathways, possibly for thousands of years for plutonium and other transuranics, and for even longer periods for iodine-129.

Because of their high toxicity and long half-lives, the cumulative impact of releases of plutonium and other transuranics to the environment could be large. However, due to very large uncertainties concerning their environmental behavior over long periods of time, as well as a lack of definitive information concerning the relationship between exposure to these materials and health effects, the limits of this potential impact cannot be more than roughly estimated. Therefore prudence dictates that the environmental burden of these materials be minimized to the lowest levels reasonably achievable. Similarly, although its toxicity is less than that of the alpha-emitting transuranics, in view of the extreme persistence of iodine-129 (half-life 17 million years) and great uncertainty concerning its environmental behavior, environmental releases of this isotope should be also maintained at the lowest level reasonably achievable. The prevention of unlimited discharges of krypton-85 to the environment from fuel cycle operations is of high priority because of its potential for significant long-term public health impact over the entire world. Finally, carbon-14 and tritium, both of which rapidly enter worldwide pathways as gaseous radioactive materials, are of particular concern because carbon and hydrogen are principal constituents of the chemical structures of all life forms.

These long-lived radionuclides should only be discharged to the environment after careful consideration of the tradeoffs between the societal benefits of the power generated, the current and projected health risks to populations, and the costs and effectiveness of methods available to limit their release. Since the anticipated maximum dose to any single individual from any of these materials is very small, the primary concern is the cumulative risk to population groups over long periods of time. For this reason, it is not of primary importance where or when in the fuel cycle any such materials are released, since the committed impact will be similar. What is important is to assure that any permitted discharge has been offset by a beneficial product, i.e., a quantity of electricity, and that every reasonable effort has been made to minimize it. It is also important to assure that society is not burdened with unreasonable expenditures to minimize these risks in order to gain the necessary benefits of electric power. Fortunately the vast majority of potential health effects due to release of these radionuclides can be avoided at a reasonable cost. The Agency estimates the cost of implementing the proposed standards for these long-lived radioactive materials to be less than $100,000 per potential case of cancer, leukemia, or serious genetic effect averted (less than $75 per person-rem). In view of the above considerations, the Agency believes that the proposed standards, which limit the number of curies of certain of these radionuclides released to the general environment for each gigawatt-year of electricity produced by the fuel cycle, represent the most reasonable means of providing required protection of the general environment for present and future generations. The standards will assure that any environmental burdens of long-lived radioactive materials accumulate only as the necessary result of the generation of an offsetting quantity of electrical energy.

The proposed standards for long-lived materials fall into two categories: those which can be achieved using currently available methods for control of environmental releases, and those that require use of methods that have been demonstrated on a laboratory or larger scale, but have not yet achieved routine use. In the former case, exemplified by the standard of 0.5 millicuries per gigawatt-year for plutonium and other long-lived alpha-emitting transuranics, the standard limits the environmental burden to the lowest level reasonably achievable using currently available control methods. In the latter case, that of the proposed standard of 50,000 curies per gigawatt-year for krypton-85 and 5 millicuries per gigawatt-year for iodine-129, these limiting levels of environmental burdens are not those achievable by best demonstrated performance, but instead by minimum performance reasonably anticipated from introduction of these new systems into commercial operations. As experience is gained with the ability of the industry to limit fuel cycle releases of these materials to the environment, it may be appropriate to reconsider the standards limiting the maximum environmental burdens of these particular radionuclides.

Similarly, as knowledge becomes available concerning the practicability of limiting environmental releases of tritium and carbon-14, the appropriate levels of maximum environmental burdens of these radionuclides due to fuel cycle operations will be carefully considered by the Agency. However, the knowledge base now available is inadequate for such a determination, and no standards are presently proposed for these radionuclides. The potential for a long-term impact due to carbon-14 released from fuel cycle operations was not recognized until the Agency considered environmental dose commitments from the industry in the course of developing these standards; thus consideration of methods for limit-

ing its release to the general environment are only now beginning. Tritium levels in the general environment from fuel cycle operations are not expected to become significant until the late 1980's, and development programs are in existence for control of releases of this radionuclide from its principal source, fuel reprocessing operations. The Agency believes that the development and installation of controls to minimize environmental burdens of both carbon-14 and tritium are important objectives, and will carefully follow the development of new knowledge concerning both the impact and controllability of these radionuclides.

To allow adequate time for implementing the standards for krypton-85 and iodine-129 control, including the necessary testing and analysis required prior to licensing of these control systems, the effective date is proposed as January 1, 1983. Implementation by this date would result in control of these releases before any substantial potential health impact from these materials due to uranium fuel cycle operations can occur and would, in the judgment of the Agency, provide adequate protection of public health thereafter.

The proposed standard for maximum dose to organs excludes radon and its daughter products. Radon is released as a short-lived (3.8 days half-life) inert gas, mainly from tailings piles at mills, and produces its principal potential impact through deposition of its daughter products in the lung. There exists considerable uncertainty about the public health impact of existing levels of radon in the atmosphere, as well as over the best method for management of new sources of radon created by man's activities, which remove this naturally occurring material and its precursors from beneath the earth's protective crust. Radon levels in the general environment are substantial and are dominated by natural sources, except in the immediate vicinity of man-made sources. Exposures from radon and its daughters have previously been the subject of Federal Radiation Protection Guidance, in the case of underground uranium miners (FR Doc. 71-7210 and FR Doc. 71-9697), and of guidance from the Surgeon General, in the case of public exposure due to the use of uranium mill tailings in or under structures occupied by members of the general public ("Use of Uranium Mill Tailings for Construction Purposes," Hearings before the Subcommittee on Raw Materials of the Joint Committee on Atomic Energy, October 28-29, 1971, pp. 226-233). The Agency has concluded that the problems associated with radon emissions are sufficiently different from those of other radioactive materials associated with the fuel cycle to warrant separate consideration, and has underway an independent assessment of man-made sources of radon emissions and their management.

Implementation of the standards. These proposed standards are expected to be implemented for the various components of the uranium fuel cycle, operating under normal conditions, by the Nuclear Regulatory Commission. The mechanisms by which these standards are achieved will be a matter between the NRC and the industries that are licensed to carry out various uranium fuel cycle operations, but, in general, will be based on regulations and guides for the design and operation of the various facilities. The Agency is confident that these proposed standards can be effectively implemented by such procedures.

Current rules and regulations applicable to fuel cycle operations generally contain provisions which have the effect of limiting doses to individuals, thus implementation of the proposed standards for maximum doses to individuals should be straightforward. Protection of the public from the environmental accumulation of long-lived radioactive materials may require some changes in regulatory requirements. For example, this standard limit environmental accumulations of certain radionuclides associated with the generation of a gigawatt-year of electrical energy, which is generated only at the power reactor. Since other operations in the cycle which do not generate power are more likely to discharge such materials, it may be necessary for the regulatory agency to make an appropriate allocation to each facility and to determine the emission rates required to satisfy the standard for the entire fuel cycle. This is especially the case for a radionuclide like krypton-85 which can be released either at reactors, during fuel storage, or during fuel reprocessing. The standards do not specify the time, location, or concentration of emissions of long-lived radionuclides. Once a given quantity of electrical power has been generated the specified amount of the radionuclide may be released at any time and at any rate or location that does not exceed the individual dose limitations. Demonstration of compliance with the standard requires only that the total quantity of electricity generated after the effective date of the standards be recorded to determine the maximum quantity of these long-lived radionuclides that may eventually be released.

The Agency recognizes that implementation of the standards for krypton-85 and iodine-129 by the proposed effective date of January 1, 1983, will require successful demonstration of control technology for commercial use that is now in advanced stages of development. The Agency, as stated above, intends to review all of these standards in at least five year intervals. If substantial difficulty should develop for implementing the standards for krypton-85 and iodine-129 with respect to the proposed levels, facility safety, or cost, the Agency will give these factors careful and appropriate consideration prior to the effective date.

With respect to operations associated with the supply of electrical power it is important not only to set standards which will provide satisfactory public health protection, consistent with technical and economic feasibility, but also to minimize societal impacts which may occur as the result of temporary interruptions in those fuel cycle operations that are necessary to assure the orderly delivery of electric power. Such a two-fold objective requires consideration of the question whether to impose stricter standards which achieve lower levels of radiation exposure and environmental burdens of long-lived radioactive materials, but which may force temporary shutdowns which may not be justified on a risk-benefit basis for such periods; or to establish more liberal standards which decrease the possibility of such shutdowns, but may be overly permissive with respect to public exposure and long-term environmental releases. The Agency has attempted to avoid this dilemma by proposing standards that are not permissive with respect to either public exposures or long-term environmental releases and at the same time providing a variance which allows the standards to be temporarily exceeded under unusual conditions. The use of such variances by the regulatory agency will depend to a large degree upon their value judgments concerning the necessity of the fuel cycle operation concerned to a region, overall facility safety, and the possible impact on public health. The proposed variance provides that temporary increases above the standards for normal operations are allowable when the public interest is served, such as to maintain a dependable source of continuous power or during a power crisis. The Agency anticipates that the need to use such variances will be infrequent and of short duration, and that the overall impact on population and individual radiation doses from the operations of the entire fuel cycle will be minimal.

With respect to regulatory implementation of the flexibility provided by this proposed variance provision, the Agency has carefully examined the guidance for design objectives and limiting conditions for operation of light-water-cooled nuclear power reactors as set forth recently by the NRC in Appendix I to 10 CFR 50. It is the view of the Agency that this guidance for reactors will provide an appropriate and satisfactory implementation of these proposed environmental radiation standards for the uranium fuel cycle with respect to light-water-cooled nuclear reactors utilizing uranium fuel. The various monitoring and reporting procedures required by the AEC in the past and supplemented by Appendix I are expected to provide continuing information sufficient to determine that these standards are being satisfied during the course of normal operations of the fuel cycle.

Although the Agency has attempted to limit the effect of radioactive discharges from the fuel cycle on populations and on individuals through these proposed standards, it has not attempted to specify constraints on the selection of sites for fuel cycle facilities, even though the Agency recognizes that siting is an important factor which affects the potential health impact of most planned releases from operations in the fuel cycle. The standards were developed, however, on the assumption that sound siting practices will continue to be promoted

as in the past and that facility planners will utilize remote sites with low population densities to the maximum extent feasible.

The Agency has also considered the need for special provisions for single sites containing large numbers of facilities, of single or mixed types, as exemplified by the "nuclear park" concept. Present construction projections by utilities indicate that no such sites are likely to be operational during the next ten years. In view of the need to accumulate operating experience for the new large individual facilities now under construction and the intent of the Agency to review these standards at reasonable intervals in the future, it is considered premature and unnecessary to predicate these standards on any siting configurations postulated for the next decade and beyond. The Agency will consider changes in these standards based on such considerations when they are needed and justified by experience.

It is the conclusion of the Agency that implementation of the proposed standards for normal operations of the nuclear power industry based on the uranium fuel cycle will provide society protection of its environment and the health of its citizens and that this protection is obtained without placing unreasonable financial burdens upon society. In this context, these standards are responsive to the President's energy messages of June 4, 1971, and April 18, 1973, which challenged the Nation to the twin objectives of developing sufficient new energy resources while providing adequate protection for public health and the environment.

Request for comments. Notice is hereby given that pursuant to the Atomic Energy Act of 1954, as amended, and Reorganization Plan No. 3 of 1970 (FR Doc. 70-13374), adoption of Part 190 of Title 40 of the Code of Federal Regulations is proposed as set forth below. All interested persons who wish to submit comments or suggestions in connection with this proposed rulemaking are invited to send them to the Director, Criteria and Standards Division (AW-560), Office of Radiation Programs, Environmental Protection Agency, Washington, D.C. 20460, on or before July 28, 1975. Within this same time period, interested parties are also invited to indicate their desire to participate in a public hearing on the proposed rulemaking to be scheduled after the comment period ends. Comments and suggestions received after July 28, 1975 period will be considered if it is practical to do so, but such assurance can only be given for comments filed within the period specified. Single copies of a Draft Environmental Statement for the proposed standards and a technical report entitled "Environmental Analysis of the Uranium Fuel Cycle" are available upon request at the above address. The above-mentioned technical documents and comments received in response to this notice, as well as comments received in response to the Agency's advance notice of this proposed rulemaking published on May 10, 1974, and the Agency's response to these comments, constitute part of the background for this rulemaking and may be examined in the Agency's Freedom of Information Office, 401 M Street, SW., Washington, D.C. 20460.

Dated: May 23, 1975.

RUSSELL E. TRAIN,
Administrator.

A new Part 190 is proposed to be added to Title 40, Code of Federal Regulations, as follows:

PART 190—ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR NUCLEAR POWER OPERATIONS

Subpart A—General Provisions

Sec.
190.01 Applicability.
190.02 Definitions.

Subpart B—Environmental Standards for the Uranium Fuel Cycle

190.10 Standards for normal operations.
190.11 Variance for unusual operations.
190.12 Effective date.

AUTHORITY: Atomic Energy Act of 1954, as amended; and Reorganization Plan No. 3 of 1970.

Subpart A—General Provisions

§ 190.01 Applicability.

The provisions of this part apply to radiation doses received by members of the public in the general environment and to radioactive materials introduced into the general environment as the result of operations which are part of a nuclear fuel cycle.

§ 190.02 Definitions.

(a) "Nuclear fuel cycle" means the operations defined to be associated with the production of electrical power for public use by any fuel cycle through utilization of nuclear energy.

(b) "Uranium fuel cycle" means all facilities conducting the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel, reprocessing of spent uranium fuel, and transportation of any radioactive material in support of these operations, to the extent that these support commercial electrical power production utilizing nuclear energy, but excludes mining operations and the reuse of recovered non-uranium fissile products of the cycle.

(c) "General environment" means the total terrestrial, atmospheric and aquatic environments outside sites upon which any operation which is part of a nuclear fuel cycle is conducted.

(d) "Site" means any location, contained within a boundary across which ingress or egress of members of the general public is controlled by the person conducting activities therein, on which is conducted one or more operations covered by this part.

(e) "Radiation" means any or all of the following: alpha, beta, gamma, or x rays; neutrons; and high-energy electrons, protons, or other atomic particles; but not sound or radio waves, nor visible, infrared, or ultraviolet light.

(f) "Radioactive material" means any material which emits radiation.

(g) "Uranium ore" is any ore which contains one-twentieth of one percent (0.05 percent) or more of uranium by weight.

(h) "Curie" (Ci) means that quantity of radioactive material producing 37 billion nuclear transformations per second. (One millicurie (mCi)=0.001 Ci.)

(i) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its spatial distribution in the body. The unit of dose equivalent is the "rem." (One millirem (mrem) =0.001 rem.)

(j) "Organ" means any human organ exclusive of the dermis, the epidermis, or the cornea.

(k) "Gigawatt-year" refers to the quantity of electrical energy produced at the busbar of a generating station. A gigawatt is equal to one billion watts. A gigawatt-year is equivalent to the amount of energy output represented by an average electric power level of one gigawatt sustained for one year.

(l) "Member of the public" means any individual that can receive a radiation dose in the general environment, whether he may or may not also be exposed to radiation in an occupation associated with a nuclear fuel cycle. However, an individual is not considered a member of the public during any period in which he is engaged in carrying out any operation which is part of a nuclear fuel cycle.

(m) "Regulatory agency" means the government agency responsible for issuing regulations governing the use of sources of radiation or radioactive materials or emissions therefrom and carrying out inspection and enforcement activities to assure compliance with such regulations.

Subpart B—Environmental Standards for the Uranium Fuel Cycle

§ 190.10 Standards for normal operations.

(a) The annual dose equivalent shall not exceed 25 millirems to the whole body, 75 millirems to the thyroid, and 25 millirems to any other organ of any member of the public as the result of exposure to planned discharges of radioactive materials, radon and its daughters excepted, to the general environment from uranium fuel cycle operations and radiation from these operations.

(b) The total quantity of radioactive materials entering the general environment from the entire uranium fuel cycle, per gigawatt-year of electrical energy produced by the fuel cycle, shall contain less than 50,000 curies of krypton-85, 5

millicuries of iodine-129, and 0.5 millicuries combined of plutonium-239 and other alpha-emitting transuranic radionuclides with half-lifes greater than one year.

§ 190.11 Variance for unusual operations.

The standards specified in § 190.10 may be exceeded if:

(a) The regulatory agency has granted a variance based upon its determination that a temporary and unusual operating condition exists and continued operation is necessary to protect the overall societal interest with respect to the orderly delivery of electrical power, and

(b) Information delineating the nature and basis of the variance is made a matter of public record.

§ 190.12 Effective date.

(a) The standards in this Subpart, excepting those for krypton-85 and iodine-129, shall be effective 24 months from the promulgation date of this rule.

(b) The standards for krypton-85 and iodine-129 shall be effective January 1, 1983.

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Title 7—Agriculture (Parts 1200–1499)---------- $4.05

Title 12—Banks and Banking (Part 300–End)---------- 6.40

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